

INTERNATIONAL ENVIRONMENTAL LAW AND POLICY

FOURTH EDITION

DAVID HUNTER

JAMES SALZMAN

DURWOOD ZAEKE

FOUNDATION PRESS

INTERNATIONAL ENVIRONMENTAL LAW AND POLICY

FOURTH EDITION

by

DAVID HUNTER

Associate Professor of Law

Director, Program on International and Comparative Environmental Law

Director, International Legal Studies Program

Washington College of Law, American University

JAMES SALZMAN

Professor of Law, Nicholas Institute Professor of Environmental Policy

School of Law, Nicholas School of the Environment and Earth Sciences

Duke University

DURWOOD ZAEKE

President, Institute for Governance and Sustainable Development

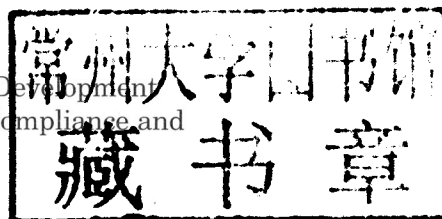
Director, International Network for Environmental Compliance and Enforcement

Adjunct Professor of Law

Washington College of Law, American University

Co-Director, Program on Governance for Sustainable Development

University of California, Santa Barbara



FOUNDATION PRESS

2011



THOMSON REUTERS™

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Nothing contained herein is intended or written to be used for the purposes of 1) avoiding penalties imposed under the federal Internal Revenue Code, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

© 1998, 2002 FOUNDATION PRESS

© 2007 THOMSON REUTERS/FOUNDATION PRESS

© 2011 By THOMSON REUTERS/FOUNDATION PRESS

1 New York Plaza, 34th Floor

New York, NY 10004

Phone Toll Free 1-877-888-1330

Fax 646-424-5201

foundation-press.com

Printed in the United States of America

ISBN 978-1-59941-538-3

Mat #40743668

UNIVERSITY CASEBOOK SERIES

EDITORIAL BOARD

ROBERT C. CLARK

DIRECTING EDITOR

Distinguished Service Professor and Austin Wakeman Scott
Professor of Law and Former Dean
Harvard University

DANIEL A. FARBER

Sho Sato Professor of Law and Director, Environmental Law Program
University of California at Berkeley

OWEN M. FISS

Sterling Professor of Law
Yale University

SAMUEL ISSACHAROFF

Bonnie and Richard Reiss Professor of Constitutional Law
New York University

HERMA HILL KAY

Barbara Nachtrieb Armstrong Professor of Law and
Former Dean of the School of Law
University of California, Berkeley

SAUL LEVMORE

Dean and William B. Graham Professor of Law
University of Chicago

THOMAS W. MERRILL

Charles Evans Hughes Professor of Law
Columbia University

ROBERT L. RABIN

A. Calder Mackay Professor of Law
Stanford University

CAROL M. ROSE

Gordon Bradford Tweedy Professor of Law & Organization, Emerita
Yale University
Lohse Chair in Water and Natural Resources
University of Arizona

KATHLEEN M. SULLIVAN

Stanley Morrison Professor of Law and
Former Dean of the School of Law
Stanford University

To Margaret, Dana and Sandy

D.H.

To Jamie and Ben

J.S.

To Barbara, Cassidy, Hannah, Emily and David

D.Z.

INTRODUCTION

International environmental law and policy have come of age in the past three decades, riveting the public's attention with news of ozone holes, climate change, and species extinctions. Now a mature and dynamic field, international environmental law's importance cannot be underestimated for it involves, quite literally, the fate of future generations and that of the earth.

There are three basic reasons we wrote this book. First, all of us have practiced international environmental law and policy "in the field"—in government, business, and non-governmental organizations. While a theoretical foundation is essential in understanding international environmental law, so, too, is a sense of what really happens on the ground. We seek to impart a sophisticated understanding of the law as it is and, perhaps more important, as it could be.

Second, teaching materials in the field traditionally present the field as a two-person play—focusing—on the role of State actors (national governments) and international institutions to the exclusion of other key actors. In exploring the dynamics of the lawmaking process and implementation, we intentionally move *beyond* the traditional focus on State actors to assess the increasingly critical roles of transnational actors—citizens, nongovernmental organizations, scientists and business.

