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Jean Monnet Module course:
EU Environmental Policy: Internal and External
Dimensions (EU ENVI)

Historical overview of international protection of environment
(+ get to know discussion)

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C-224, contact hours: Mondays, 14.30-16.00

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Date	Time	Topic	Lecturer
22.02.2019	12:00 - 14:00	Introduction of the course. Get to know the students.	DC
Part 1 and 2: Introduction to the international protection of environment* & EU Environmental Policy: Internal and External Dimensions**			
22.02.2019	14:00 - 16:00	<p>Historical overview of international protection of environment* (+ get to know discussion)</p> <p>Reading:</p> <ol style="list-style-type: none"> 1. Bodansky, D. (2010). The Art and Craft of International Environmental Law. Harvard University Press. (pp. 18-56) 2. Baylis, J., Smith S. and P. Owens (eds.). (2008). The Globalization of World Politics. Oxford University Press. (Chapter 20: Environmental issues) 	DC

Get to know

- **Teams of 5 members**

- tape, string, spaghetti, and marshmallow

- **Marshmallow challenge**

- *Each team has 18 minutes*
- *Build the tallest freestanding structure as measured from the table surface to the top of the marshmallow. The structure may not be suspended from another structure (like a chair, the ceiling, or a chandelier)*
- *The entire marshmallow must be on top of the structure. Cutting or eating part of the marshmallow disqualifies the team*
- *Use as many or as few of the supplies as your team chooses, with the exception of the marshmallow (which must be placed on top of the structure)*
- *Teams may break the spaghetti and cut the tape and string as needed to create the structure*
- *After 18 minutes, the height of each structure that remains standing with the marshmallow on top is measured.*
- *The winner is the team whose free-standing structure is the tallest.*

- https://www.ted.com/talks/tom_wujec_build_a_tower?utm_campaign=tedsread&utm_medium=referral&utm_source=tedcomshare

Historical overview of international protection of environment

+ get to know discussion (part I)

- Groups (discuss and prepare a short presentation) (7min x 2)
 - Why and when did environmental issues appear on the international agenda and what were the key turning points?
 - Summarize the consequences of the 1972 UNCHE and the 1992 UNCED.
 - How would you interpret the meaning of sustainable development?
- Short presentations & discussion (10 min)

Environmental issues on the international agenda: a brief history (intro)

- **Environmental degradation is not a new phenomenon**
 - Considered as a „problem“?
 - Growth of environmental consciousness
 - Human perceptions & values
 - Economic development
 - Improved scientific understanding
- **Emergence of international environmental law (3 stages)**
 - 1. A conservationist stage**
 - late 19th century – first half of 20th century
 - Protection of wildlife
 - 2. A pollution-prevention stage**
 - Environmental revolution in 1960s & 1970s
 - Stockholm Conference, UNEP, MEAs
 - 3. A sustainable development stage**
 - From mid-1980s
 - Brundtland Commission, Earth Summit 1992 →

Environmental issues on the international agenda: a brief history (i)



- **Before the WW2 (nature conservation in the early 1900s)**

- International environmental politics **strictly limited**
- 1815, The **Central Commission for Navigation of the Rhine**
- Rio Grande dispute, Trail Smelter case 1941, Behring Sea Fur Seals Arbitration
- First national parks (USA, 1872); government agencies, INGOs
- A response to **urbanisation and industrialization**
- Decimation of bisons in North America; extinction of the Passenger Pidgeon (1890-1910)
- **Rather national than international character**
- Some **bilateral fisheries agreements**
- **the Convention to Protect Birds Useful to Agriculture (first MEA; 1902)**

- **Important limitations:**

1. **Narrow focus of interest** → utilitarian and anthropocentric
2. **Focus on direct threats**
3. **Ad hoc manner + little development of institutions**

