

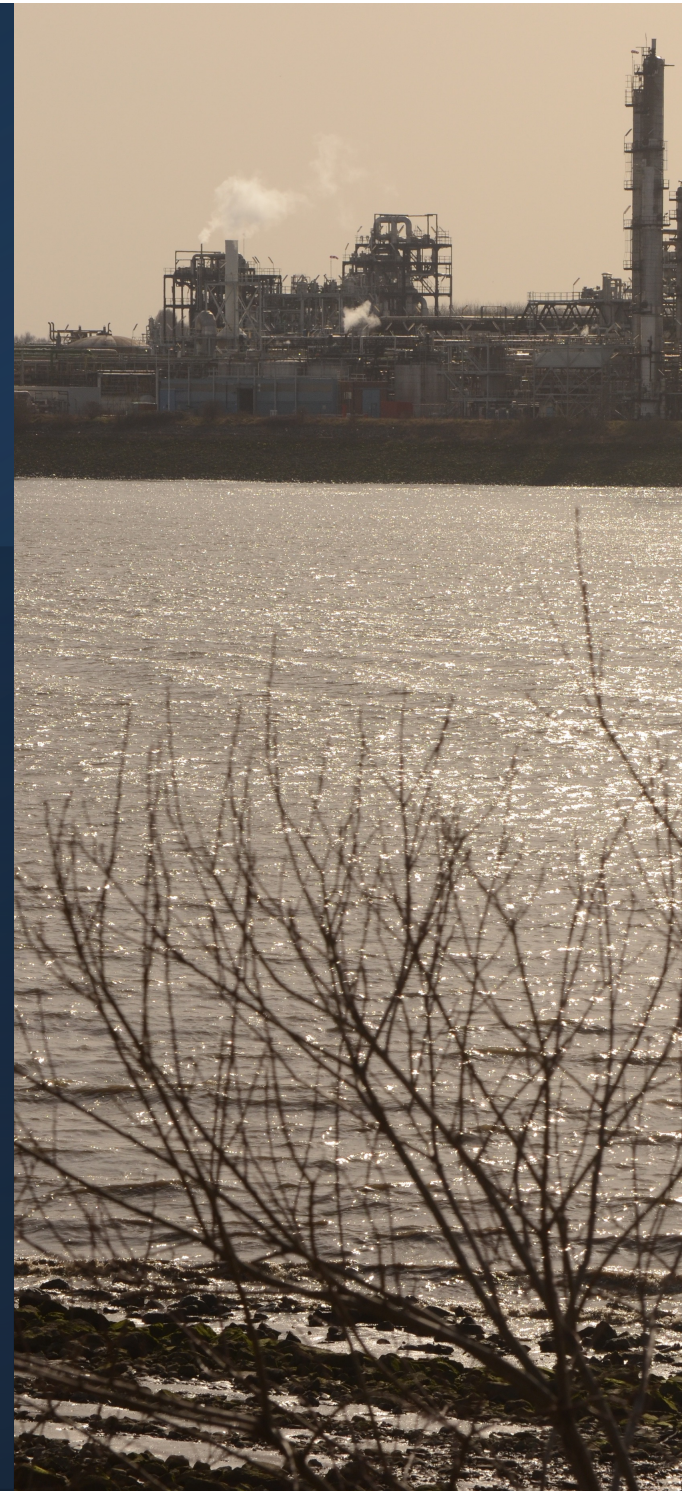
Introduction to International Environmental Law (3)

Conclusions

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5. Why do we need International Environmental Law?



5. Why do we need IEL?

- Facts:
 - Pollution (and other environmental problems) don't respect political boundaries
 - Atmosphere/Biosphere are one, but the world is not...
- Other states are often impacted by environmental degradation than those that caused it (who gets the advantages of harmful activities? Who gets the disadvantages? Who is responsible for damages?)

5. Why do we need IEL?

- Risk that activities prohibited in one country will move to another state whose legislation/enforcement is less vigorous («**pollution havens**», **leakage**)
- **Level-playing field** (environmental integrity/competitiveness): A State implementing environmental laws must bear increased costs. The State faces a competitive disadvantage in the global marketplace unless international measures harmonize environmental protection requirements for all undertakings

5. Why do we need IEL?

- Some phenomena are **global** and severe in character – need long-term, multilateral cooperation (climate change, biodiversity decline ocean acidification)



4. Why do we need IEL?

Reconciliation of the fundamental independence of each State with the inherent and fundamental interdependence of the environment

Balance of all (social, economic) interests within the carrying capacity of the Earth's ecosystems, oceans and atmosphere

Interdependence



5. Why do we need IEL?

1. Protection of **vulnerable, endangered, migratory species** (birds, seals,...)

White-tailed Lapwing
Vanellus leucurus



4. Why do we need IEL?

2. Protection of certain regions

- Ramsar Convention on the protection of wetlands
- Maritime Protection Areas
- “Commons” (high seas; Antarctica)



5. Why do we need IEL?

3. Setting up of **International management systems**

- Regional fisheries organizations
- Antarctica, Protocol of Madrid

4. Framework Convention with **cooperation mechanisms**

- Climate change
- Biodiversity

5. **Prohibition of harmful activities**

- MARPOL

5. What can IEL do?

- Multilateral Environmental Treaties are:
 - Setting **principles**: resource conservation and management, land planning, biodiversity conservation
 - Creating **transparency**: Fact finding, monitoring, reporting, review, accounting
 - Setting up **procedures**: for import, export, trade with certain substances,
 - Setting **standards**: pollution control (water, marine, air, land, space), quota, limits,

5. Why do we need LAW?

- Reciprocity
- Stability and predictability for business and markets
- Cooperation (allocation of burden and benefits)
- Compliance control/consequences
- Cost effectiveness

6. Why could legal responses be difficult?

- Parties take long time to negotiate agreements
- Agreements provisions may be characterized by 'constructive ambiguity' and be little ambitious
- This may result in long and difficult ratification processes
- Agreements may be too static and inflexible

6. Challenges

Six of the nine boundaries (Biosphere integrity, Novel entities, Climate change,, Freshwater change, Land system change, Biogeochemical flows) are transgressed, suggesting that Earth is now well outside of the safe operating space for humanity.

- All boundaries earlier identified as overstepped.
- **Ocean acidification** is close to being breached, while **aerosol loading** regionally exceeds the boundary
- One boundary - **Stratospheric ozone depletion** - is improving!

The Earth won't be able to remain in a "Holocene-like" interglacial state.