Finally, we believe that international environmental law and policy deserves treatment as an independent field, not as a subset of environmental law or public international law. To be sure, there are many areas of overlap; but international environmental law is fundamentally different in key respects.

The study of international environmental law is, initially, the study of facts, wild facts that reflect our growing global environmental problems. These include climate change, ozone destruction, wildlife extinction and loss of biological diversity, and the contamination of air, land, and water throughout the world. These facts are the challenge international environmental lawyers—and ultimately our whole society—must address with a new and more powerful international environmental law. Any student who fully understands these facts should be motivated to learn what role the law can play in moving us toward a more sustainable future.

International environmental law also requires the study of human activity that lies at the root of each environmental problem, and how that activity has expanded due to our expanding population and consumption. Today, human economic activity threatens to surpass the ecological limits of the biosphere (if it has not already done so in certain circumstances). This is the challenge of discovering the limits of the biosphere through science, and determining the "scale" of economic activity that can be sustained within these limits—that is, what level of "development" is "sustainable."

International environmental law is the study of how we can and do use law to address the environmental challenges caused by our current level of international law, including the study of a system described by one scholar/practitioner of the profession as “post-feudal society set in amber,” a medieval system where only nation States can participate, and where citizens, industry, and environmental organizations have historically been excluded. The generally weak and exclusionary international system contrasts starkly with the robust and inclusive nature of many national law systems, and presents another challenge to international environmental lawyers.

Next is the study of the institutions that participate in the making, implementation and enforcement of international environmental law. In addition to nation States, this includes various United Nations organizations as well as other international and regional organizations. The role played by the corporate sector is critically important, especially the larger multinational corporations, as is the growing role played by the non-governmental sector, including such groups as Greenpeace, World Wildlife Fund, Earth Justice, World Conservation Union and the Center for International Environmental Law.

International environmental law is also the study of relevant principles of law that may build upon traditional international law principles yet also are influenced by science, ethics, and political pragmatism. Principles such as the precautionary principle, the polluter pays principle, the principle of common but differentiated responsibilities, and the principle of subsidiarity all help provide an emerging framework for the development of international environmental law. They provide guidance for the negotiation and implementation of international environmental instruments and for resolving environmental disputes.

In sum, the study of international environmental law requires an understanding of the problems of environmental degradation and their causes, of the legal *process* for addressing the problems, including the process of law-making, compliance monitoring and dispute resolution, of the *players* who cause the problems and those who make the law to address the problems, and of the legal *principles* that form the foundation for the treaty law that now dominates the field. This comprises the first part of the book.

The second part of the book examines specific international environmental problems and the treaties and other legal mechanisms created in response. We begin with pollution of the air and atmosphere, including the specific regimes that address ozone depletion, climate change, and trans-boundary air pollution. We then examine oceans, rivers and lakes, chemicals and hazardous wastes, wildlife, biodiversity, and the conservation of living natural resources and their habitats. These specific subjects are presented in the context of sustainable development. Cross-cutting themes include:

- the relation of our scientific understanding of the problem to the legal response;

- the relation of the problem to the global economy, e.g. fossil fuel emissions and oil;
- the evolution of the lawmaking process including the use of soft law, framework agreements, binding obligations, enforcement, and amendment procedures;
- the role of concepts and principles of international environmental law in the development of the field;
- the role of non-State actors, especially business and NGOs;
- the dynamic between the relatively rich and industrialized countries and the relatively poor and developing countries;
- the role of technology transfer, financial mechanisms and other steps for facilitating broad acceptance and implementation of international environmental commitments;
- the domestic implementation and enforcement of international agreements.

We apply the knowledge learned in the first part on a problem-by-problem, and treaty-by-treaty basis, to learn what ecological constraints are being tested, and what the specific legal response has been. We also examine which factors were significant in building the consensus needed for States to agree to a specific treaty, including the role non-governmental organizations and corporations played, and the impacts on economic and technological development. We consider how the current response measures up to what the world could be doing.

