

International Environmental Law

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UiO

1. What is International Environmental Law?

2. What is the Environment?

Webster's dictionary: the circumstances, objects, or conditions by which one is surrounded, the complex physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determines survival.

An **ecosystem** is a community of living organisms (plants, animals and microbes) in conjunction with the nonliving components of their environment (things like air, water and mineral soil), interacting as a system.

2. What is the Environment?

«The environment is not an abstraction, but represents the living space, the quality of life, and the very health of human beings, including generations unborn.»

(Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, pp. 241-242, para. 29.)

3. Where do we find IEL?

- Treaties
- Customary rules
- General principles
- Soft-law

4. Why do we need International Environmental Law?

4. 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? To what extent can compensation be claimed?)
- Mapping and controlling of international transfers of polluting products, wastes, harmful activities - transparency

4. 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 risks a competitive disadvantage in the global marketplace unless international measures harmonize environmental protection requirements for all competition

4. Why do we need IEL?

- Some phenomena are global and severe in character – need long-term, multilateral cooperation (climate change, biodiversity decline ocean acidification) – What is «cooperation»?
- Challenges:
 - 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

5. Why do we need LAW?

- Highest level of commitment: Certainty, more resilient against changes, deeper democratic commitment, more likely to be implemented domestically
- Stability and predictability for business and markets
- Reciprocity
- Cooperation
- Compliance control/consequences
- Cost effectiveness
- Flexibility
- Participation versus ambition?