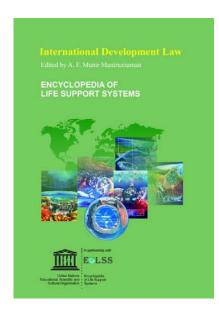
CONTENTS

INTERNATIONAL SUSTAINABLE DEVELOPMENT LAW



International Sustainable Development Law -

Volume 1

No. of Pages: 444

ISBN: 978-1-84826-314-7 (eBook) **ISBN**: 978-1-84826-764-0 (Print Volume)

International Sustainable Development Law -

Volume 2

No. of Pages: 396

ISBN: 978-1-84826-406-9 (eBook) **ISBN**: 978-1-84826-856-2 (Print Volume)

International Sustainable Development Law -

Volume 3

No. of Pages: 432

ISBN: 978-1-84826-410-6 (eBook) **ISBN**: 978-1-84826-860-9 (Print Volume)

For more information of e-book and Print Volume(s) order, please **click here**

Or contact : eolssunesco@gmail.com

CONTENTS

VOLUME I

Differing Conceptions Of Development And The Content Of International	1
Development Law	
Daniel D. Bradlow, International Legal Studies Program American University Washington College	e of

Daniel D. Bradlow, International Legal Studies Program American University Washington College of Law, Washington DC, USA

- 1. Introduction
- 2. A Brief History of IDL
- 3. Competing Views of Development
 - 3.1. The Traditional View of Development
 - 3.2. The Traditional View of Development and IDL
 - 3.2.1The Substantive Content of IDL
 - 3.2.2 Sovereignty and IDL
 - 3.2.3 The Relationship Between National and International Law
 - 3.2.4 The Role of International Human Rights Law in IDL
 - 3.3 The Modern View of Development
 - 3.4 The Modern View of Development and IDL
 - 3.4.1. The Substantive Content of IDL
 - 3.4.2 Sovereignty and IDL
 - 3.4.3. The Relationship between National and International Law
 - 3.4.4. The Role of International Human Rights Law in IDL
- 4. Some Thoughts on the Future Evolution of IDL

The Nature And Sources Of International Development Law

Sompong Sucharitkul, School of Law, Golden Gate University, USA

- 1. The Nature of International Development Law
 - 1.1 Definitional Problems
 - 1.1.1. Definition of Law1.1.2. Definition of International Law
 - 1.1.3. Definition of International Development Law
 - 1.1.4. International Development Law as Law
 - 1.2. Ideological Bases of International Development Law
 - 1.2.1. Economic and Social Advancement of All Peoples
- 2. Traditional and Contemporary Sources of International Development Law
 - 2.1. Participants in The Law-Making Process
- 3. Interim Observations

The Concept Of International Development Law

Anthony Carty, School of Law, University of Westminster, UK

1. The Definition of the Subject and the Range of its Problems.

- 2. The Conceptual Necessity for an International Development Law.
- 3. The Substantive Principles of an International Development Law.
 - 3.1. The Role of Doctrine in Developing Their Foundations
 - 3.2. Certain Fundamental Principles.

Participants And Their Role In The Development Of International Development Law

Paul J.I.M. de Waart, International Law Vrije Universiteit Amsterdam, the Netherlands

1. Introduction

46

59

The role of the human being

- 3. The role of peoples
 - 3.1. Identification of peoples
 - 3.2. Right to self-determination
 - 3.3. Right to development
- 4. The role of States
 - 4.1. The concept of sovereignty
- 5. The role of international organizations
 - 5.1. Identification of States
 - 5.2. United Nations
 - 5.3. Human development IGOs
 - 5.4. Economic growth IGOs
 - 5.5. Trade IGOs
- 6. The role of non-governmental organizations
 - 6.1. Civil society
 - 6.2. Business community
 - 6.3. Religion and belief bodies
- 7. Concluding remarks

International Development Law And Public International Law

101

Sompong Sucharitkul, School of Law, Golden Gate University, USA

- 1. International Development Law as an Offshoot of Public International Law
- 2. Public International Law as Provider of Material Sources of International Development Law
- 3. Shaping and Moulding of International Development Law
 - 3.1. International Liability and International Protection of the Environment
 - 3.2. The right to development as a third generation human right
- 4. The Right and Duty to Share Common Resources beyond National Jurisdiction
- 5. Obligations Relative to The Right to Sustainable Development
 - 5.1. Obligations to others
 - 5.2. Obligations to the international community
- 6. Conclusion

The Principle Of Sustainable Development In International Development Law

112

M. Fitzmaurice, Queen Mary College, University of London, London, UK

- 1. Introduction
 - 1.1. The Concept of Sustainable Development
 - 1.2. The Origins of the Principle
 - 1.3. From Stockholm to RIO
 - 1.3.1. The 1972 Stockholm Declaration- The Main Issues
 - 1.4. The RIO Declaration and Developing States
 - 1.5. The Aspects of the Definition of the Principle of Sustainable Development
 - 1.6 Definition of the Principle of Sustainable Development in the Context of Development Law
 - 1.7. The Aspects of Sustainable Development (in general)
 - 1.8. Intergenerational Equity
 - 1.9. Procedural Elements
- 2. Sustainable Development and Development within the United Nations System
- 3. The Issue of Poverty
- 4. The Global Economy, The World Bank Group, Development and Sustainable Development
- 5. Conclusion