The third part of the book examines the intersection of international environmental law with other fields, such as trade and international investment agreements, human rights, and corporate codes of conduct. Since powerful protection of the international environment is provided by national laws, we also examine the extraterritorial application of domestic law. To a large extent the success of this integration process will determine our overall success in moving toward sustainable development.

This book is not intended to be taught from cover-to-cover in a one semester course. Rather, we encourage students and professors to select from among the subjects addressed, to tailor their courses to suit interests and concerns. The text's breadth of coverage is also intended to serve as a starting point for research seminars and specialty courses within the field, such as trade and environment or oceans law. The *Teacher's Manual* provides a number of syllabi and specific suggestion on teaching the material.

Beyond revisions reflecting developments in the field, our fourth edition of this book has been guided by comments from teachers over the last ten years. In particular, we have substantially revised Chapter 7 (Making International Environmental Law Work) and Chapter 18 (Human Rights and the Environment). To reflect its growing importance and dynamic nature, we have significantly expanded the chapter on climate change (Chapter 11). We have also added a number of new problem exercises,

including competing claims to the Arctic, and climate change and consumption, among others.

To keep the text from approaching the weight of a hippo, we have moved the sections on the Law of War, Nuclear Activities, Land-Based Marine Pollution, and Trade in the European Union to the Teaching Materials section of the casebook website. We also eliminated the chapter on finance and integrated the sections relating to the World Bank and Global Environment Facility into the chapter on international institutions and environmental protection (Chapter 5). These decisions were based on a survey we conducted of professors teaching from the book.

Such an undertaking would not have been possible without the assistance of many people. For the first edition, we thank our CIEL Law Fellows Carroll Muffett and Matthew Stilwell, CIEL Visiting Attorneys Vincenzo Franco, Eli Hillman, and Claudio Torres Nachon as well as our Dean's Fellows and other assistants at American University and CIEL: Natalie Bridgeman, Dr. Axel Bree, Ingrid Busson, Jackie Duobinis, Stephanie Feingold, James Freeman, Kris Genovese, Carolina Gonzalez, Nienke Grossman, Tiffany Gurnee, Eli Hillman, Tisha Illingworth, Matthew Lapin, Meredith McLean, Mark Noethen, Valeska Populoh, Marcos Pullman, Amy Rejent, Sarah Sung and Emily Yozell. Invaluable administrative support was provided by Mark Williams, Mike Hsu, Elma Gates and Svetlana Zhekova. Additional background information was provided by David Caron, John Dernbach, Jeff Dunoff, Dan Esty, Tom Kane, Dr. Greg Maggio, Kenny Markowitz, Adil Najam, Chris Wold, Mike Walls and David Wirth.

For the second edition, we also thank Jamie Abrams, Mary Stevens, Kathryn Walter, Emilie Thenard, Aaron Selverston, Jenifer Federico, Tom Higdon, Ana Maria Kleymeyer, Chris Bostic, Eric Siever, Bella Sweall, Romina Piccolotti, J. Daniel Taillant, Matthew Stilwell, Nathalie Bernasconi, John dernbach, Rick Herz, Meideth Reeves, Nienke Grossman, and Steve Charnovitz. For the third edition, we additionally thank the following for their excellent research assistance, and in some cases, much more: Katherine Armstrong, Sungho "Danny" Choi, Thomas Higdon, eriaide Hunter, Athena Kennedy, Daniel McCabe, Megan Mead, Kelcey Patrick-Ferree, Sean Roberts, Alexander Sarac, Cari Shiffman, Scott Stone, Thankham "Tara" Varghese, Alexandra Viets, Anne-Marie Wall, Erin Webreck, Lucy Wiggins, and David Wright. For the fourth edition, research assistance was provided by Abby Baker, Sarah Bury, Andrew Crawford, Jennie, Dean, James Gillenwater, James Hunter, Ben Jacobs, Justin Jesse, Alex Michalko, Jennie Dean, Andrew Crawford, George Quinton.