- **WW1 resulted in halt of international environmental protection**
 - **After WW2**
 - Attempts to regulate exploitation of maritime resources lying beyond national jurisdiction (mostly unsuccessful)
 - 1946 **International Convention for the Regulation of Whaling**
 - International Whaling Commission (IWC)
 - International moratorium on whaling
 - Japan, Norway, Iceland
 - Global economic recovery after WW2 → **damaging pollution** of the atmosphere, of watercourses, and of the sea
 - 1950s / 1960s: international agreements on e.g. discharges from oil tankers
 - **International Convention for the Prevention of Pollution of the Sea by Oil**, 1958
 - Environment as an „**apolitical matter**“
 - **Morgenthau, 1955**: „*natural environment as a fixed contextual factors or a constituent of national power*“
 - The domain of **UN specialized agencies** (FAO, IMO, UNESCO)
-
- **Effects prior to 1970s?**
 - The state of fisheries and world wildlife **generally not improved**
 - Put environmental issues onto the **international agenda**
 - Contributed to the **evolution of environmental consciousness**

1960s & 1970s

- Growing salience of environmental issues
- 1962 **Sarah Carson's Silent Spring**
 - Damage inflicted upon bird-life by industrial pesticides (DDT)
- **1972 UN Conference on the Human Environment (UNHCE)**
 - 1968: Swedish proposal accepted by the UN GA
 - „*Only one Earth*“
 - **Declaration on the Human Environment**
 - the first document in international environmental law to recognize **the right to a healthy environment**
 - **26 principles** to guide the nations through their responsibilities
 - **Importance and urgency** of environmental issues
 - **UNEP**
 - establishment of national **environmental** departments/**ministries**
 - countries of **South**: environmental questions connected with **development**
- **Environmental conferences** as an institutional innovation of the 1970s
 - Manifold environmental issues
 - ***UN Conference on Human Settlements – HABITAT (1976), UN Water Conference (1977), UN Conference on Desertification (1977)***
- Global **economic downturn** of the late 1970 & second **cold war**
 - Environment pushed to the **periphery** of the international agenda



- 1980s
 - Continued **environmental degradation**
 - **Raising awareness** of new forms of transnational degradation (e.g. acid rain)
 - **Scientific realization** of global scale of some environmental problems
 - Thinning of the **stratospheric ozone layer**
 - Possibility of **climate change**
 - Relaxation of **East-West** tension
 - **Brundtland Report**, 1987, **Our Common Future**
 - Gro Harlem Brundtland
 - "**Sustainable development** is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.,,"
 - The **concept of equity** → intergenerational equity
 - **Integration / long-term-planning**
- **1992**: The United Nations **Conference on Environment and Development (UNCED)**
 - the **Rio de Janeiro Earth Summit**
- Major **shift in IEL** compared to 1970s:
 - **Higher complexity** and greater intrusion to national sovereignty
 - **North-South dimension** (equity, capacity-building)
 - High degree of **scientific uncertainty** (precautionary principle)
 - **Sustainable development** as an organising principle



⇒ 2000, MDG7: [Environmental sustainability](#)

Historical overview of international protection of environment

+ get to know discussion (part II)

- Groups (discuss and prepare a short presentation) (7min x 2)
 - Why did the framework convention/control protocol prove useful in the case(s) of stratospheric ozone depletion (and climate change)?
 - How does the ,tragedy of the commons‘ analogy help to illustrate the need for governance of the global commons?
 - Describe the ,free rider‘ problem in relation to the climate change.
- Short presentations & discussion (10 min)

Stratospheric ozone regime

- **Stratospheric ozone protects life on Earth from harmful UV radiation**
 - For humans, overexposure to **UV radiation** increases the risk of skin cancer, premature aging of the skin, and cataracts
 - **Chlorofluorocarbons (CFCs)** (commonly found in spray cans and refrigerants at the time)
- A rapid increase in ozone depleting substances caused the ozone layer to thin → formation of the iconic **“ozone hole” over Antarctica**

- 1985, ***Vienna Convention for the Protection of the Ozone Layer***
 - **Multilateral environmental agreement**
 - First Convention of any kind to achieve **universal ratification**
 - **Framework** for efforts to protect the globe’s ozone layer
 - International sharing of climate and atmospheric research to **promote knowledge** of the effects on the ozone layer
 - Creation of **a panel of governmental atmospheric experts**
 - assesses ozone depletion and climate change research and produces a report for the **Conference of Parties (COP)**