Sustainability In International Law

137

S. Wood, Osgoode Hall Law School, York University, Canada

1. Introduction

- 1.1 Overview of the Subject
- 1.2 Scope of the Article
- 1.3 What is International Law?
 - 1.3.1. What Counts as "Law"?
 - 1.3.2. Who Are the "Members of the International Community"?
- 2. Origins of Sustainability in International Law
- 3. Sustainability as Optimal Exploitation of Living Resources
 - 3.1 Introduction
 - 3.2 Sustainability as Maximum Sustainable Yield (MSY)
 - 3.3 The MSY Era in International Law
 - 3 3 1 MSY's Rise to Prominence
 - 3.3.2 Early Results and Controversies
 - 3.4 The UN Law of the Sea Convention and the Displacement of MSY
 - 3.5 Recent Trends
 - 3.5.1. The Greening of International Fisheries Law
 - 3.5.2. The Ascendancy of the "Sustainable Utilization" Paradigm
 - 3.6 Conclusion
- 4. Sustainability as Respect for Ecological Limits
 - 4.1 Sustainability as a General Concern with Human-Nature Interaction
 - 4.2 Emergence of Sustainability as "Limits to Growth"
 - 4.2.1. The 1972 Stockholm Conference
 - 4.2.2. The 1982 World Charter for Nature
 - 4.3 Contemporary Manifestations
 - 4.4 Conclusion
- 5. Sustainability as Sustainable Development
 - 5.1 Introduction
 - 5.2 Emergence of Sustainable Development as the Dominant Vision of Sustainability in International Law
 - 5.2.1. The Brundtland Commission and the 1992 Earth Summit
 - 5.2.2. The Institutionalization of Sustainable Development
 - 5.2.3. Widespread Acceptance of Sustainable Development
 - 5.3 Fleshing Out the Meaning of Sustainable Development
 - 5.3.1. Basic Legal Elements
 - 5.3.2. A Proliferation of Legal Principles
 - 5.4 Conclusion
- 6. The Future of Sustainability in International Law

The Role Of International Law And Institutions

201

Aaron Schwabach, Thomas Jefferson School of Law, San Diego, California, USA Arthur J. Cockfield, Queen's University Faculty of Law, Kingston, Ontario, Canada

- 1. Introduction
- 2. History Toward the Formation of the Nation State
- 3. Functions and Structures of International Law and Institutions
- 4. Growing Political and Economic Interdependency within Institutional Settings
- 5. International Trade, Global Prosperity and Free Trade Hypocrisy
- 6. International Environmental Law and the Need for Multilateral Action
- 7. International High Technology Policy and the Digital Divide
- 8. New Directions in International Law
- 9. Conclusion

International Law And The Use Of Force

226

Sebastian Heselhaus, Assistant Professor, Justus-Liebig-University, Giessen, Germany

- 1. Introduction
- 2. Historical Development

- 2.1. The Hague Peace Conferences
- 2.2. The League of Nations Covenant
- 2.3. The Briand-Kellogg Pact
- 2.4. The Charter of the United Nations
- 2.5. Defining the Prohibition of the Use of Force by the General Assembly
- 2.6. Development of a Legal Framework
- 2.7. Enforcing International Law by the Use of Force
- 3. Content of the Prohibition of the Use of Force
 - 3.1. Prohibited Force
 - 3.2. Territorial Integrity and Political Independence
 - 3.3. Threat of Force
 - 3.4. Addressees of the Prohibition
 - 3.5. Force in International Relations
 - 3.6. The Prohibition of the Use of Force in International Customary Law
- 4. Exceptions to the Prohibition
 - 4.1. Former Enemy States Clause
 - 4.2. Enforcement Actions by the Security Council
 - 4.3. Right of Self-Defense
 - 4.3.1. Significance
 - 4.3.2. Definition of an Armed Attack
 - 4.3.3. Limitations to the Right of Self-Defense
 - 4.3.4. Collective Self-Defense
 - 4.3.5. Self-Defense in International Customary Law
 - 4.4. Specific Issues
 - 4.4.1. Preventive Self-Defense
 - 4.4.2. International Terrorism
 - 4.4.3. Use of Force in Spheres of Influence
 - 4.4.4. Protection of Nationals Abroad
 - 4.4.5. National Liberation
 - 4.4.6. Humanitarian Intervention
- 5. Legal Framework
- 6. Future Prospects

Life Support Systems: Law And Policy

254

- J. William Futrell, President, Environmental Law Institute, Washington, DC, USA
- 1. A Growing Consensus for Law and Policy to Foster Sustainable Development 2. The Split Personality of Environmental and Natural Resources Law
- 3. Legal Structures to Incorporate the Findings of Environmental Science
- 4. Legal Structures to Incorporate the Precepts of Environmental Economics
- 5. First Steps to Creating Sustainable Development Law
- 6. Competing Values: Forging the Link Between Environmental Ethics and Legal Ethics

Oil Supply, Oil Security, And Environmental Objectives In International Law

273

Richard F. Scott, Distinguished Professor of International Law, Thomas Jefferson School of Law, San Diego, California, U.S.A. Former Legal Officer, UNESCO, Paris, France

- 1. Introduction
- 2. Sovereignty over Natural Resources: The Legal Dimension
- 3. The Organization of Petroleum Exporting Countries
- 4. The International Energy Agency
 - 4.1. The Oil-Consumer Countries' Responses to OPEC's Actions (1973/74)
 - 4.2. IEA Energy Security: Expansion of the Vital Concept
- 5. The Energy Charter Treaty
- 6. Oil and the Environment, Global Warming

- 6.1. Oil and the Environment: Liability in International Law
- 6.2. Oil, Global Warming, and Climate Change
 - 6.2.1. OPEC, IEA, and the Energy Charter Treaty
 - 6.2.2. Treaty Law in this Sector: The FCCC and the Kyoto Protocol