We also benefited greatly from the time and talent of the following people who reviewed and commented on portions of the manuscript through its past editions: Stephen O. Andersen, Margaret Bowman, Steve Charnovitz, Danielle Grabel, Paul E. Hagen, Jennifer Haverkamp, Donald Kaniaru, Ken Markowitz, Constanza Martinez, Dave Newman, Marcos Orellana, Stephen Porter, Meredith Reeves, Kathryn Redford, Erwin Rose, Peter H. Sand, K. Madhava Sarma, Dinah Shelton, Matthew Stilwell, Dionysia-Theodora Avgerinopoulou, Kristen Taddonio, John Van Dyke,

Oran Young, Lawrence Watson, David Wirth, Dan Worth, Coalter Lathrop, and Chris Wold.

As with all the previous editions, all errors in the text remain solely our own. Finally, we would like to thank our Deans—Claudio Grossman of the American University’s Washington College of Law and David Levi of Duke Law School—for generously supporting our research.

Our former students directly contributed to this book, as well. They are working all over the world—creating environmental law organizations in Mexico, Ecuador, the Middle East, Portugal, and Brazil, bringing the very first environmental cases before the World Bank’s Inspection Panel and NAFTA’s Environmental Commission, and serving in government positions ranging from the UN and World Bank to South Africa and Chile. Most of all, though, we thank the support and patience of our wives, Margaret and Barbara and children.

We welcome comments on the casebook, on both its strengths and areas for improvement. They may be sent to David Hunter (dhunter@wcl.american.edu), Jim Salzman (salzman@law.duke.edu), or Durwood Zaelke (zaelke@inece.org).

DAVID HUNTER

JIM SALZMAN

DURWOOD ZAEKE

Washington, D.C.

NOTE ON THE INTERNET AND *TREATY SUPPLEMENT*

The Internet's global reach and depth of data make it ideal for research and communication in the field. The casebook also has its own site on the World Wide Web at:

<<http://www.wcl.american.edu/environment/IEL>>

The site includes recent developments as well as hypertext links to treaty secretariats, relevant government, industry and NGO sites, and the agreements themselves.

While incorporating materials from the Internet for use in the book offers important advantages, it also has one serious disadvantage: the material or even the site containing the material may cease to exist after this book is published, making further reference impossible. While cognizant of this potential problem, we have decided to include Internet materials and references where particularly relevant. As of November, 2010, all the cited Internet material was present on the Web. Should readers come across a referenced site that no longer exists, it would be most helpful if they could contact us. We will post the news on the book web site and offer an alternative site.

The casebook contains relevant excerpts of all the international agreements covered, so it may be used as a stand-alone text. For those professors who wish students to refer to the full text of the agreements, an accompanying Treaty Supplement is also available from Foundation Press.

ACKNOWLEDGMENTS

The authors gratefully acknowledge the permissions granted to reproduce the following materials.

50 Years is Enough: US Network for Global Economic Justice, www.50years.org.

14 YEARBOOK OF INTERNATIONAL LAW 2003, 375, 378–379, Oxford University Press, (2004).

“The Balance of Nature and Human Needs in Antarctica: The Legality of Mining,” 9 TEMP. INT’L & COMP. L.J. 387, 398–99 (1995).

Abramovitz, J., STATE OF THE WORLD, 22–24, 32–33, 39, Worldwatch Institute, (1998).

Allott, Philip “Josephine Onoh Memorial Lecture” Hull University, Hull University Press (1989).

Allott, Philip “The True Function of Law in the International Community”, Indiana Journal of Global Legal Studies, v. 5, 391, 393–394, 398–399 (1998).

Anand, Ram Prakash, “Changing Concepts of Freedom of the Seas: A Historical Perspective,” in John Van Dyke et al., eds., FREEDOM FOR THE SEAS IN THE 21ST CENTURY: OCEAN GOVERNANCE AND ENVIRONMENTAL HARMONY, © 1993. Published by Island Press, Washington, DC and Covelo, CA. For more information, contact Island Press directly at 1–800–828–1302, info@islandpress.org (E-mail), or www.islandpress.org (website).

Anderson, Michael R., “Human Rights Approaches to Environmental Protection: An overview,” in Boyle, Alan E. and Anderson, Michael R., eds. HUMAN RIGHTS APPROACHES TO ENVIRONMENTAL PROTECTION, 1–4, 21–23, 40, Oxford University Press, (1996).

