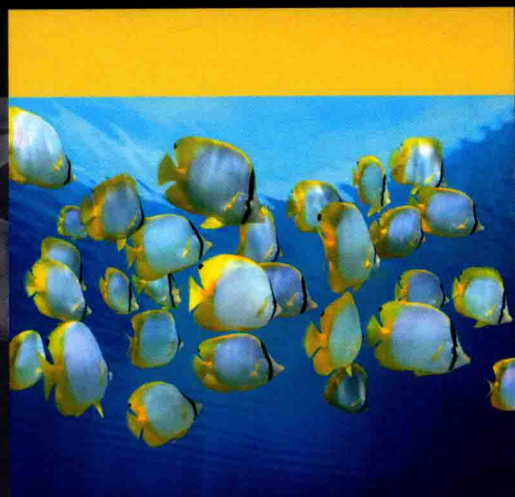


ELGAR ENCYCLOPEDIA
OF ENVIRONMENTAL LAW

General Editor: Michael Faure



MULTILATERAL ENVIRONMENTAL TREATIES



Edited by
Malgosia Fitzmaurice
Attila Tanzi
with Angeliki Papantoniou

VOLUME V

Multilateral Environmental Treaties

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EE **Edward Elgar**
PUBLISHING

Cheltenham, UK • Northampton, MA, USA



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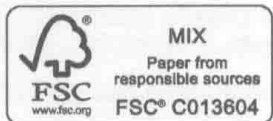
Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book is available from the British Library

Library of Congress Control Number: 2017931773

This book is available as part of the complete
online *Encyclopedia of Environmental Law* on **Elgaronline**
DOI 10.4337/9781785369520



ISBN 978 1 78347 720 3 (cased)

ISBN 978 1 78536 952 0 (online *Encyclopedia of Environmental Law*)

Typeset by Servis Filmsetting Ltd, Stockport, Cheshire

Printed and bound by CPI Group (UK) Ltd, Croydon, CR0 4YY

MULTILATERAL ENVIRONMENTAL TREATIES

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Foreword to the Encyclopedia

It is our privilege, on behalf of the IUCN Academy of Environmental Law, to introduce this set of volumes comprising the *Elgar Encyclopedia of Environmental Law* and to thank General Editor Michael Faure and the outstanding group of volume editors for their invaluable contribution and commitment to the project.

The decision to initiate development of this multi-volume Encyclopedia was taken by the Governing Board of the IUCN Academy of Environmental Law in 2011 in response to a proposal from Ben Booth of Edward Elgar Publishing. It has been a pleasure for the Academy Secretariat to work with EEP and Professor Faure throughout the implementation process over the past several years. We must specifically acknowledge Ben Booth and Laura Mann of EEP for their diligent and systematic guidance at every stage.

The *Elgar Encyclopedia of Environmental Law*, a challenging and ambitious undertaking, has represented an important opportunity for the IUCN Academy in collaboration with a wider range of distinguished scholars and researchers to pursue its mission: environmental law is essential for the achievement of a sustainable world that values and conserves nature under the rule of law and justice.

Based on the quality and experience of the specialists whose commentaries and discussion are included in the set, we are confident that the *Elgar Encyclopedia of Environmental Law* will serve as a valuable and respected source of reference for students, scholars, professionals, policymakers and other interested readers who will have occasion to consult its content.

Jamie Benidickson and Yves Le Bouthillier
Executive Directors
IUCN Academy of Environmental Law
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Foreword to Volume V

It has often been stated that environmental pollution is probably one of the most prominent examples of a so-called transboundary externality whereby operators or states can transfer pollution costs onto other states and their citizens. Precisely to remedy those transboundary pollution issues a large number of multilateral environmental agreements (MEAs) have been created on a wide variety of issues. For many environmental lawyers it has become an almost impossible task to grasp the details of the enormous range of MEAs that have been created in the past decades within the framework of a complex array of international organizations. Some of those agreements have a global character; others are of a regional nature. Some agreements deal with general environmental considerations – access to justice, for example – whereas others deal with specific pollutants or problems such as waste or marine pollution.

The editors and authors of this volume on multilateral environmental agreements have accomplished the daunting task of creating some order in what may seem the rather chaotic picture presented by this large variety of MEAs. Using a systematic approach, a large number of those MEAs are discussed in a detailed way in nine separate parts. Accordingly, attention is paid to global agreements, regional agreements and agreements dealing with specific issues. The result is a book that provides a systematic analysis of all of those conventions dealing with topics ranging from climate change to the protection of the marine environment in the Caribbean region. Through the systematic approach followed by the editors the reader immediately gains valuable insights into the wide variety of MEAs that have been created during the last decades. Moreover, the reader will be able to obtain detailed information on the goals, structure and contents of the most important MEAs.

Although many books address international environmental law at a higher level of abstraction, for example by discussing general principles or sources of state responsibility for transboundary harm, the current volume is unique in the sense that there has been no other volume that provides a systematic analysis of the MEAs. As General Editor I am very happy that this important topic has now been treated in this detailed manner by the editors and the authors. I am convinced that many environmental lawyers have been waiting for this volume and I know that it will be welcomed and read with great interest and appreciation.

I wholeheartedly congratulate the editors and authors for this remarkable achievement.

Michael Faure
General Editor

Encyclopedia of Environmental Law

Abbreviations

AAU	Assigned amount unit
AB	Appellate Body
ABNJ	Areas beyond national jurisdiction
ABS	Access and benefit-sharing
ACAP	Agreement on the Conservation of Albatrosses and Petrels
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds
AIA	Advanced Informed Agreement
ALIDES	Alliance for Sustainable Development
AMEP	Assessment and Management of Environment Pollution
ASCOBANS	Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas
ASEAN	Association of Southeast Asian Nations
ASR	Articles on State Responsibility
ATS	Antarctic Treaty System
BBNJ	Biodiversity beyond national jurisdiction
BCH	Biosafety Clearing-House
BECCS	Bioenergy with carbon capture and sequestration
BIT	Bilateral investment treaty
BOD	Biochemical oxygen demand
BSC	Black Sea Commission
BSEC	Black Sea Economic Cooperation Organization
BTU	British Thermal Unit
CAC	Command-and-control
CAFE	Corporate average fuel economy
CBD	Convention on Biological Diversity
CBDR	Common but differentiated responsibility
CBDRRC	Common but differentiated responsibilities and respective capabilities
CC	Climate change
CCA	Climate change adaptation
CCAC	Climate and Clean Air Coalition
CCAD	Central American Commission for Environment and Development
CCAMLR	Commission on the Conservation of Antarctic Marine Living Resources
CCP	Cities for Climate Protection
CCS	Carbon capture and storage
CDM	Clean development mechanism
CDR	Carbon dioxide removal

CEE	Central and Eastern European Countries
CEP	Caribbean Environment Programme
CEQ	Council on Environmental Quality
CER	Certified Emission Reductions
CETA	Communication, Education, Training and Awareness
CFL	Compact fluorescent lamp
CGIAR	Consultative Group on International Agricultural Research
CHP	Combined heat and power
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CJEU	Court of Justice of the European Union
CMS	Convention on Migratory Species
COP	Conference of the Parties
CPC	Central American Convention for the Protection of the Environment
CRAMRA	Convention on the Regulation of Antarctic Mineral Resource Activities
CSR	Corporate social responsibility
DDA	Doha Development Agenda
DICE	Dynamic Integrated Climate Economy
DOE	Designated Operational Entity
DRR	Disaster risk reduction
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
EA	Environmental Assessment
EAG	Environment Advisory Group
EBSA	Ecologically or biologically significant marine area
EBV	Essential Biodiversity Variable
EC	European Commission
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
ECtHR	European Court of Human Rights
EEA	European Economic Area
EEDI	Energy Efficiency Design Index
EEZ	Exclusive economic zone
EIA	Environmental impact assessment
EIS	Environmental impact statement
EPA	Environmental Protection Agency
EPDRB	Environmental Programme for the Danube River Basin
ESM	Environmentally sound management
ETS	Emissions Trading Scheme
EU	European Union
FAO	Food and Agriculture Organization
FCCC	Framework Climate Change Convention
FET	Fair and equitable treatment
FIP	Feed-in premium
FIT	Feed-in-tariff
FLEG	Forest Law Enforcement and Governance

FVA	Framework for Various Approaches
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GBP	Global Bioenergy Partnership
GCF	Green Climate Fund
GEF	Global Environment Facility
GFCM	General Fisheries Commission for the Mediterranean
GGGI	Global Green Growth Institute
GHG	Greenhouse gas
GIACC	Group on International Aviation and Climate Change
GLISPA	Global Island Partnership
GMO	Genetically modified organism
HAP	Hazardous air pollutant
HELCOM	Baltic Marine Environment Protection Commission
IACHR	Inter-American Commission on Human Rights
IAM	Integrated assessment model
ICAO	International Civil Aviation Organization
ICCAs	Indigenous peoples' and community conserved territories and areas
ICCP	Intergovernmental Committee for the Cartagena Protocol on Biosafety
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICLEI	International Council for Local Environmental Initiatives
ICOMOS	International Council on Monuments and Sites
ICPDR	International Commission for the Protection of the Danube River
ICRW	International Convention for the Regulation of Whaling
ICSID	International Centre for Settlement of Investment Disputes
IDP	Internally displaced person
IEA	International Energy Agency
IET	International emissions trading
IFC	International Finance Corporation
IFCS	Intergovernmental Forum on Chemical Safety
IIA	International investment agreement
ILA	International Law Association
ILC	International Law Commission
ILCs	Indigenous people and local communities
ILS	Insurance-linked security
IMO	International Maritime Organization
INC	Intergovernmental Negotiating Committee
INDC	Intended Nationally Determined Contribution
IPBES	Intergovernmental Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
IPSO	International Programme on the State of the Ocean
IRENA	International Renewable Energy Agency
ISA	International Seabed Authority
ITLOS	International Tribunal for the Law of the Sea
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture

ITTA	International Tropical Timber Agreement
ITTO	International Tropical Timber Organization
IUCN	International Union for the Conservation of Nature and Natural Resource
IWC	International Whaling Commission
JI	Joint Implementation
KP	Kyoto Protocol
LDC	Least-developed country
LED	Light-emitting diode
LEV	Low Emissions Vehicle
LID	Low impact development
LMMC	Like Minded Megadiverse Countries
LMO	Living modified organism
LOSC	United Nations Convention on the Law of the Sea
LRTAP	Long-Range Transboundary Air Pollution
LULUCF	Land Use, Land-Use Change and Forestry
MARPOL	International Convention for the Prevention of Oil Pollution from Ships
MAT	Mutually agreed terms
MBI	Market-based instrument
MBM	Market-based mechanism
MEA	Multilateral environmental agreement
MEPC	Marine Environment Protection Committee
MFN	Most favoured nation
MMPA	Marine Mammal Protection Act
MOP	Meeting of the Parties
MOU	Memorandum of Understanding
MPA	Marine protected area
MPLBA	Marine pollution from land-based activities
MPR	Minimum Program Requirement
MRV	Monitoring, Reporting and Verification
NAFO	Northwest Atlantic Fisheries Organization
NAFTA	North American Free Trade Agreement
NAMMCO	North Atlantic Marine Mammal Commission
NBF	National biosafety framework
NCSD	National Councils for Sustainable Development
NDF	Non-detriment finding
NEPAD	New Partnership for Africa's Development
NESHAP	National Emission Standards for Hazardous Air Pollutants
NGO	Non-governmental organization
NMM	New market mechanism
NSRL	No Significant Risk Level
NT	National treatment
OAU	Organization of African Unity
ODECA	Organization of Central American States
ODS	Ozone-depleting substance
OECD	Organisation for Economic Co-operation and Development

OEHHA	Office of Environmental Health Hazard Assessment
OHCHR	Office of the High Commissioner for Human Rights
OPEC	Organization of Petroleum Exporting Countries
OPIC	Overseas Private Investment Corporation
OSHA	Occupational Safety and Health Administration
OSHRC	Occupational Safety and Health Review Commission
PACD	Plan of Action to Combat Desertification
PAGE	Policy Analysis of the Greenhouse Effect
PAT	Perform Achieve Trade
PES	Payments for environmental services
PET	Punctuated equilibrium theory
PIC	Prior informed consent
PM	Particulate matter
POP	Persistent organic pollutant
PoWPA	Programme of Work on Protected Areas
PPM	Processes and production method
PTC	Production tax credit
PWIB	Programme of Work on Island Biodiversity
RAC	Regional Activity Centre
REC	Renewable energy credit
REDD	Reducing Emissions from Deforestation and Forest Degradation
RES	Renewable Electricity Standard
RFMOs	Regional fisheries management organizations
RGGI	Regional Greenhouse Gas Initiative
RIEL	Research Institute of Environmental Law
RIN	Renewable Identification Number
RPS	Renewable portfolio standard
SAP	Strategic action plan
SBSTA	Subsidiary Body for Scientific and Technological Advice
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SCM	Subsidies and Countervailing Measure
SDGs	Sustainable Development Goals
SEA	Strategic environmental assessment
SEEMP	Ship Energy Efficiency Management Plan
SHPF	Severely hazardous pesticide formulations
SICA	System for Regional Integration
SIDS	Small Islands Developing States
SLCP	Short-lived climate pollutant
SLR	Sea level rise
SPAW	Specially Protected Areas of Wildlife
SPS	Sanitary and phytosanitary
SRM	Solar radiation management
SST	Surface sea temperature
STAC	Scientific and Technical Advisory Committee
STECF	Scientific, Technical and Economic Committee for Black Sea Fisheries
STRP	Scientific and Technical Review Panel

TBPAs	Transboundary protected areas
TBT	Technical barriers to trade
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UCLG	United Cities and Local Governments
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	UN Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNCOD	United Nations Conference on Desertification
UNDP	UN Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNECE	United Nations Economic Commission for Europe
UNECLAC	UN Economic Commission for Latin America and the Caribbean
UNEP	United Nations Environmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFF	United Nations Forum on Forests
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNWTO	UN World Tourism Organization
USGBC	United States Green Building Council
VCLT	Vienna Convention on the Law of Treaties
VER	Voluntary Emissions Reduction
VMEs	Vulnerable marine ecosystems
VOC	Volatile organic compound
WCR	Wider Caribbean Region
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

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