International Law And The Protection Of The Marine Environment

306

Howard S. Schiffman, International Programs, New York University School of Continuing and Professional Studies, USA

- 1. Introduction
- 2. Major Developments in the International Law of Marine Environmental Conservation
 - 2.1. The 1972 Stockholm Conference on the Human Environment
 - 2.2. The 1982 United Nations Convention on the Law of the Sea
 - 2.2.1. The Territorial Sea
 - 2.2.2. The Exclusive Economic Zone
 - 2.2.3. The High Seas
 - 2.2.4. Protection and Preservation of the Marine Environment
- 3. Marine Pollution
 - 3.1. Shipping and Marine Accidents
 - 3.2. Dumping
 - 3.3. Pollution from Seabed Activities
 - 3.4. Land-Based Pollution
 - 3.5. Atmospheric Pollution
- 4. Marine Wildlife Conservation in Law and Policy
 - 4.1. Fisheries
 - 4.1.1. Scientific Uncertainty and the Precautionary Approach
 - 4.1.2. Regional Fishery Arrangements
 - 4.2. Climate Change
 - 4.3. Exotic Species
 - 4.4. Major Treaties Addressing Fundamental Issues of Marine Wildlife Conservation
 - 4.4.1. The Convention on International Trade in Endangered Species of Wild Fauna and Flora
 - 4.4.2. The Convention on Biological Diversity
 - 4.4.3. The Convention on Migratory Species
 - 4.5. The Special Problem of Cetaceans
- 5. Conclusion

Sustainable Development And National Governance: The Challenges Ahead

329

John C. Dernbach, Widener University Law School, USA

A. Dan Tarlock, Chicago-Kent College of Law, Illinois Institute of Technology, USA

- 1. Sustainability and National Governance
 - 1.1. Old Model: Development
 - 1.2. Failure: Environmental Degradation and Poverty
 - 1.3. New Model: Sustainable Development
 - 1.3.1. Stockholm and After
 - 1.3.2. RIO and After
 - 1.4. Purposes of Sustainable Development
 - 1.4.1. Environmental and Development Goals
 - 1.4.2. Intergenerational Equity
 - 1.4.3. A Normative Framework
- 2. Principles for National Governance
 - 2.1. Common Responsibilities
 - 2.1.1. Role of National Governments
 - 2.1.2. Limitations
 - 2.1.2.1 Subsidiarity
 - 2.1.2.2 Public Participation

- 2.1.2.3 International Partnership
- 2.2. Differentiated Responsibilities
 - 2.2.1. Environmental Responsibilities
 - 2.2.2. Financial and Other Assistance
 - 2.2.3. Consumption of Materials and Energy
- 2.3. Key Decision-Making Principles
 - 2.3.1. Integrated Decision-Making
 - 2.3.1.1 Procedural Integration
 - 2.3.1.2 Substantive Integration
 - 2.3.2. Polluter-Pays Principle
 - 2.3.3. Precautionary Approach
- 2.4. National Governance and International Cooperation
- 3. National Laws and Institutions
 - 3.1. What Is Needed
 - 3.2. Why Institutions Have Not Developed to Implement Sustainable Development
 - 3.2.1. It's Not My Fault, It's Yours
 - 3.2.2. Representative Government Often Does Little More Than Preserve the Status Quo
 - 3.3. Why Appropriate Institutions May Develop in the Future
- 4. Conclusion

Index 371

About EOLSS 379

VOLUME II

History Of Environmental Law

1

A. Dan Tarlock, Distinguished Professor of Law and Co-Director, Program in Environmental and Energy Law, Chicago-Kent College of Law, USA

- 1. Introduction: The Purpose of Environmental Law
- 2. Roots of environmentalism
 - 2.1. The domination of nature from antiquity to the rise of environmentalism
 - 2.2. The counter-tradition
- 3. The modern environmental movement
 - 3.1. The Immediate Political Origins
 - 3.2. The Legal Legacy of Environmentalism
- 4. The rise of modern environmental law
 - 4.1. The Intellectual Foundations of Environmental Law
 - 4.2. Economics
 - 4.3. Ecology
 - 4.4. Ethics
- 5. The fundamental principles and characteristics of modern environmental law
 - 5.1. The enforcement of environmental laws should be shared between public officials, private citizens and NGOs
 - 5.2. The adverse environmental impacts of activities should be addressed in advance of actions that are likely to cause environmental degradation.
 - 5.3. Existing pollution discharge should be rolled back and new discharge should be minimized within the constraints of technology and economics
 - 5.4. Risk prevention is a legitimate basis for environmental regulation
 - 5.5. It is Legitimate to Protect Non-Human Interests
- 6. Conclusion

Constitutional Law

J. B. Ruhl, Florida State University, College of Law, USA

1. Introduction

26

- 2. Non-Constitutionalism—Not Then, Not Now, Not Ever?
 - 2.1. The United States-A Case Study of the Extreme
 - 2.1.1 Saying No to Interpretations of Environmental Policy from General Text
 - 2.1.2 Saying No to Specific Environmental Policy Provisions
 - 2.1.2.1 Not Then
 - 2.1.2.2 Not Now
 - 2.1.2.3 Not Ever
 - 2.2 Other Examples
 - 2.3 The Consequences of Non-Contitutionalism
- 3. First Generation Environmental Constitutionalism-Form without Substance?
 - 3.1. The First Generation Experience in National Constitutions
 - 3.1.1 Legislative Power Provisions
 - 3.1.2 Government Policy Provisions
 - 3.1.3 Fundamental Rights Provisions
 - 3.2. State Constitutions in the United States
 - 3.3. State Constitutions Outside the United States
 - 3.4. Judicial Activism
- 4. Second Generation Constitutionalism-A New Direction?
 - 4.1 Human Rights to Life
 - 4.2. Public Access, Participation, and Enforcement Initiatives
 - 4.3. Sustainable Development
- 5. Conclusion