Barnes, J., et al., “Bankrolling Successes: A portfolio of Sustainable Development Projects,” at 11–12, ©Friends of the Earth, (1995).

Benedick, Richard Elliot, “Essay: A Case of Deja Vu,” SCIENTIFIC AMERICAN (April 1992).

Benedick, Richard “Ozone Diplomacy” 68–76 Harvard University Press 1998.

Benstein, Jeremy, “*On Judaism, Zionism and the Environment*”, Palestine–Israel Journal, Vol. V., No. 1, p. 69–70.

Bernasconi-Osterwalder, Nathalie, “International Legal Framework on Foreign Investment,” Center for International Environmental Law, (2003).

“Beyond Boundaries,” Regional Environmental Center for Central and Eastern Europe (1996).

Bhagwati, Jagdish, “Trade and the Environment: The False Conflict?” in TRADE AND THE ENVIRONMENT: LAW, ECONOMICS, AND POLICY, Island Press, (1993).

- CENTURY: OCEAN GOVERNANCE AND ENVIRONMENTAL HARMONY, © 1993. Published by Island Press, Washington, DC and Covelo, CA. For more information, contact Island Press directly at 1-800-828-1302, info@islandpress.org (E-mail), or www.islandpress.org (website).
- Cameron, Iain, AN INTRODUCTION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, at 34-37, 54, 58-59, 6th edition, Iustus Forlag, (2006).
- Caron, David D., "The International Whaling Commission and the North Atlantic Marine Mammal Commission: The Risks of Coercion in Consensual Structures." Reproduced with permission from 89 AJIL 154, 162-167 (1995), © The American Society of International Law.
- Caron, David, "International Sanctions, Ocean Management, and the Law of the Sea: A Study of Denial of Access to Fisheries," 16 ECOLOGY LAW QUARTERLY 311, 317-19 (1989). © 1989 by the Regents of the University of California. Reprinted from Ecology Law Quarterly, Vol. 16, No. 1, p. 311, 317-19 by permission of the Regents of the University of California.
- Carr, James and Matthew Gianni, "High Seas Fisheries, Large-Scale Drift Nets, and the Law of the Sea," in John Van Dyke et al., eds., FREEDOM FOR THE SEAS IN THE 21ST CENTURY: OCEAN GOVERNANCE AND ENVIRONMENTAL HARMONY, © 1993. Published by Island Press, Washington, DC and Covelo, CA. For more information, contact Island Press directly at 1-800-828-1302, info@islandpress.org (E-mail), or www.islandpress.org (website).
- Cavanagh, John and Anderson, Sarah, INTERNATIONAL FINANCIAL FLOWS: THE NEW TRENDS IN THE 1990S AND PROJECTIONS FOR THE FUTURE, Institute for Policy Studies, (1997).
- CEC secretariat, REPORT ON THE DEATH OF MIGRATORY BIRDS AT THE SILVA RESERVOIR, Commission for Environmental Cooperation, (1994-95).
- Center for International Environmental Law et al., COMMENTS ON PROPOSED UNITED STATES- CHILE FREE TRADE AGREEMENT, (2001).
- Charnovitz, "Opening the WTO to Nongovernmental Interests," 24 FORDHAM INT'L L. J., 173, 212-16, (2000).
- Charnovitz, Steve, "Using Framework Status to Facilitate U.S. Treaty Making," 98 AM. J. INT'L L. 696, 697-698, (2004).
- Charnovitz, Steve, "Environmental Harmonization and Trade Policy," in TRADE AND THE ENVIRONMENT: LAW, ECONOMICS AND POLICY, Island Press, (1993).
- Charnovitz, Steve, "The NAFTA Environmental Side Agreement: Implications for Environmental Cooperation, Trade Policy, and American Treaty-making," 8 TEMPLE INT'L & COMP. L. J. 257, 266-70 (1994).
- Chayes, Abram and Antonia Handler Chayes "The New Sovereignty" 8-9 Harvard University Press 1995.
- Clarke, Robin, WATER: THE INTERNATIONAL CRISIS (Earthscan, 1993).
- Coalition for Environmentally Responsible Economies, The CERES Principles (1989). Reprinted by permission.