- 1987, ***Montreal Protocol on Substances That Deplete the Ozone Layer***
 - Widely accepted, 196 state parties (+EU)
 - Designed to protect the ozone layer
 - **7 revisions**
 - **Phasing out the production of numerous substances** that are responsible for ozone depletion
 - Hailed as **an example of exceptional international co-operation**
 - Climate projections indicate that the ozone layer will return to 1980 levels between **2050 and 2070**

1992 UN Conference on Environment and Development (UNCED)

• The „Earth Summit“

- **Largest** international conference
 - 1500+ accredited observers; 30.000 participants as parallel forums
 - 170+ state representatives, 100+ presidents / prime ministers
 - **20 years from Stockholm**, 2 years of preparation (Maurice Strong)
 - **NGOs** participating

• Raised profile of the **environment as an international issue**

⇒ Adoption of *documents*, 14 June 1992:

⇒ **Rio Declaration on Environment and Development** (27 principles for sustainable development)

⇒ **Agenda 21** (a detailed plan for achieving objectives)

⇒ *Rio Forest Principles*

⇒ **Legally binding agreements** opened for signature

⇒ *United Nations Framework Convention on Climate Change* – **UNFCCC**

⇒ *UN Convention on Biological Diversity*

⇒ *United Nations Convention to Combat Desertification*

⇒ *UN Commission on Sustainable Development* – **UNCSD**

• **Rio +5**

- 1997: **Earth Summit II**
- UN GA Special Session, New York
- **To review of the implementation of the Rio agreements**

• **Rio +10**

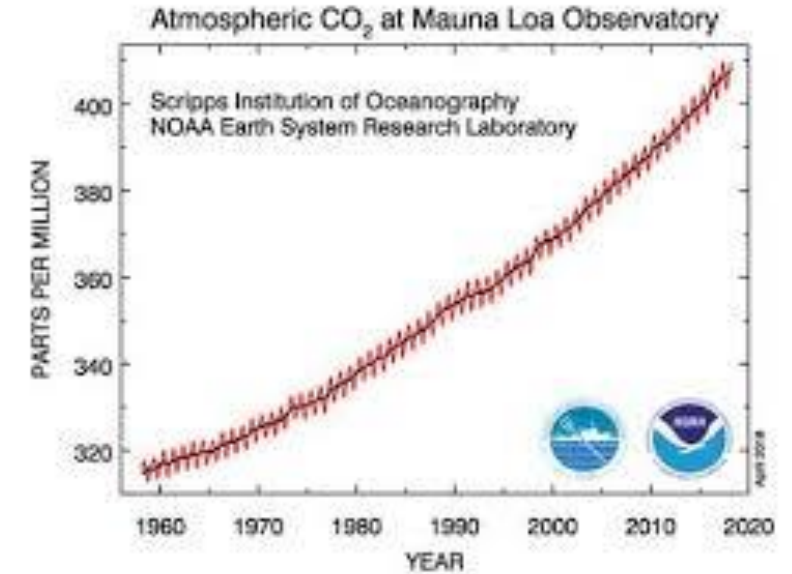
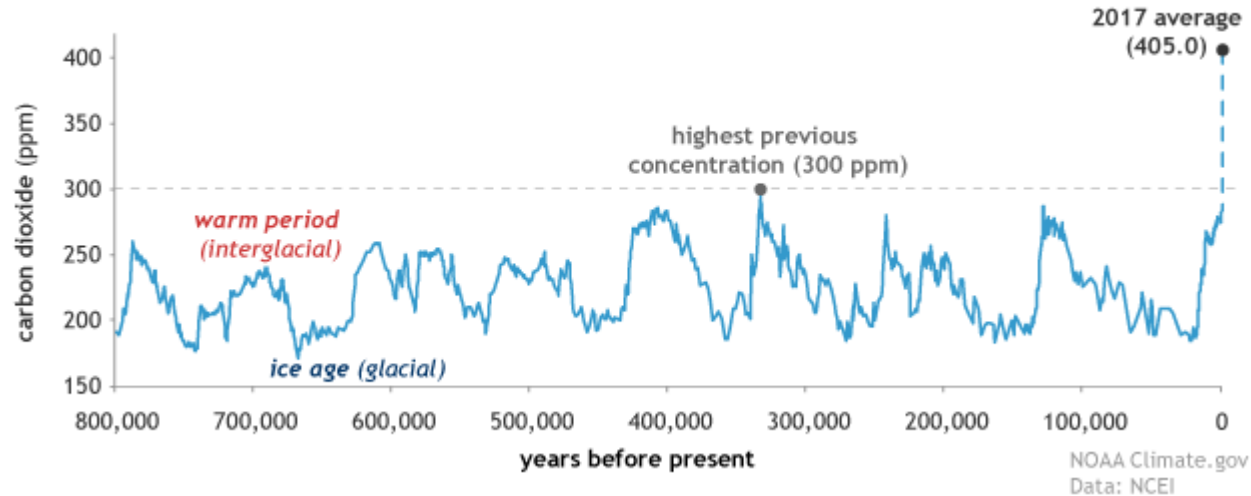
- 2002, Johannesburg
- **World Summit on Sustainable Development (WSSD)**
⇒ Importance of **globalization** / dire state of the **African continent**
 - Poverty eradication, providing clean water, sanitation, and agricultural improvements