Sovereignty Over, Ownership Of, And Access To Natural Resources

51

Leo-Felix Lee, Former Assistant, German Advisory Council on Global Change, Germany

- 1. Introduction
- 2. Sovereignty over Natural Resources
 - 2.1. Absolute Territorial Sovereignty and Integrity
 - 2.2. Community of Property
 - 2.3. Relative Territorial Sovereignty and Integrity
 - 2.4. Present Trends
 - 2.4.1. Collision of Relative Sovereignty and Integrity in the Light of Rising Utilizaiton Pressure and Scientific Knowledge
 - 2.4.2. Multilateral Agreement Approach towards Global Environmental Problems
 - 2.4.3. Social and Economic Issues
 - 2.4.4 The Other Side of the Coin: Proceduralization
- 3. Ownership of Natural Resources
 - 3.1. Public Ownership of Natural Resources
 - 3.2. Public Law Constraints on Private Ownership Rights
 - 3.3. Ownership and Economic Instruments
 - 3.3.1 Water Marketing
 - 3.3.2 Tradable Emission Certificates

Biodiversity Conservation And Endangered Species Protection

83

Bryan Bachner, School of Law, City University of Hong Kong, Hong Kong, China

- 1. Introduction
- 2. The Decline in Biological Diversity
- 3. A Regulatory Framework for Biodiversity Conservation
 - 3.1. International Judicial Opinion
 - 3.2. International Treaties
 - 3.2.1 General Principles
 - 3.2.2 Law concerning Specific Species or Habitat
 - 3.2.2.1 Marine Based
 - 3.2.2.2 Species Based

- 3.2.2.3 Land-based
- 3.2.3 Laws with Global Relevance
- 3.3. National Laws
 - 3.3.1 Europe
 - 3.3.2 United States
 - 3.3.3 China
- 3.4. Conclusion

Environmental Conflict Resolution: Suits

106

R. K. Paisley, Andrew Thompson Natural Resources Law Program, Faculty of Law, University of British Columbia, Vancouver, Canada

- 1. Introduction
- 2. Legal Mechanisms Available to Conserve and Protect Pacific Salmon and Their Habitat
 - 2.1. Lawsuits and international legal obligations to preserve and protect the environment
 - 2.2. Criminal suits pursuant to the Fisheries Act and the Waste Management Act
 - 2.3. Suits by private individuals
 - 2.4. Review of and Appeals from Administrative or Regulatory tribunals
 - 2.5. Suits by First Nations (aboriginal peoples)
- 3. Enforcement
- 4. Strategic Considerations in Environmental Suits
- 5. Thoughts for the future

Dimensions Of Sustainable Development

122

Reinmar Seidler, Department of Environmental Biology, University of Massachusetts Boston, USA Kamaljit S. Bawa, Department of Environmental Biology, University of Massachusetts Boston, USA

- 1. Introduction
- 2. Definitions of Sustainable Development
 - 2.1. Economic definitions of sustainable development
 - 2.2. Ecological-economic definitions of sustainability
 - 2.3. Ecologists and economists: collaborative redefinitions
- 3. Capital Resources Needed for Sustainable Development
 - 3.1. Natural capital
 - 3.2. Human capital
 - 3.3. Manufactured, technological, and financial capital
- 4. Management for Sustainable Development
 - 4.1. Complexity and uncertainty
 - 4.2. Adaptive management
 - 4.3. Monitoring and sustainability indicators
 - 4.4. National accounts
- 5. Legal Issues
- 6. Images: The Future of Sustainable Development
 - 6.1. Steady-state economy
 - 6.2. Dematerialization
 - 6.3. Energy
 - 6.4. Community, free trade, and the global economy
 - 6.4.1. Free trade versus free capital mobility
 - 6.4.2. Communities and corporate entities
 - 6.4.3. National and global environmental security
 - 6.4.4. North-South relations
 - 6.4.5. Human nature

Sustainable Development: Legal Issues And Incentives

142

- J. H. Archer, Graduate Department of Environmental, Coastal, and Ocean Sciences, University of Massachusetts, Boston, USA
- M. P. Eppling, Graduate Department of Environmental, Coastal, and Ocean Sciences, University of Massachusetts, Boston, USA
- C. A. Biegel, Graduate Department of Environmental, Coastal, and Ocean Sciences, University of Massachusetts, Boston, USA
- 1. Introduction
- 2. Background
 - 2.1. The RIO Conference
 - 2.1.1. The RIO Declaration
 - 2.1.2. Agenda 21
 - 2.2. The Road to RIO
 - 2.3. After RIO
 - 2.3.1. International Institutional Developments
 - 2.3.2. International Legal Developments
 - 2.3.3. Evaluating Progress Since RIO
- 3. Critical Issues
 - 3.1. Identifying Sustainable Development Law
 - 3.2. Definitional Issues
 - 3.3. Intergenerational Equity
- 4. The Capacity of Sustainable Development Principles to Generate Standards
- 5. Compliance and Enforceability
 - 5.1. Nature of Legal Instruments
 - 5.2. Political, Institutional, and Monitoring Requirements
 - 5.3. Enforcement of and Compliance with International Environmental Regimes
 - 5.4. Transboundary Issues
- 6. Incentives for Sustainable Development
 - 6.1. Command and Control Policies
 - 6.2. Economic Instruments
 - 6.2.1. Environmental Taxes
 - 6.2.2. Transferable Discharge Permits
 - 6.2.3. Deposit-Refund Systems
 - 6.2.4. Subsidies
 - 6.2.5. Property Rights
 - 6.3. One Size Does Not Fit All: The Need for an Integrated Approach
 - 6.4. Incentives for Developing Countries
- 7. Conclusions