- Ekins, Paul, "The Sustainable Consumer Society: A Contradiction in Terms?" *INT'L ENV'T. L. AFFAIRS* (University Press of New England 1991).
- "Energy Technology Perspectives 2010 © OECD/International Energy Agency," 54–60, 460, 465, 466–467.
- Esty, Daniel, *GREENING THE GATT: TRADE ENVIRONMENT, AND THE FUTURE*, 78–82, 85–86, 262, © 1994, Institute for International Economics, reprinted with permission.
- Esty, Daniel, "Revitalizing Global Environmental Governance for Climate Change" from *Global Governance: A Review of Multilaterlism and International Organizations*, v. 15 Copyright © 2009 by Lynne Rienner Publishers, Inc. Used with Permission.
- Esty, Daniel, "Toward Data-Driven Environmentalism: The Environmental Sustainability Index," 31 *ENVTL. L. REP.* 10603, Copyright © 2000 Environmental Law Institute ®. Reprinted with permission from *ELR - the Environmental Law Reporter* ®. All rights reserved.
- European Commission, "White Paper on Environmental Liability," *JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION/ OXFORD JOURNALS*, (2000).
- Fagin, Dan and Marianne Lavelle, and the Center for Public Integrity, from *TOXIC DECEPTION: HOW THE CHEMICAL INDUSTRY MANIPULATES SCIENCE, BENDS THE LAW, AND ENDANGERS YOUR HEALTH*, © 1996. Published by arrangement with Kensington Publishing Corp., A Birch Lane Press Book.
- Flavin, Christopher, "Rich Planet, Poor Planet," in *STATE OF THE WORLD* 6–7 (Worldwatch Institute 2001), at www.worldwatch.org.
- Fogel, Robert William, *THE FOURTH GREAT AWAKENING AND THE FUTURE OF EGALITARIANISM*, University of Chicago Press, p. 7–9, (2000).
- Forests, *WORLD BANK OPERATIONAL POLICY 4.36*, World Bank Publication, (2002).
- Fowler, Robert J., "International Environmental Standards for Transnational Corporations," 25 *ENV'T L.* 1 (1995).
- Freeman, Bennett, "Converging Corporate Responsibility and Human Rights Agendas: Three Reasons," *GLOBAL DIMENSIONS*, (2001).
- French, Hillary F., "Partnership for the Planet: An Environmental Agenda for the United Nations," *WORLDWATCH PAPER* 32–34 (Worldwatch Institute 1995), at www.worldwatch.org.
- French, Hillary F., "Assessing Private Capital Flows to Developing Countries," in *STATE OF THE WORLD* 149–65 (Worldwatch Institute 1998), at www.worldwatch.org.
- Friends of the Earth, *THE IMF: "SELLING THE ENVIRONMENT SHORT,"* (2000).
- Gallopin, Gilberto, et al., *BRANCH POINTS: GLOBAL SCENARIOS AND HUMAN CHOICE* (Stockholm Environment Institute 1997).
- Gardner, Gary, *FOREST LOSS CONTINUES* at 92–93, Worldwatch Institute, (2005).