• **Rio +20**

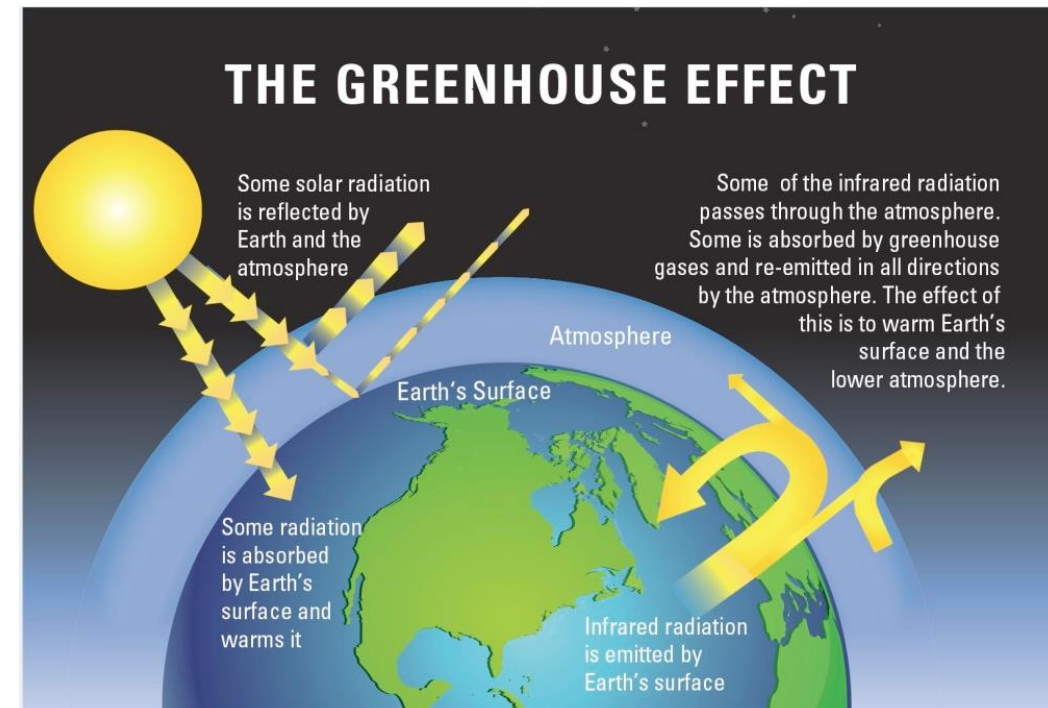
- 2012, Brazil
- **UN Conference on Sustainable Development (UNCSD)**
- **"The Future We Want,,**
- Member States decided to launch a process to develop a set of **Sustainable Development Goals (SDGs)** (← **MDGs**)

Climate Change

CO₂ during ice ages and warm periods for the past 800,000 years



- [Svante Arrhenius](#)
- (Charles David) [Keeling curve](#)
- [Key Milestones in the Evolution of International Climate Policy](#)
- [The United Nations Framework Convention on Climate Change](#)
- [Kyoto Protocol](#) ([mechanisms](#))
- [Paris Agreement](#) ([status](#))



The tragedy of the commons and coteremporary IEL

- Garrett **Hardin, 1968**
- Inherent conflict between individual and collective **interest** and **rationality** in **the use of the common property**
 - Individual exploitation will (often) lead to collective disaster (ecological collapse) due to **over-exploitation**
 - when ‚carrying capacity‘ of the common is insufficient
- **Global commons**
 - Areas and resources **not owned by anybody** (high seas, deep ocean floor, Antarctica, outer space, global atmosphere)
 - **Environmental dimension**
 - Resources / sinks for waste products
 - **Incentive to grab as much as possible?**
- **Solution to the dilemma?**
 - Enclosure of the commons through **privatization** or **nationalization**
 - Limited applicability in the case of global commons
 - Physically / politically impossible to enclose them
 - No central world government to regulate their use
 - **International regimes?**
 - Framework of rules about acceptable standards of behaviour and levels of exploitation
 - **Difficult enforcement** & **free-riding incentives**
 - **Effectivity** of developed mechanisms?
 - Legal and technical compliance **difficult to establish**
- **Contemporary IEL?**
 - **Problem of „treaty congestion“**
 - **Growing concern about effectivity**
 - Maturation of IEL: „transition from youth to middle age“

01.03.2019	12:00 - 14:00	<p>Basics of the EU as a supranational international governmental organization** (lecture)</p> <p>Introductory reading:</p> <p>3. Cini, M. and Pérez-Solórzano Borragán, N. (2016). Introduction. In M. Cini, and N. Pérez-Solórzano Borragán (eds.) European Union Politics, 5th Edition (pp. 1–8). Oxford in New York: Oxford University Press.</p> <p>Advanced reading:</p> <p>4. Nugent, N. (2017). The Government and Politics of the European Union. 8th Edition. Basingstoke and New York: Palgrave Macmillan. (Chapter 1)</p>	ABF
01.03.2019	14:00 - 16:00	<p>Sources of international environmental law and international actors* (short paper 1 + discussion)</p> <p>Reading:</p> <p>5. Bodansky, D. (2010). The Art and Craft of International Environmental Law. Harvard University Press. (pp. 86-135)</p> <p>6. Kiss, A. and D. Shelton. (2007). Guide to International Environmental Law. Martinus Nijhoff Publishers. (pp. 1-11; 47-71)</p>	DC

- To prepare for seminars students read the study materials and prepare a **group (5 students)** short written paper (**3-4 pages**) and a short **presentation (3-5 minutes)**. For each short paper one (different) **student is responsible** and leads the group work (**lead author**). **Each student needs to be prepared and able to present the paper at the seminar fully by her/himself.**
- Students acquire up to **2 points** for the paper and presentation if they contributed to the preparation of the paper and actively participated at seminars (**presentation & discussion**).
- Papers are submitted via [Turnitin](#) (deadline, Thursday, 23.59) (i.e. a responsible member of the group uploads the paper) ([Quick Start Guide for Students](#)). Subsequent submission of written papers is not possible. When preparing the papers students follow [Guidelines for writing and editing professional and scientific works at FDV](#).
- *Please name your paper as »paper number_group_LEAD AUTHOR« (e.g. 1_paper_1_group_NOVAK).*
 - Turnitin Class ID: **20430290**
 - Turnitin Enrollment Key: **EUenvi2019**

1st SHORT PAPER: Sources of international environmental law and international actors

1. List and describe sources of international environmental law (1 page).
2. List and describe key international environmental actors (1 page).
3. Choose one area of international environmental protection and (2 pages):
 - a. shortly describe the historical overview of international protection,
 - b. analyse the relevant international legal framework,
 - c. point out and analyse the role of key international actors.