Urban Sustainability: Theoretical Perspectives On Integrating Economic Development And The Environment

172

David Gibbs, Department of Geography, University of Hull, UK

- 1. Introduction
- 2. Sustainable Development
- 3. Ecological Modernisation
- 4. Urban Regime Theory
- 5. Regulation Theory
- 6. Conclusions

Regulation Of Foreign Investment

195

Ibrahim F.I. Shihata, The World Bank, USA

- 1. Domestic Regulation
 - 1.1. Regulation in Inward-Looking Economies

- 1.2. Regulation in Outward-Looking Economies
- 2. International Regulation
 - 2.1 Bilateral Investment Treaties
 - 2.1.1 First Generation Treaties
 - 2.1.2 The New BITs
 - 2.2. Multilateral approaches
 - 2.2.1. Universal Conventions
 - 2.2.2. Regional Instruments
 - 2.2.3. Global Draft Agreements
 - 2.2.4. "Soft Law" Instruments
- 3 Future Trends

The Generalised System Of Preferences In International Trade

214

Juan C. Sánchez Arnau, Argentine Ambassador to the Russian Federation, former Representative to GATT and WTO

- 1. Introduction
- 2. The Implementation Process
- 3. Nature and Limits Of The GSP
 - 3.1. Beneficiary Countries
 - 3.2. Products Included and Preferential Margins
 - 3.3. Safeguard Clauses
 - 3.4. Clauses Aimed At Preventing a Concentration of Benefits among A Few Countries
 - 3.5. Special Treatment for the Least Developed Countries
 - 3.6. The Uncertainty of the GSP Schemes
- 4. The Results of the GSP
- 5. The GSP legal basis
 - 5.1 The multilateral decisions adopted by UNCTAD
 - 5.2 The GATT Waiver
 - 5.3 The Enabling Clause
 - 5.4 The Domestic Legal Decisions Adopted By the Preference-Giving Countries
 - 5.5 The Incorporation of Conditionality Clauses

Controlling Corruption In International Business: The International Legal Framework

232

Padideh Ala'I, American University Washington College of Law, Washington, D.C, USA

- 1. Introduction
- 2. The First International Anti-Corruption Movement (1975-1980)
- 3. The Second International Anti-Corruption Movement (1995-Present)
 - 3.1. Overview
 - 3.2. International Legal Framework against Corruption and Bribery
 - 3.2.1. The Inter-American Convention against Corruption (OAS Convention)
 - 3.2.2. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention)
 - 3.2.3. Initiatives by the United Nations
 - 3.2.4. Initiatives by the Council of Europe
 - 3.2.5. Initiatives by the Business Sector: International Chamber of Commerce and Corporate Codes of Conduct
 - 3.2.6. Initiatives by Civil Society: Transparency International and Integrity Pacts
 - 3.3. International Financial Institution's Efforts against Corruption and Bribery
 - 3.3.1. World Bank
 - 3.3.2. International Monetary Fund
 - 3.3.3. Asian Development Bank
 - 3.3.4. North American Development Bank
 - 3.3.5. European Bank for Reconstruction and Development
 - 3.3.6. African Development Bank

- 3.3.7. Inter-American Development Bank
- 3.4. Challenges faced by the Second International Anti-Corruption Movement
 - 3.4.1. The Limitations of the Economic Approach
 - 3.4.2. The Problem of Gifts, Facilitating Payments, and Bribes
 - 3.4.3. Corruption, Anti-Corruption, the Rule of Geographical Morality, and Colonialism
- 4. Conclusion

Development Law Capacity Building: Training Legal Professionals For Development

258

L.M. Hager, Former Director General, International Development Law Institute (IDLI), Italy

- 1. Introduction
- 2. Beginnings: the Rise and Fall of "Law and Development"
- 3. Revival: Development Law Training for a Global Market
- 4. Looking Ahead: Whither Development Law Capacity Building?
 - 4.1. "Low-End" Globalization
 - 4.2. Rules-Based International Order
 - 4.3. Conflict Resolution
 - 4.4. Interdisciplinary Advising
- 5. Conclusion

Dispute Resolution And Development

277

Detlev Vagts, Harvard Law School, MA USA

- 1. Introduction
- 2. History
- 3. Venues for Dispute Resolution
 - 3.1. The International Court of Justice
 - 3.2. The International Centre for the Settlement of Investment Disputes
 - 3.3. National Courts
 - 3.4. Commercial arbitration
 - 3.5 North American Free Trade Agreement
 - 3.6 The World Bank Inspection Panel
 - 3.7. The World Trade Organization
 - 3.8. Ad Hoc and Other Arrangements
- 4. The Law Governing Investment Disputes
 - 4.1. Party Choice of Law
 - 4.2. Relevant Bodies of Law
- 5. Procedural issues
 - 5.1. Nationality
 - 5.2. Exhaustion
 - 5.3. Trial Practice
 - 5.4. Enforcement of Awards
 - 5.5. Mediation
- 6. Conclusion

International Development Policies And Global Security

292

 $Vanessa\ Pupavac,\ School\ of\ Politics\ and\ International\ Relations, University\ of\ Nottingham,\ UK$

- 1. Introduction
- 2. Rise of Modernisation Theories
- 3. Modernisation and Culture
- 4. Problems of Unemployment
- 5. Western Cultural Ambivalence towards Modernity
- 6. Basic Needs
- 7. New International Economic Order or Sustainable development