- State, National and International Approaches edited by William C. G. Burns and Hari M. Osofsky 357–374 Copyright © 2009 Cambridge University Press. Reprinted with Permission.
- Hunter, David “The Implications of the Copenhagen Accord for Global Climate Governance” *Sustainable Development, Law and Policy* Vol. X, No. 2, 4, 4–7 (Winter 2010).
- IETA and the World Bank, *STATE AND TRENDS OF THE CARBON MARKET 2006 EXECUTIVE SUMMARY*, World Bank.
- IMF External Relations Staff, *WHAT IS THE INTERNATIONAL MONETARY FUND?*, IMF, (2004).
- International Chamber of Commerce, *BUSINESS CHARTER FOR SUSTAINABLE DEVELOPMENT PRINCIPLES FOR ENVIRONMENTAL MANAGEMENT* (1996). Reprinted with permission from International Chamber of Commerce.
- Jackson, Moana, “Indigenous Law and the Sea,” in John Van Dyke et al., eds., *FREEDOM FOR THE SEAS IN THE 21ST CENTURY: OCEAN GOVERNANCE AND ENVIRONMENTAL HARMONY*, © 1993. Published by Island Press, Washington, DC and Covelo, CA. For more information, contact Island Press directly at 1–800–828–1302, info@islandpress.org (E-mail), or www.islandpress.org (website).
- Jacobsen, Judith, “Population, Consumption and Environmental Degradation: Problems and Solutions,” 6 *COLO. J. INT’L ENVT’L L. & POL’Y* 255, 259–62 (1995). Originally published in the *Colorado Journal of International Environmental Law & Policy*, Volume 6, Issue 2 Copyright 1995. All rights reserved.
- Jha, Raghbendra, “An Asian Perspective on a World Environmental Organization,” *MACARTHUR FOUNDATION PROJECT WORKING PAPER*, Blackwell Publishing, (1999). Reproduced with permission of Blackwell Publishing Ltd.
- Joyner, Christopher, “Book Review: The Evolving Antarctic Legal Regime.” Reproduced with permission from 83 *AJIL* 605, 611, 622, 624–25 (1994), © The American Society of International Law.
- Kahn, Irene, Secretary General of Amnesty International, Letter to Professor John Ruggie, Special Representative on Human Rights and Transnational Corporations and Other Business Enterprises. April 2006. © Amnesty International Publications, Easton Street, London, WC1X 0DW, United Kingdom. www.amnesty.org.
- Kane, Hal, “The Hour of Departure: Forces that Create Refugees and Migrants, worldwatch paper 125” at 10–14 *Worldwatch Institute*, (1995).
- Kane, Hal, *THE TRIUMPH OF THE MUNDANE*, © 2000. Published by Island Press, Washington, DC and Covelo, CA. For more information, contact Island Press directly at 1–800–828–1302, info@islandpress.org (E-mail), or www.islandpress.org (website).
- Kaniaru, Donald, Rajende Shende, Scott Stone and Durwood Zaelke, “Strengthening the Montreal Protocol: Insurance against Climate Change” 3, 4–5, *Sust. Dev. L & Pol’y*, Winter 2007. This article was

- Millennium Ecosystem Assessment, SPECIES LOSS OVER TIME, Fig 2-1, 2-2.
- Millennium Ecosystem Assessment, LIVING BEYOND OUR MEANS: NATURAL ASSETS AND HUMAN WELL-BEING, 5, 16-22, (2005).
- Miller, Bartlett P., "The Effect of the GATT and the NAFTA on Pesticide Regulation: A Hard Look at Harmonization," 6 COLO. J. INT'L ENV'T'L L. & POL'Y 201, 203-05 (1995).
- Miller, Ken, "A U.N. Occupation of American Parks?," GANNETT NEWS SERV., Sept. 12, 1996.
- Najam, Adil, "The Case Against a New International Environmental Organization" 9 GLOBAL GOVERNANCE, Global Governance Editorial Office, (2003).
- Nanda, Ved P., INTERNATIONAL ENVIRONMENTAL LAW AND POLICY 274-75 (1995). Reprinted with permission from Transnational Publishers, Inc.
- National Academy of Sciences, "Advancing the Science of Climate Change" Copyright © 2010. Reprinted with Permission by the National Academy of Sciences, Courtesy of National Academies Press, Washington, D.C.
- National Research Council, OUR COMMON JOURNEY: A TRANSITION TOWARD SUSTAINABILITY, 21-25, National Academic Press, (1999).
- Orellana, Marcos, "Science, Risk, and Uncertainty: Public Health Measures and Investment Disciplines," BRITISH YEARBOOK FOR INTERNATIONAL LAW.
- Overdevest, Christine and Brian Mayer "Harnessing the Power of Information Through Community Monitoring: Insights from Social Science", 86 Texas L. Rev. 1493, 1493-1526 (2008), Reprinted with Permission of the Texas Law Review Association.
- Oxfam, "Stop the Dumping! How EU Agricultural Subsidies are Damaging Livelihoods in the Developing World," 3-4, Oxfam Library, (2002). Reproduced with permission of Oxfam house, John Smith Drive, Cowley, Oxford, OX4 25Y, UK, www.oxfam.org.uk. Oxfam does not necessarily endorse any text or activities that accompanied the material.
- Pacala, Stephen and Socolow, Robert, "Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies," SCIENCE, Vol. 305, © Science Magazine, (2004).
- Pallemmaerts, Marc, "International Environmental Law from Stockholm to Rio: Back to the Future," 5-6, in P. Sands, ed. GREENING INTERNATIONAL LAW, The New Press, (1994).
- Palmer, Geoffrey, "New Ways to Make International Environmental Law." Reproduced with permission from 86 AJIL. 259 (1992), © The American Society of International Law.
- Pew Center on Global Climate Change, ANALYSIS OF PRESIDENT BUSH'S CLIMATE CHANGE PLAN, (2003).
- Pew Center on Global Climate Change, LEARNING FROM STATE ACTION ON CLIMATE CHANGE, (2006).
- Pew Center on Global Climate Change, The European Union's Emissions Trading System in Perspective (2009).

