

International Environmental Case Studies, Day 1

Four stages: issue definition, fact-finding, bargaining on regime creation, and regime strengthening
Three key questions to ask for each issue: who are the lead states, and why? Who are the veto states, and why? And how do the lead states convince the veto states to join the convention (if they do)?

1) Transboundary Air Pollution (101-106)

Lead states: Sweden and other Nordic states (why? What happened in the 1960s that set this issue off?)

Veto coalition: net exporters of acid rain (because of coal-fired power plants): the US, the UK, Germany, Belgium, Denmark.

Definition process: complete by 1972 after Sweden convinced the OECD to monitor transboundary air pollution in Europe (fact-finding ongoing...)

Regime creation: Convention on Long-Range Transboundary Air Pollution (LRTAP): a ‘least common denominator’ regime that strengthened over time

Regime strengthening: various protocols on a range of substances (heavy metals, volatile organic compounds, persistent organic pollutants)

Questions: how did LRTAP gain in strength since 1979? Which veto coalition member was incentivized to join the regime, and why? How does the concept of ‘critical loads’ for certain ecosystems alter different countries’ pollution reduction requirements?

2) Ozone Depletion (106-114)

Lead states: “The United States, which at the time accounted for more than 40 percent of worldwide CFC production, took a lead role in the negotiations in part because it had already banned CFC use in aerosol spray cans, a large percentage of total use at that time, and wanted other states to follow suit.”

2 veto coalitions: 1st) most of Europe and Japan, wanting to protect existing markets, 2nd)

Brazil/China/India/Indonesia, wanting to protect potential *future* markets

Definition process: CFSs and other compounds found to be ozone-depleting

Regime creation: 1985 Vienna Convention for the Protection of the Ozone Layer

Fact-Finding: Antarctic ozone hole findings published a few weeks after Vienna

Regime strengthening: 1987 Montreal Protocol on Substances that Deplete the Ozone Layer (mandates 50% reductions and eventual phaseout of the 5 major CFCs—provisions for technical assistance and special treatment for developing countries). Coincided with DuPont’s work on CFC substitutes, which eased the transition away from ozone depleters. Subsequent debate focuses on methyl Bromide

3) Climate Change (115-128)

Complicating factors: the multiple sources of emissions that contribute to global warming; the scientific uncertainties regarding the chemistry of the atmosphere; the dependence on global climate modeling, which is far from an exact science

Definition process: various, but different states tend to look at issue through one of the following three lenses: “The perceived costs of climate change...are related primarily to the country’s “energy culture,” that is, its historical experience with fossil fuels in relation to its economic growth. Because governments cannot estimate the eventual costs of mitigation measures in overall economic growth without far more information, perceptions of costs are usually shaped by their overall biases regarding energy policy. Who would be most likely to be a lead state in the following group? A veto state?

- 1) “states that are relatively dependent of imported energy and thus have learned to maintain high living standards while reducing their use of fossil fuels” (Japan/EU)
- 2) “states with large supplies of cheap energy resources and a culture of highly inefficient energy use” (US/Russia/China/India/Brazil/Mexico)
- 3) “states highly dependent on fossil fuel exports for income” (Arab oil states/Australia/Norway)

Regime creation: UN Framework Convention on Climate Change (UNFCCC) signed at Rio in 1992. Entered into force in 1994 after ratification by the requisite 50 states.

Regime strengthening: Kyoto Protocol signed at third COP: “the US delegation took the position that it could not accept any emissions reductions unless developing countries also agreed formally to control their emissions—a condition that had been mandated by a unanimous vote in the U.S. Senate but was clearly unacceptable to developing countries” Kyoto’s three key “flexibility mechanisms”: **Clean Development Mechanism (CDM)**, **Joint Implementation (JI)**, and **Emissions Trading**. Before entering into force, however, Kyoto required “ratification by fifty-five parties to the convention, accounting for at least 55 percent of the carbon dioxide emissions in 1990. Rejected by Bush in 2001, requiring the signing on by most other big polluters. Came into force with the signing of Russia in 2004.

Key climate change debate: adaptation versus mitigation. Mitigation focuses on *preventing* the harms of climate change, whereas adaptation focuses on dealing with them. Adaptation measures include: flood protection, appropriate land use, adjusted building codes and urban plans, insurance coverage, and other measures.

4) International Toxic Waste Trade (128-134)

Made an international priority in part by the cargo ship *Khian sea* and the international waste disposal incident that followed after it was unable to unload its 14,000 tons of incinerator ash anywhere during a 16 month voyage that eventually resulted in its illegally dumping the ash in the Atlantic/Indian oceans.

Definition process: (1984-5): UNEP guidelines “specified prior notification of the receiving state of an export, consent by the receiving state prior to export, and verification by the exporting state that the receiving state has requirements for disposal at least as stringent as those of the exporting state”

Regime creation: The Basel Convention on Control of Transboundary Movements of hazardous Waste and their Disposal... “suffered from a lack of precision on key definitions” (why would it be problematic to not have a clear definition of what constitutes “hazardous waste”?)

Regime strengthening: guidelines are now in place for 20 different types of hazardous wastes. This regime “shows how veto power can dissipate under pressure from a strong coalition,” and how NGOs like Greenpeace can influence a regime’s outcome.

5) Toxic Chemicals (134-143)

Why would “a **prior informed consent (PIC) procedure** to help countries, especially developing countries, learn about chemicals that had been banned or severely restricted in other countries so that they could make informed decisions before they allowed them as imports” be important? Who would want to expect such things, and what would be their motives for doing so?

Definition process: primarily due to a number of high-profile accidents (which still happen...)

Regime Creation: (various, but the focus is on the) 2001 Stockholm Convention on **Persistent Organic Pollutants (POPs)**. What are POPs, and why is the “dirty dozen” of such concern?