 8. From Structural Adjustment to Wellbeing 9. Poverty Reduction Strategy Paper and Governance State 10. From National Development to Human Security 11. Conclusion: Future Development Directions and Debates 		
Index	325	
About EOLSS	331	
VOLUME III		
Economic Development And Government Michael W. Donnelly, University of Toronto, Toronto, Canada	2	
 Introduction: Economic Development as Interplay of Markets and Government The Idea of Mercantilism Adam Smith's Moral Economy and Self-regulating Markets Socialist Critiques of Capitalism Governments and Markets in a Polarized Age Recent Theories of Economic Development From Economic Growth to Human Development Political Science on Markets and Government The Study of Economic Development as Moral and Political Economy 		
International System Ryūhei Hatsuse, Kobe University, Japan	22	
 Systemic Approach 1.1 The Concept of System 1.2 International System and Society Analytical Term 1 International System, Morton Kaplan 2.2 International System, Kenneth N. Waltz 3 Limits of Scientific Arguments 4 The "Balance of Power" System Historical Term 1 The Western State System 2 The Demise of the Western State System 3 The Chinese World Order 4 The World System Prospects for a New System International Regimes Globalization 		
International Communication And World Affairs	38	

International Communication And World Affairs 38
Mark Dacosta Alleyne, Research Assistant Professor, Institute of Communications Research, University of Illinois at Urbana-Champaign, USA

- 1. Introduction
- 2. Communication and World Order
 - 2.1. International Communication and Technology
 - 2.2. International Communication and Functionalism
- 3. The Traditional Paradigm
 - 3.1.Universality

- 4. Paradigm Shift
 - 4.1. Telecommunication
 - 4.2. Globalization
 - 4.3. Neo-Liberalism
- 5. International Communication and Sustainable Development

Law And Sustainability: The Canadian Case

59

D.S. McRobert, In-House Counsel and Senior Policy Advisor, Environmental Commissioner of Ontario, Ontario, Canada

Geoff Ruby, Barrister and Solicitor, Toronto, Ontario, Canada

- 1. Introduction
 - 1.1. Law and Sustainability
- 2. The Canadian Legal System and Sustainability
 - 2.1. Principles Underlying the Canadian Legal System
 - 2.2. Key Actors in Achieving Sustainability in Canada
 - 2.2.1. Courts and Tribunals in Canada
 - 2.3. Private Law and the Environment in Canada
 - 2.3.1. Public Nuisance
 - 2.3.2. Private Actions
 - 2.3.3. Private Prosecutions of Public Laws
 - 2.4. Public Law and the Environment in Canada, 1900-1994
 - 2.4.1. Public Welfare Laws
 - 2.4.2. Regulation as a Mechanism to Limit Private Court Actions
 - 2.4.3. Permitting: Evolution of the Public Law Regulatory System in the 1970s
 - 2.5. Environmental Assessment
 - 2.6. Intervenor and Participant Funding
 - 2.7. Improving Access to Information
 - 2.8. Environmental Class Actions
 - 2.9. Environmental Rights Laws
- 3. Legal Mechanisms and Reforms for Promoting Sustainability, 1995-2007
 - 3.1. Federal Law Reform
 - 3.2. Laws to Enhance Public Participation
 - 3.2.1. International Participation
 - 3.3. Environmental Registries and Databases
 - 3.4. Statements of Environmental Values
 - 3.5. Sustainable Development Strategies
 - 3.6. Establishment of Government Auditors and Watchdogs
- 4. Other Sustainability Initiatives
 - 4.1. Efforts to Green Government
 - 4.2. The Standing Committee on Environment and Sustainable Development
 - 4.3. The Canadian Council of Ministers of the Environment (CCME)
 - 4.4. Other Federal-Provincial Institutions
 - 4.5. Indicators and Other Tools to Aid Decision-Makers in Achieving Sustainability
 - 4.6. Royal Commissions and Other Inquiries
 - 4.7. Roundtables
 - 4.8. Environmental Codes and Policies
 - 4.9. Expansions of Protected Areas
- 5. Current Sustainability Challenges Facing Canada
 - 5.1. Implementation and Administration
 - 5.2. Enforcement and Monitoring
 - 5.3. Market Distortions, Subsidies and Tax Law Reform
 - 5.3.1 Specific Federal Tax and Grant Incentives to Encourage Investments in Energy Efficiency and Renewable Energy Projects
 - 5.3.2. Provincial Carbon Taxes
 - 5.4. Role of Other Innovations and Flexible Regulation
 - 5.5. Municipal and Local Initiatives

- 5.5.1 Municipal Green Funds
- 5.6 Modest Progress on Climate Change
- 5.7. Ongoing Problems with Canada's System of Environmental Law
- 6. Sustainability on an International Level
 - 6.1. Treaties and Agreements to Promote Globalization and Trade
 - 6.2. The World Trade Organization
 - 6.3. Environmental Treaties and Multilateral Environmental Agreements
- 7. Conclusion

Gender Equality: A Women In Development Case Study

121

Carolyn M. Elliott, University of Vermont, USA

- 1. National Development Impacts on Women
 - 1.1 Major Gender Gaps in Development
 - 1.2 New Forms of Exploitation
 - 1.3 Social and Cultural Practices
- 2. Launching the Field of Women and Development (WID)
 - 2.1 Early Post-Colonial Aid to Women
 - 2.2 Integrating Women into Economic Development
 - 2.3 WID Concepts Take Hold
- 3. WID Strategies
 - 3.1 Economic Development Focus
 - 3.2 Support from In-Depth Studies
 - 3.3 Mainstreaming Aid to Women
- 4. Challenges to WID: New Voices
 - 4.1 The Impact of International Conferences
 - 4.2 New Visions of Development
 - 4.3 A Common Platform
- 5. International Women and Development NGOs
 - 5.1 Participation in International Conferences
 - 5.2 Types of WID NGOs
- 6. Association for Women's Rights in Development: A Case Study
 - 6.1 Founding and Early History
 - 6.2 Planning Conferences
 - 6.3 Board Member Interaction
 - 6.4 Broadening AWID's Agenda
 - 6.5 A More International AWID
 - 6.6 Responding to NGO Needs

International Cooperation For Sustainable Development In Africa

143

Emmanuel Kwesi Boon, Management and Environmental Management, Free University of Brussels, Belgium, and University of Ghana, Legon-Accra, Ghana.

- 1. Introduction
 - 1.1. Description of International Cooperation
- 2. Objectives of International Cooperation
 - 2.1. Promotion of Economic Well-Being
 - 2.2. Integration of Developing Countries into the World Economy
 - 2.3. Ensuring Social Development
 - 2.4. Environmental Regeneration and Sustainable Development
- 3. The Justification for International Cooperation
- 4. Forms of International Cooperation, Policies, and the Principal Actors
 - 4.1. Forms of International Cooperation
 - 4.2. International Cooperation Policies
 - 4.3. Principal Actors Involved in International Cooperation
 - 4.3.1. Intergovernmental Organizations (IGOs)

- 4.3.2. The Role of OECD in International Cooperation
- 4.3.3. The World Bank
- 4.3.4. The European Commission
- 4.3.5. The Lessons from the WB and the EC International Cooperation for Sustainable Development
- 4.3.6. International Non-governmental Organizations
- 5. A Case Study on International Cooperation for Sustainable Forestry Management
 - 5.1. World Wide Fund for Nature (WWF) as a Sustainable Development Activist
- 6. International Cooperation for Capacity Building for the Environment
 - 6.1. Modes of International Cooperation for Capacity Building
 - 6.1.1. Technical assistance
 - 6.1.2. Development assistance
 - 6.1.3. Organizational Development assistance
 - 6.1.4. Partnership
 - 6.2. Methods and Tools of International Cooperation for Capacity Building
 - 6.2.1. Financial assistance
 - 6.2.2. Legal mechanisms
 - 6.2.3. Education
 - 6.2.4. Technological Cooperation
 - 6.2.5. Information Technology and Networking
 - 6.2.6. Twining
 - 6.2.7. Developing Monitoring, Evaluation, and Control Capacities
- 7. Do International Cooperation Policies and Programs Work?
- 8. Conclusion

Strengthening Business And Industry For Sustainable Development In Africa

175

Kofi Manso-Essuman, Packaging Development Manager, Unilever Ghana Ltd., Tema, Ghana

- 1. Man and his Environment
- 2. Impacts of Industrialisation on the Environment
 - 2.1. Impact of Industrialization on Forestry Resources
 - 2.2. Impact of Industrialisation on Soil
 - 2.3. Conservation Strategies for Sustainable Development
 - 2.4. Impact of Industrialisation on Energy
 - 2.4.1 Solar Energy
 - 2.4.2 Hydroelectric Power
 - 2.4.3 Organic Waste and Refuse
- 3. Technology for Sustainable Development in Africa
- 4. Strategies to Strengthen Business and Industry in Africa
- 5. Capacity Building Initiatives
- 6. Legal and Regulatory Framework for Sustainable Development
- 7. Industry, Business and the Environment
- 8. Africa, Globalisation and Sustainable Development
- 9. Economic Growth and Sustainable Development

International Legal Instruments And Mechanisms

198

B. C. Chaytor, Senior Lawyer, Foundation for International Environmental Law and Development, School of Oriental and African Studies, University of London, UK

- 1. Introduction
 - 1.1 Sustainable Development in Africa
 - 1.2 The Soft Law Regime
 - 1.2.1 The RIO Declaration
 - 1.2.2 Agenda 21
- 2. Bio-diversity and Conservation
 - 2.1 Convention on Biological Diversity

- 2.1.1 Identification and Monitoring
- 2.1.2 In-Situ and Ex-Situ Conservation
- 2.1.3 Sustainable Use
- 2.1.4 Environmental Impact Assessment
- 2.1.5 Access to Genetic Resources
- 2.1.6 Technology Transfer and handling of Biotechnology
- 2.1.7 Financial Resources and Mechanisms
- 2.1.8 Other Provisions
- 2.1.9 Institutional Provisions
- 2.2 The African Convention
- 2.3 Migratory Species
 - 2.3.1 The Convention on Migratory Species
 - 2.3.2 The African-Eurasian Migratory Water bird Agreement
- 2.4 Wetlands Protection
 - 2.4.1 Listing Sites
 - 2.4.2 Wise Use
 - 2.4.3 Reserves and Training
 - 2.4.4 Consulting and Co-ordination
- 2.5 Trade in Endangered Species
 - 2.5.1 CITES
 - 2.5.2 Lusaka Agreement
 - 2.5.3 The Southern African Centre for Ivory Marketing
- 2.6 Regional Conservation Agreements
 - 2.6.1 Central African States
 - 2.6.2 East Africa
- 3. Resource Management and Land Use
 - 3.1 Desertification Convention
 - 3.1.1 General Commitments
 - 3.1.2 Commitments of Affected Country Parties
 - 3.1.3 Commitments of Developed Country Parties
 - 3.1.4 Action Programs
 - 3.1.5 Scientific and Technical Co-operation
 - 3.1.6 Funding and Institutional Arrangements
 - 3.1.7 The Regional Implementation Annex for Africa
 - 3.2 International Tropical Timber Agreements
 - 3.3 Regional Documents
 - 3.3.1 Zambezi River System
 - 3.3.2 Atlantic Fisheries
 - 3.3.3 Lake Victoria
 - 3.3.4 Southern African Development Community
 - 3.3.5 The Niger Basin
- 4. Emissions and Pollution
 - 4.1 Climate Change
 - 4.2 Vienna Convention on Ozone/Montreal Protocol
 - 4.3 MARPOL
 - 4.4 Regional Seas Conventions
 - 4.4.1 West and Central Africa
 - 4.4.2 East Africa
 - 4.4.3 Red Sea and Gulf of Aden Region
- 5. Toxic and Hazardous Materials
 - 5.1 The Basel Convention
 - 5.2 Bamako Convention
- 6. Chemical and Nuclear Weapons
 - 6.1 Nuclear Weapons
 - 6.1.1 Nuclear Testing
 - 6.1.2 Nuclear Non-proliferation
 - 6.1.3 African Nuclear-Weapon-Free Zone
 - 6.2 Chemical Weapons

7. Conclusion

International Cooperation In Sustainable Development

229

James Busumtwi-Sam, Department of Political Science, Simon Fraser University, Canada

- 1. Introduction
- 2. Contemporary Challenges in Sustainable Development
 - 2.1. Maintaining World Economic Growth, and Reducing World Poverty and Inequality
 - 2.2. World Population Growth and Food Production
 - 2.3. Conserving Biodiversity, Natural Habitats, and Natural Resources
 - 2.4. Meeting the Demand for Renewable Energy
 - 2.5. Political Instability and Violence, and Social Disruption and Dislocation
 - 2.6. Finance for Sustainable Development
- 3. The Normative Dimension: The Evolution of Norms, Rules and Principles on Sustainable Development
 - 3.1. Customary International Law and the Environment Prior to 1972
 - 3.2. The Stockholm Conference on the Human Environment (1972)
 - 3.3. The United Nations Conference on the Environment and Development (1992)
 - 3.4. The Earth Summit II (1997)
 - 3.5. The World Summit on Sustainable Development (2002)
- 4. The Cognitive Dimension: The Political-Economy of Sustainable Development
 - 4.1. Genesis of the Concept of Sustainable Development
 - 4.2. The Goals of Development
 - 4.3. Market Instruments and Sustainable Development
 - 4.4. Criticisms of Market Instruments
- 5. The Regulative Dimension: Multilateral Institutions and Sustainable Development
 - 5.1. Multilateral Treaty-Making and the Environment
 - 5.2. The Institutional Framework for International Cooperation in Sustainable Development
 - 5.2.1. Global Policymaking for Sustainable Development: The UNGA and the ECOSOC
 - 5.2.2. Global Coordination for Sustainable Development: The CSD, UNEP and UNDP
 - 5.2.3. Finance and Sustainable Development: The IMF and the World Bank
 - 5.2.4. The Global Environment Facility
 - 5.2.5. Trade and Sustainable Development
 - 5.2.6. Other Agencies in the UN System
 - 5.2.7. International Non-Governmental Organizations
- 6. Conclusion: Meeting the Challenges of Sustainable Development

International Legal Instruments And Mechanisms On The Environment: A Russian Perspective

271

O.S. Kolbasov (Deceased), Institute of State and Law, Russian Academy of Sciences, Russia

- 1. Constitutional Provisions
- 2. The Principle of International Law Priority
- 3. Russia's Participation in International Cooperation on Environmental Issues
- 4. Declarations of the UN Conferences
 - 4.1. The Stockholm Declaration on the Human Environment (1972)
 - 4.2. The RIO Declaration on Environment and Development
- 5. The UN Framework Convention on Climate Change
- 6. Conventions for the Protection of the Ozone Layer (Vienna 1985 and Montreal 1987)
- 7. The Geneva Convention on Long-Range Transboundary Air Pollution
- 8. The Convention on Biological Diversity
- 9. The Convention Concerning the Protection of World Cultural and Natural Heritage
- 10. Russia's Participation in International Conferences
- 11. Russia's Participation in International Environmental Organizations
- 12. The International Covenant on Environment and Development

International Binding Mechanisms 286 Duncan French, University of Sheffield, UK. 1. Introduction 2. Nature and History of International Environmental Law 3. Dispute Settlement in International Environmental Law. 4. Sustainable Development and International Law 4.1. History of Sustainable Development in International Law. 4.2. The Influence of Sustainable Development in International Law 5. European Environmental Law: A Regional Success Story? 6. Conclusion **International Guidelines And Principles** 307 Duncan French, University of Sheffield, UK. 1. Introduction 2. Role of Soft Law in International Environmental Law 3. Status of Principles in International Environmental Law 4. Environmental Principles 4.1. 1972 Stockholm Declaration 4.2. 1992 Rio Declaration 4.3. Article 3 Climate Change Convention 4.4. 'Core' Principles 4.4.1. 'No Harm' Principle (Principle 21) 4.4.2. Precautionary Principle 4.4.3. Principle of Integration 4.4.4. Common but Differentiated Responsibilities 5. Conclusion **International Agreements** Catherine-Zoi Varfis, Senior Legal Research Fellow, Centre for International Sustainable Development Law (CISDL); Luxembourg. Lorna M Wilson, Research Assistant, University of Aberdeen, UK 1. Introduction: IEAs, International Law and the International System 2. History of international environmental diplomacy 3. Typology and common characteristics 4. Problems and weaknesses 5. Future Perspectives

Index 359

About EOLSS 367