- eds., *INTERNATIONAL LAW AND DEVELOPMENT* (1998). Excerpts reprinted with the kind permission from Kluwer Law International.
- Seacor, Jessica E., "Environmental Terrorism: Lessons from the Oil Fires of Kuwait," 10 *AM. U. J. INT'L L. & POL'Y* 481 (1994).
- Shabecoff, Philip, *A NEW NAME FOR PEACE: INTERNATIONAL ENVIRONMENTALISM, SUSTAINABLE DEVELOPMENT, AND DEMOCRACY*, 47-49, 73-77 (University Press of New England 1996).
- Sharp, Major Walter G., "The Effective Deterrence of Environmental Damage During Armed Conflict: A Case Analysis of the Persian Gulf War," 137 *MIL. L. REV.* 1 (1992). Portions of this article are reprinted from the *Military Law Review*, Department of the Army Pamphlet 27-100-137 (Summer 1992), at 1. The opinions and conclusions expressed herein are those of the individual author, and do not necessarily represent the views of The Judge Advocate General's School, United States Army, or any other governmental agency.
- Shestack, Jerome J. "The Philosophical Foundations of Human Rights," in *HUMAN RIGHTS: CONCEPTS AND STANDARDS* (Janusz Symonides, ed.) 33-36, © Ashgate Publishers, (2000).
- Shihata, I., "The World Bank and The Environment: Legal Instruments for Achieving Environmental Objectives," in 2 *THE WORLD BANK IN A CHANGING WORLD*, at 207-208, (1996).
- Singer, Peter, "The Singer Solution to World Poverty," © Peter Singer, (1999), reprinted by permission of the author from *THE NEW YORK TIMES SUNDAY MAGAZINE* Sept. 5, 1999.
- Smith, Carl, "Exporting Risk: Pesticide Exports from U.S Ports," *GLOBAL PESTICIDE CAMPAIGNER* Vol. 8, No. 2, PAN North American. (1998).
- Sohn, Loius B., "The Stockholm Declaration on the Human Envir't," 14 *HARVARD INT'L L. J.* 423 (1973). Permission granted by the Harvard International Law Journal © 1973 by the President and Fellows of Harvard College.
- Soroos, M., *THE ENDANGERED ATMOSPHERE: PRESERVING THE GLOBAL COMMONS* (University of South Carolina Press 1997).
- Speth, James Gustave, *RED SKY AT MORNING*, 142-146, Yale University Press, (2005).
- Speth, James Gustave, "The Bridge at the Edge of the World: Capitalism, the Environmenta, and Crossing from Crisis to Sustainability," 50-51, 194-195 Yale University Press (2008).
- Stone, Christopher D., *EARTH AND OTHER ETHICS: THE CASE FOR MORAL PLURISM*. Copyright © 1988 by Christopher D. Stone. Reprinted by permission of HarperCollins Publishers Inc.
- Stone, Christopher D., *THE GNAT IS OLDER THAN MAN*. Copyright © 1993 by Princeton University Press. Reprinted by permission of Princeton University Press.
- Sumi, Kazuo, "The International Legal Issues Concerning the Use of Drift Nets, with Special Emphasis on Japanese Practices and Responses," in John Van Dyke et al., eds., *FREEDOM FOR THE SEAS IN THE 21ST CENTURY*: