

## Index

Bolivia, FSC in, 3-4 activity-based model, of regulatory strategy, bonding technologies, 110-111 100-102, 120-123 case analyses for, 124-125. See also Carbon through licensing, 168-169 Neutral Protocol; Compact of Mayors; through permitting, 168–169 Fuel Quality Directive; Paris Agreement; reporting requirements in, 167-168 Regional Greenhouse Gas Initiative through valorization, 168 justification for, 100, 117-120 Brazil, 83 overview of, 101-102 Brexit, 11 recursive stages of regulation, 105-118 Brütsch, Christian, 5-6 administrative law, 226-233 GAL, 218, 230-233 CAC. See Codex Alimentarius Commission Affolder, Natasha, 193, 203–204 Canada, 83 allowances, as regulatory instruments, 109, 164-166 emissions reductions targets in, 115 capacity building, through PA, 128 Andonova, Liliana, 9 APEC. See Asia-Pacific Economic Cooperation cap-and-trade programmes, 83. See also Regional Mechanism Greenhouse Gas Initiative ASEAN. See Association of Southeast Asian Carbon Disclosure Project (CDP), 150 Nations Carbon Neutral Protocol (CNP), 143-148 Asia-Pacific Economic Cooperation Mechanism certification logo, 145-146 (APEC), 40 engagement approaches, 145-147 goal setting in, 143 Association of Southeast Asian Nations (ASEAN), CarbonNeutral certification as result of, 143 35-36 Austria, 75 learning activities, 147-148 normalisation processes of, 143-145 CarbonNeutral certification through, 143-144 Ban Ki-Moon, 148 standardisation, 145 Basel Convention on the Control of Transboundary Movement of Hazardous reporting, 147 Waste and their Disposal, 57 response activities, 148 Basque Declaration, 85 review, 147-148 Belgium transparency, 145-148 COMO in, 183-184 CBD. See Convention on Biological Diversity Constitution, 27 CCR. See Cost Containment Reserve bespoke mechanisms, 131, 145-146 CCRF. See Code of Conduct for Responsible bias, in collective action TER, 58-60 Fisheries Black, Julia, 33 CDM. See Clean Development Mechanism Bloomberg, Michael, 148 CDP. See Carbon Disclosure Project



Centre for Sustainable Shale Development	Code of Conduct for Responsible Fisheries
(CSSD), 44	(CCRF), 245–246
chemicals regulation, 12-17	Codex Alimentarius Commission (CAC), 48
CJEU jurisdiction, 16	collective action TER, 57-63
ECHA, 13–14	bias in, 58–60
EEC and, 12	consensualism in, 58–60
EU classification, packaging and labelling, 12	hybridisation in, 60–62
expansion of, 12	institutionalisation of, 60–62
GHS and, 15–16	managerialism in, 60–62
International Council of Chemicals Association	MEAs, 57–58
(ICCA), 12	profile of, 62–63
Inter-Organisational Program for the Sound	public/public nature of, 58 command-and-control
Management of Chemicals (IOMC), 15	
POPs Convention, 14–15, 112	in standard accounts, 92–93, 96
COP and, 14, 60	in TER, assumptions about, 174–175
private enterprises for, 16–17	COMO. See Covenant of Mayors Office
REACH Regulation, 12–14	Compact of Mayors, 148–152
authorisation, 13	CDP, 150
centralisation as part of, 13	engagement strategies, 150–151
institutional complexity of, 13–14	flexibility of, 164
registration, 13	goal setting, 149
SIEFs and, 13, 17, 112	learning strategies, 151
Responsible Care®, 16–17	normalisation processes, 149–150
IGOs and, 16–17	purpose of, 124
UNCED and, 15	response strategies, 151–152
China. See People's Republic of China	technical standards, 165
CITES. See Convention on International Trade in	compliance, in transnational sphere, 175-180
Endangered Species of Wild Fauna and	advantages of, 179
Flora	effectiveness of, 179–180
citizen complaints, 114	identity of actors, 177-179
civil regulation, 36	limitations of, 179
CJEU. See Court of Justice of the European	by MNEs, 179
Union	Conference on Parties (COP), 14, 60
Clean Development Mechanism (CDM), 83, 188	confidentiality, 192, 240
climate change. See also Carbon Neutral Protocol;	conflict of law doctrines, 202-203
Compact of Mayors; Covenant of Mayors	consensualism, in collective action TER, 58-60
for Climate and Energy; Fuel Quality	conservation law, private/private TER and, 44-45
Directive; Paris Agreement; Regional	constitutional democracies, law in, 26
Greenhouse Gas Initiative; United Nations	constitutional law, 226–233
Framework Convention on Climate	global constitutionalism, 227–228
Change	global environmental constitutionalism, 227–228
Intergovernmental Panel on Climate Change	containment, transnational law and, 198–202
(IPCC), 135–136	contestability principle, 241–244
inter-state treaty negotiation and, 8–9	limitations of, 242–243
MEA and, 8	Convention on Biological Diversity (CBD), 57–58,
TER influenced by, 7–8	63, 245
Vienna Convention for the Protection of the	Convention on International Trade in
Ozone Layer and, 8–9	Endangered Species of Wild Fauna and
CLRTAP. See Convention on Long-Range	Flora (CITES), 57–58
Transboundary Air Pollution	Convention on Long-Range Transboundary Air
CNP. See Carbon Neutral Protocol	
coalition building	Pollution (CLRTAP), 57 Convention on the Prevention of Marine
	Pollution by Dumping of Wastes and
in risk management TER, 80–81	
substitute TER, 74–76	Other Matters (London Convention), 39



Index 289

COP. See Conference on Parties corporate social responsibility (CSR), 43-44 risk management TER, 79-80 Cost Containment Reserve (CCR), 156 Cotterrell, Roger, 190-191 Court of Justice of the European Union (CJEU) chemicals risk regulation and, 16 public/private TER and, 42 transnational law and, 201 Covenant of Mayors for Climate and Energy, 47, 84, 87, 124, 148–149, 183, 243 Covenant of Mayors Office (COMO), 47-48, 183-184 Belgian law, 183-184 transnational law and, 186-187 CSR. See corporate social responsibility CSSD. See Centre for Sustainable Shale Development

decentred regulation, 33–34, 36–37 de-governmentalised regulation, 36–37 democracies. See constitutional democracies democracy. See constitutional democracies Designated National Authority (DNA), 188 deterrence, in transnational sphere, 175–180 effectiveness of regulation influenced by, 176 learning strategies and, 175 response strategies and, 175 disclosure-based regulation, 94 DNA. See Designated National Authority

early reduction allowances (ERAs), 156-157 ECHA. See European Chemicals Agency economic globalisation, TER and, 6-7 ecosystem services, 63 ECtHR. See European Court of Human Rights EEC. See European Economic Community EMA. See European Medicines Agency emissions reduction targets, 115 emissions trading systems (ETSs), 83 enforcement. See compliance; deterrence engagement strategies, 110-112, 166-169 bonding technologies for, 110-111 through licensing, 168-169 through permitting, 168-169 reporting requirements in, 167-168 through valorisation, 168 CNP, 145-147 communication strategies, 110 Compact of Mayors, 150-151 diversity of, 167 facilitation technologies, 111-112, 168 FQD, 137-140 facilitation mechanisms, 139-140

IMPEL, 139-140 labelling, 168 Paris Agreement, 127-130 through bespoke mechanisms, 131 RGGI, 156-157 CCR, 156 ERAs, 156-157 tradeability features, 156 enhancement TER, 82-88 amplification of, 85–88 cap-and-trade programmes, 83. See also Regional Greenhouse Gas Initiative complexity of, 85-88 ETSs, 83 identification of, 82 opacity of, 85-88 profile of, 88 in TER principles, 237 in transnational networks, 84-85 entitlements, as regulatory instruments, 109 Environment Act (1995), UK, 194 Environmental Protection Agency (EPA), US, 31 Environmental Protection Law (2014), People's Republic of China, 194 environmental regulation. See transnational environmental regulation Environmental Working Group (EWG), 31 EPA and, 31, 33 EPA. See Environmental Protection Agency EPFIs. See Equator Principles Financial Institutions Equator Principles, 54 Equator Principles Financial Institutions (EPFIs), Equilibrium Capital, 31-33 ERAs. See early reduction allowances essentialism, law and, 27 ETSs. See emissions trading systems EU. See European Union EU Biocides Regulation, 42 EU Emissions Trading Directive (EU ETD), 83 EU law. See European Union law EU standardisation bodies, 46 European Chemicals Agency (ECHA), 13-14 public/private TER, 42 European Commission, 7 European Court of Human Rights (ECtHR), 216 European Economic Community (EEC), chemicals regulation and, 12 European Environment Agency, 141 European Medicines Agency (EMA), 35 European Union (EU). hybrid TER in, 48

legitimacy of, 3



Index 290 European Union (EU). (cont.) GHGs. See greenhouse gases GHS. See Globally Harmonised System of state development within, transnational law as influence on, 189-190 Classification and Labelling of TER and, Brexit as influence on, 11 Chemicals transnational law and, 187-188 global administrative law (GAL), 218, 230-233 Global Compact, 42-43 European Union (EU) law precautionary principle in, 234 global constitutionalism, 227-228 public/public TER under, 39-40 Global Covenant of Mayors for Climate Energy. EWG. See Environmental Working Group See Compact of Mayors global environmental constitutionalism, 227-228 global law, 29-30. See also international law; facilitation technologies, 111-112, 168 FAO. See Food and Agriculture Organisation transnational law feedback, on regulatory activity, 113-114 GAL, 218, 230-233 Global Sustainable Turism Council (GSTC), 43 finance and investment sectors, private/private TER and, 45-46 globalisation. See also economic globalisation regulation theory influenced by, 53 financial mechanism, 112, 130-131, 168 Fish Stocks Agreement (FSA), 245 standard account of environmental regulation 'five-second' rule, 106-107 influenced by, 100 FLEGT. See Forest Law Enforcement, Globally Harmonised System of Classification and Governance and Trade Facility Labelling of Chemicals (GHS), 15-16 Food and Agriculture Organisation (FAO), goal setting in CNP, 143 71-72 food industry for Compact of Mayors, 127-149 CAC standards, 48 in PA, 126-127 hybrid TER in, 48 in recursive activities of regulation, 105-106 private/private TER and, 44 as outcome-oriented, 105 Forest Law Enforcement, Governance and Trade as performance-oriented, 105 Facility (FLEGT), 10-11 in RGGI, 127-154 as hybrid TER, 47 governance. See also private governance as public/public TER, 40 regulation and, 32 transnational, 31-37 VPAs and, 10 Forest Stewardship Council (FSC), 3-4, 111 greenhouse gases (GHGs), FQD and, 137 transnational law and, 187 GSTC. See Global Sustainable Tourism Council FQD. See Fuel Quality Directive Guatemala, FSC in, 3-4 FSA. See Fish Stocks Agreement Gunningham, Neil, 197 FSC. See Forest Stewardship Council Fuel Quality Directive (FQD), 134-143 harmonisation, 7, 44, 46, 65, 67-69, 83, 234, for biofuels, 135 237-238 engagement tools, 137-140 Harrop, Stuart, 69 facilitation mechanisms, 139-140 Hart, H. L. A., 26 high level of environmental protection (HLP) IMPEL, 139-140 goal setting in, 134-135 principle, 235 IPCC, 135-136 human rights, 223-226 normalisation activities, 135-137 PA and, 225 for GHG standardisation, 137 hybrid TER, 47-49 inter-regulatory cooperation, 136 advantages of, 49 purpose of, 134 in EU, 48 regulatory learning strategies in, 140-141 FLEGT, 47 response strategies, 141-143 in food industry, 48 Fuller, Lon, 196 IAHTS. See International Agreement on Human

General Agreement on Tariffs and Trade (GATT),

GAL. See global administrative law

65-66

Trapping Standards

Names and Numbers

ICANN. See Internet Corporation for Assigned



Association ICJ. See International Court of Justice ICLEI. See Local Governments for Sustainability IFOAM. See International Pederation of Organic Agriculture Movements ICJO. See International al David Organisation ILO. See International Amount Organisation ILO. See International Amount Organisation InD. See International Amount Organisation InD. See International Amount Organisation InD. See International Amount Organisation InDementation and Enforcement of Environmental Law (IMPEL), 139–140 International Organisation Individual Seabed Authority, 235–236 International Social and Environmental Accreditation and Labelling (ISEAL), 237 International Social and Environmental Comparent TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 eveniton of TER influenced by, 51 eveniton of Sea Turtles (IOC), 66 TEDs, 67 international Programisations (ICOs) International Council of Chemicals (ICO), 66 TEDs, 67 intergovernmental regulatory of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Council of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Council of Chemicals Association (ICCA), 16 I	ICCA. See International Council of Chemicals	scope of, 28–29
International Maritime Organisation (IMO), 35-36. International Cognitive Movements (ICOs. See interpovernmental organisation (IMO). See International Maritime Organisation (IMO). See International Debic law, 226-233 (International Social and Environmental Conservation of TER, substitute TER; international FER, substitute TER; instead facilitation TER definition of, 50-51 (See International Conservation of TER influenced by, 51 (International public law, 256-233) (International Organisation (IMO), 35-36 (International Conservation of Sea Turtles (IOC), 36 (International Conservation of Sea Turtles (IOC), 36 (International Council of Chemicals Association (ICCA), 16 (International Labour Organisation (ILO), 15 (ICCA), 16 (International Council of Chemicals Association (ICCA), 16 (International Council of Chemicals Association (ICCA), 16 (International Council of Chemicals Association (ICCA), 18 (International Labour Organisation (ILO), 15 (International Council of Chemicals Association (ICCA), 18 (International Council of Chemicals Association (ICCA), 18 (International Labour Organisation (ILO), 15 (International Council of Chemicals Association (ICCA), 18 (Internation		
IFOAM. See International Federation of Organic Agriculture Movements ICOs. See intergovernmental organisations ILO. See International Labour Organisation ILO. See International Agriculture Movements ICOS. See intergovernmental Law (IMPEL), 139–140 implementation and Enforcement of Environmental Law (IMPEL), 139–140 incentive-based regulation, 94–95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, 50–51, 55–88. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 65–70 ceclogic considerations for, 64 economic considerations for, 64 cronomic considerations for, 64 cronomic considerations for, 64 reconomic considerations for, 64 reconomic considerations for, 64 reconomic and convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 international approach to the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental Panel on Climate Change (IPCC), 135–136 International Council of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Labour Organisation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international Labour Organisatio		
Agriculture Movements ICOs See intergovernmental organisation IICO See International Labour Organisation IMO. See International Maritime Organisation IMO. See International Law (IMPEL), 139–140 incentive-based regulation, 94–95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, spossible Mining Assurance collective action TER, enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 earning from, 88–89 operations influenced by, 51 evoreoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 conometric on Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Court of Justice (ICJ), 222 international Court of Usice (ICJ), 222 international Labour Organisation (ILO), 15 international Justice (ICJ), 222 international convention for the Protection and Labelling International Organisation of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Accreditation and Labelling (ICSAL), 237 Internet Corporation for Assigned Names and Numbers (ICAN), 230–231 Inter-Organisational Program for the Sound Management of Chemicals (IOMC), 15 IOMC. See Intervalencia Componential International Council of Chemicals (IOMC), 15 International Organisation (ICO), 16 International Organis		International Maritime Organisation (IMO),
IGOs. See Intergovernmental Daganisations IMO. See International Labour Organisations IMO. See International Maritime Organisation Implementation and Enforcement of Environmental Law (IMPEL), 139–140 incentive-based regulation, 94–95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, 50–51, 55–88. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Labour Organisation (ICO), 15 international Labour Organisation (ICO), 15 international Labour of Labour Organisation (ICO), 15 international Labour of Labour of Labour of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Labour of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Labour of Chemicals Association (ICCA), 16 International Labour Organisation (ILO), 15 international Labour of Chemicals (ICOA), 16 International Labour of Chemicals Association (ICCA), 16 International Labour of Chemicals Association (ICCA), 16 International Labour of Chemicals Association (ICCA), 16 International Labour of C		
II.O. See International Maritime Organisation IMO. See International Maritime Organisation Implementation and Enforcement of Environmental Law (IMPEL), 139–140 intentitive for Responsible Mining Assurance (IRMA), 44 international TER; substitute TER; trade facilitation falleres, 70–77 trade facilitation failures, 70–77 trade facilitation failures, 70–77 trade facilitation for the Protection and Conservation of Sea Turtles (IOC), 66 ITEDs, 67 or intergovernmental Panel on Climate Change (IPCC), 135–136 International Convention for the Protection and Conservation of Sea Turtles (IOC), 66 intergovernmental Panel on Climate Change (IPCC), 135–136 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association of Pollution from Ships (Marpol), 12 22 22 23 23 24 24 24 24 24 24 24 24 24 24 24 24 24	9	
IMO. See International Maritime Organisation Implementation and Enforcement of Environmental Law (IMPEL), 130-140 incentive-based regulation, 94-95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, 50-51, 55-88. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50-51 evolution of TER influenced by, 51 learning from, 88-89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55-63 leakage risks, 56 state regulation failures, 70-77 trade facilitation, 63-70 recologic considerations for, 64 enconomic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (ICOs) Responsible Care® and, 16-17 in transnational environmental regulatory networks, 162 International Agreement on Human Trapping Standards (IAHTS), 65-66, 69 International Agreement on Human Trapping Standards (IAHTS), 65-66, 69 International Agreement on Human Trapping Standards (IAHTS), 65-66, 69 International Courcil of Chemicals Association (ICCA), 16 International Courcil of Chemicals Association (ICCA), 16 International Courcil of Chemicals Association (ICCA), 16 International Labour Organisation (ICLO), 15 international Labour Organisation (ICLO),		
Implementation and Enforcement of Environmental Law (IMPEL), 139–140 incentive-based regulation, 94–95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, 50–51, 55–88. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 learning from, 88–89 operations influenced by, 51 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for, 64 economic considerations for for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 Intermational Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Councetion for the Prevention of Pollution from Ships (MARPOL), 57–58 Intermational Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 Intermational Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 International Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 International Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 International Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 International Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 International Program for the Sound Management of Chemicals (IOMC), 15 intergovernmental Panel on Climate Change (IPCC), 135–136 I		
Environmental Law (IMPEL), 139–140 incentive-based regulation, 94–95, 172 Initiative for Responsible Mining Assurance (IRMA), 44 intentions, of TER, 55–58. See also collective action TER, enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 learning from, 88–89 operations influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 tata regulation faliures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Councetion for the Prevention of Pollution from Ships (MARPOL), 57–58 International Councetion of Ugastice (ICJ), 222 international Program for the Sound Management of Chemicals (IOC), 86 TEDs, 67 intergovernmental organisations (ICOs) Responsible Care® and, 16–17 in transnational and revironmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Councetion for the Prevention of Pollution from Ships (MARPOL), 57–58 International Councetion for the Protection and Labelling (ISEAL), 237 Inter-Organisation of Ceclogical Management of Chemicals Numbers (ICON), 15 interpovernmental Pagual on Climate Change (IPCC), 135–136 International Councetion for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 interpovernmental regulatory networks, 162 International Program for the Sound Management of Chemicals (IPCC). See Inter-American Convention for the Protection and Labelling (IPCC), 156 interpovernmental Panel on Climate Change (IPCC), 135–136		
Initiative for Responsible Mining Assurance (IRMA), 420–231 (IRMA), 420–233 (IRMA), 421–223 (IRMA), 421–223 international Courcid of Circle (ICQA), 15 international Council of Chemicals Association (ICCA), 16 International Council of Chemicals Ass	Environmental Law (IMPEL), 139–140	Accreditation and Labelling (ISEAL), 237
(IRMA), 44 intentions, of TER, 50–51, 55–88. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 elearning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (ICOs) Responsible Care® and, 16–17 in transnational environmental largulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 Intermational Agreement on Human Trapping Standards (IAHTIS), 65–66, 69 Intermational Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 Intermational Council of Chemicals Association (ICCA), 16 Intermational Foganisation of Propertics of Convention, 44–15 convention for the Protection and Convention for the Protection and Labour Organisation (ILO), 15 intermational Labour Organisations (ILO), 15 intermational Labour Organisations (ILO), 15 intermational Labour Organisation (ILO), 15 intermational Labour Organisation (ILO), 15 intermational Labour Organisations (ILO), 15 intermational Labour Organisation (ILO), 15 intermational Droganisation (ILO), 15 intermational Council of Chemicals (ICO), 16 intermational Council of Chemicals (ICO), 16 in		
intentions, of TER, 50–51, 55–58. See also collective action TER; enhancement TER; risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Program for the Sound Management of Chemicals (ICC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Program for the Protection and Conservation of Sea Turtles (IOC). See Internorganisational Program for the Sound Management of Chemicals Association of Sea Turtles (IOC). See International Organisation of Sea Turtles (ICC). See International Corganisation of Cose International Corganisation of Sea Turtles (ICC). See International law, 186 ISEAL. See International Corganisation of Sea Turtles (ICC), 66 TEDs, 67 intergovernmental program for the Sound Management of Chemicals and Environmental Accreditation and Environmental law, 185 Isea. See International Corganisation of Cose International law, 186 Isea. International Law, 220–23 international Law, 221–223 international Corganisation (ICO), 15 international Law, 221–223 international Law, 222–223 international Law, 222–223 international Law, 226–233 international Law, 226–233 international public law, 226–233 international publ		
collective action TER; enhancement TER; risk management TER; risk management TER; trade facilitation TER  definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–80 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 Intermational Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Council of Chemicals Association (ICCA), 16 Intermational Council of Chemicals Association (ICCA), 16 Intermational Pederation of Organic Agriculture Movements (IFOAM), 44 Intermational Labour Organisation (ILO), 15 intermational law, 28. See also global law customary, 28–29 environmental law and, 221–223 intermational public law, 226–233 intermational public law, 226–233 international public law, 226–233 international public law, 226–233  International public law, 226–233  International public law, 226–233  International public law, 226–233  International public law, 226–233  International public law, 226–233  International public law, 226–233  International public law, 226–233		
risk management TER; substitute TER; trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 evolution of TER influenced by, 51 evolution of TER influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 in transnational environmental regulatory networks, 162 Intergovernmental panel on Climate Change (IPCC), 135–136 Intermational Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Council of Chemicals Association (ICCA), 16 Intermational Council of Chemicals Association (ICCA), 16 Intermational Council of Chemicals Association (ICCA), 16 Intermational Federation of Organic Agriculture Movements (IFOAM), 44 Intermational Labour Organisation (ILO), 15 intermational law, 28. See also global law customary, 28–29 environmental and, 221–223 intermational public law, 226–233 intermational public law, 226–233 international public law, 226–233 international public law, 226–233 international public law, 226–233		
trade facilitation TER definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 Intermational Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Court of Justice (ICJ), 222 intermational Court of Justice (ICJ), 222 intermational Federation of Organic Agriculture Movements (IFOAM), 44 Intermational Labour Organisation (ILO), 15 intermational Law 28. See also global law customary, 28–29 environmental law, 223–223 intermational acase law and, 28–29 intermational public law, 226–233  IOMC. See Inter-Organisational Program for the Sound Management of Chemicals Sound Management of Chemicals Change IRMA. See Initiative for Responsible Mining Assurance ISEAL. See International Coganisation for Standardisation Chapter of Responsible Mining Assurance ISEAL See International Coganisation for Standardisation of Cale Invironmental Panel on Climate Change (IPCC), 66 of transnational law, 186 Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 labelling strategies, 168 Ladeur, Karl Heinz, 190 label		
definition of, 50–51 evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental Organisation (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Council of Conganic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international Law and, 221–223 international law, 28. See also global law customary, 28–29 environmental law and, 222–223 international public law, 226–233 international public law, 226–233		
evolution of TER influenced by, 51 learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Labour Organisation (ILO), 15 international Law and, 221–223 international awand, 28–29 environmental law, 226–233  IRMA. See Initergovernmental Panel on Climate Change IRMA. See Initerjovenide (ISEAL. See International Social and Environmental Accreditation on of Standards organisation for Standardisation of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Labelling strategies, 168  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197 challenges to international law; transnational law administrative, 226–233  global environmental constitutionalism, 227–228  international admoracies, 26 creation of, 26  definition of, 26  essentialist nature of, 27		
learning from, 88–89 operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 economic considerations for, 64 linter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Pederation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international Law and, 28–29 environmental law and, 221–223 international Law and, 28–29 international public law, 226–233		
operations influenced by, 51 overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international Law and, 28–29 environmental law, 221–223 international denvironmental law, 226–233  IRMA. See Inititative for Responsible Mining Assurance ISEAL. See International Social and Environmental Accreditation and Labelling ISO. See International Organisation of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185, 185–197 challenges to, 183–185, 185–197 challenges to, 183–185 conceptualisation  conservation of, 26 conservation of, 26 conservation and Labelling ISO. See International Convention for the Provention of CJEU, 16 of transnational Environmental Lavo, 185  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188		
overcoming governance challenges, of national environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Federation of Organis Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 28–29 international public law, 226–233  Issea L. See International Social and Environmental Conganication of Standardisation environmental Labelling IsoO. See International Organisation for Standardisation of CJEU, 16 of transnational law, 186 Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188 Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional 20constitutional 2		<u> </u>
environmental regulation, 55–63 leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of Chemicals Association (ICCA), 16 International Council of Chemicals Association (ICCA), 16 International Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 28–29 international public law, 226–233  ISEAL. See International Social and Environmental Accreditation and Labelling International Organisation or Standardisation  Environmental Accreditation and Labelling International Organisation or Standardisation  Standardisation  of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 20, 20, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 182–183, 185–197 challenges to, 182–183, 185–197 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
leakage risks, 56 state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 TEDs, 67 Tin transnational organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Council of Unstice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 28–29 international public law, 226–233  Environmental Accreditation and Labelling ISO. See International Organisation for Standardisation  Standardisation  (GCJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional; 226–233 international democracies, 26 creation of, 26 efinition of, 26 essentialist nature of, 27		
state regulation failures, 70–77 trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 Intermational Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international law and, 221–223 international quality law, 28. See also global law customary, 28–29 environmental law and, 221–223 international public law, 226–233   Labelling ISO. See International Organisation for Standardisation Standardisation  Standardisation  Standardisation  Standardisation  Standardisation  Standardisation  Standardisation  Agravias, Markus, 46–47, 221  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Labelling  IASO. See International Organisation for Standardisation  of CJEU, 16  of transnational law, 186  Karavias, Markus, 46–47, 221  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Labelling  IASO. See International Concurst and the protocol of Japan, emissions reductions targets in, 115  purisdiction  of CJEU, 16  of transnational law, 186  Karavias, Markus, 46–47, 221  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Labelling ISO. See International Organisation of CJEU, 16  of transnational Iaw, 186  Caravias, Markus, 46–47, 221  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Iaw administrative, 226–233  attributes of, 182–183, 185–197		
trade facilitation, 63–70 ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Count of Justice (ICJ), 222 international Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international public law, 226–233 international public law, 226–233  ISO. See International Organisation of Standardisation Standardisation economic considerations for, 64  Idana Convention for the Protection and CIJpan, emissions reductions targets in, 115 jurisdiction of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
ecologic considerations for, 64 economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Pederation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Law and, 221–223 international case law and, 28–29 international public law, 226–233  Standardisation  Standardisation  of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 efinition of 26 essentialist nature of, 27		
economic considerations for, 64 Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Edebardion of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  International public law, 226–233  International case law and, 28–29 international public law, 226–233  International province the Protection of CJEU, 16  of CJEU, 16  of transnational law, 186  Karavias, Markus, 46–47, 221  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190  law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197  challenges to, 183–185  conceptualisation of, 26  conservation, 44–45  constitutional, 226–233  in constitutional democracies, 26  creation of, 26  definition of, 26  essentialist nature of, 27		
Inter-American Convention for the Protection and Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international case law and, 28–29 environmental law, 226–233 international public law, 226–233  International public law, 226–233  International case law and, 28–29 international public law, 226–233  International public law, 226–233  International regulatory of JEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Iabelling strategies, 168 Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233  in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		Standardisadon
Conservation of Sea Turtles (IOC), 66 TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Council of the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organis Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–20 international public law, 226–233  jurisdiction of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional ism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 182–183, 185–197 conservation, 44–45 constitutional constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27	· ·	Japan emissions reductions targets in 115
TEDs, 67 intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  of CJEU, 16 of transnational law, 186  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–200, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
intergovernmental organisations (IGOs) Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  of transnational law, 186 Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
Responsible Care® and, 16–17 in transnational environmental regulatory networks, 162 Intergovernmental Panel on Climate Change (IPCC), 135–136 International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILCO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  Karavias, Markus, 46–47, 221 Krisch, Nico, 198–202, 209, 213 Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27	•	
in transnational environmental regulatory networks, 162  Intergovernmental Panel on Climate Change (IPCC), 135–136  International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58  International Council of Chemicals Association (ICCA), 16  International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law, and, 221–223 international public law, 226–233  International regulatory Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190  law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197  challenges to, 183–185  conceptualisation of, 26  conservation, 44–45  constitutional, 226–233  in constitutional democracies, 26  creation of, 26  definition of, 26  essentialist nature of, 27		or translational law, 100
International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Labour Organisation (ILO), 15 international Labour Organisation (ILO), 15 international Law and, 221–223 international case law and, 28–29 international public law, 226–233  International Panel on Climate Change (IPCC), 135–136  Krisch, Nico, 198–202, 209, 213  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190  law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197  challenges to, 183–185  conceptualisation of, 26  conservation, 44–45  constitutional, 226–233  global environmental constitutionalism, 227–228  in constitutional democracies, 26  creation of, 26  definition of, 26  essentialist nature of, 27		Karavias, Markus, 46–47, 221
Intergovernmental Panel on Climate Change (IPCC), 135–136  International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58  International Council of Chemicals Association (ICCA), 16  International Court of Justice (ICJ), 222 international environmental law, 221–223 International Federation of Organic Agriculture Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  Kyoto Protocol, 59, 170. See also Paris Agreement CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
(IPCC), 135–136  International Agreement on Human Trapping Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58  International Council of Chemicals Association (ICCA), 16  International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  CDMs under, 188  Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
Standards (IAHTS), 65–66, 69 International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  labelling strategies, 168 Ladeur, Karl Heinz, 190 law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27	(IPCC), 135–136	
International Convention for the Prevention of Pollution from Ships (MARPOL), 57–58  International Council of Chemicals Association (ICCA), 16  International Court of Justice (ICJ), 222 international environmental law, 221–223  International Federation of Organic Agriculture Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  Ladeur, Karl Heinz, 190  law. See also international law; transnational law administrative, 226–233  attributes of, 182–183, 185–197  challenges to, 183–185  conceptualisation of, 26  conservation, 44–45  constitutional, 226–233  global constitutionalism, 227–228  in constitutional democracies, 26  creation of, 26  definition of, 26  essentialist nature of, 27		labelling strategies 168
of Pollution from Ships (MARPOL), 57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  law. See also international law; transnational law administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
57–58 International Council of Chemicals Association (ICCA), 16 International Court of Justice (ICJ), 222 international environmental law, 221–223 International Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  administrative, 226–233 attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
International Council of Chemicals Association (ICCA), 16  International Court of Justice (ICJ), 222 international environmental law, 221–223 International Federation of Organic Agriculture Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  attributes of, 182–183, 185–197 challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
(ICCA), 16 International Court of Justice (ICJ), 222 international environmental law, 221–223 International Federation of Organic Agriculture  Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law  customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  challenges to, 183–185 conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
International Court of Justice (ICJ), 222 international environmental law, 221–223 International Federation of Organic Agriculture Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  conceptualisation of, 26 conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
international environmental law, 221–223 International Federation of Organic Agriculture  Movements (IFOAM), 44 International Labour Organisation (ILO), 15 international law, 28. See also global law  customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  conservation, 44–45 constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		
International Federation of Organic Agriculture  Movements (IFOAM), 44  International Labour Organisation (ILO), 15 international law, 28. See also global law  customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233  constitutional, 226–233 global constitutionalism, 227–228 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		*
Movements (IFOAM), 44 global constitutionalism, 227–228 International Labour Organisation (ILO), 15 global environmental constitutionalism, international law, 28. See also global law customary, 28–29 in constitutional democracies, 26 environmental law and, 221–223 creation of, 26 international case law and, 28–29 international public law, 226–233 essentialist nature of, 27		
International Labour Organisation (ILO), 15 international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233 global environmental constitutionalism, 227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27		**
international law, 28. See also global law customary, 28–29 environmental law and, 221–223 international case law and, 28–29 international public law, 226–233 international public law, 226–233 international public law, 226–233  227–228 in constitutional democracies, 26 creation of, 26 definition of, 26 essentialist nature of, 27	7. 11	
customary, 28–29 in constitutional democracies, 26 environmental law and, 221–223 creation of, 26 international case law and, 28–29 definition of, 26 international public law, 226–233 essentialist nature of, 27		
environmental law and, 221–223 creation of, 26 international case law and, 28–29 definition of, 26 international public law, 226–233 essentialist nature of, 27	_	,
international case law and, 28–29 definition of, 26 international public law, 226–233 definition of, 27		
international public law, 226–233 essentialist nature of, 27		,
private, 30 £U law, 39–40	private, 30	EU law, 39–40



292 Index

law (cont.) global, 29-30 GAL, 218, 230-233 international environmental, 221-223 pluralistic, 198, 206, 210-214, 231 project, 208 public, norms for, 205-206 public institutional, 226-233 reflexive, 185, 191, 196, 198, 206, 209-210 regional, 30 regulation compared to, 25-27 scope of, 25-27 soft, 201 supranational, 30 learning strategies, in regulation, 112-115, 169-171 through assessment, 114-115 through citizen complaints, 114 CNP, 147-148 Compact of Mayors, 151 deterrence and, 175 through feedback, 113-114 FQD, 140-141 from intentions, 88-89 PA, 131-132 RGGI, 157-158 legitimacy of EU, 3 of TER, 20, 258-264 transnational, 3 Lehmkuhl, Dirk, 5-6 lex congregatio, 208 lex digitalis, 208 lex mercatoria, 28, 207-208, 211 lex sportiva, 208 Local Governments for Sustainability (ICLEI), 41, 148 London Convention. See Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters Long-Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions (Sulphur Protocol, 1994), 170 Lowe, Mary Frances, 15 Majone, Giandomenico, 32-33 Maldives Seafood Processors and Exporters Association (MSPEA), 46-47 managerialism in collective action TER, 60-62 in TER principles, 257-258 Marine Stewardship Council (MSC), 36, 221 MARPOL. See International Convention for the Prevention of Pollution from Ships MEA. See multilateral environmental agreement Meidinger, Errol, 46

meta-regulation approach, 94-95 Mexico, 83 Michaels, Ralf, 202 Minamata Convention on Mercury, 39 Ming-Sung Kuo, 218 MNEs. See multinational enterprises 'Model Rule,' in RGGI, 155 Montreal Protocol, 59, 62, 168, 245 MSC. See Marine Stewardship Council MSPEA. See Maldives Seafood Processors and Exporters Association multilateral environmental agreements (MEAs), 8 in collective action TER, 57-58 as public/public TER, 39 multinational enterprises (MNEs), 71-72 compliance by, 179 national environmental regulation, TER compared to, 3-4 networks. See transnational environmental regulatory networks neutrality, in TER, 10 NGOs. See non-governmental organisations Nielsen, Vibeke Lehman, 177 non-governmental organisations (NGOs), in transnational environmental regulatory networks, 162 non-state market-driven (NSMD) regulation, 71 normalisation processes, in regulatory activity, 106-109 allowances, 109 in CNP, 143-145 CarbonNeutral certification, 143-144 standardisation, 145 in Compact of Mayors, 149-150 entitlements, 109 'five-second' rule, 106-107 flexibility as result of, 107-108 in FQD, 135–137 for GHG standardisation, 137 inter-regulatory cooperation, 136 in PA, 127-130 capacity building, 128 methodological standards, 129-155 principle-based standards, 127-128 procedural standards, 129 substantive standards, 128-129 prescription, 107-108 prices, 109 in RGGI, 154-156 'Model Rule,' 155 rules and standards, 106-108 standardisation approaches to, 108 NSMD regulation. See non-state market-driven regulation



OECD. See Organisation of Economic	identifying TER principles, deductive approach
Cooperation and Development	220–233, 249–250
Ong, David, 223	in human rights, 223–226
Organisation of Economic Cooperation and	in international environmental law, 221–223
Development (OECD), 15, 71–72	Oslo Principles, 220–221
public/private TER, 43	in public institutional law, 226–233
TER principles and, 223	identifying TER principles, inductive approach
Oslo Principles, 220–221	233–251
	in international public law, 226–233
Paris Agreement (PA), 126–134	managerial interpretations of, 249-251
bottom-up structure of, 126	multiple generations of, 216–217
engagement strategies, 127–130	in OECD countries, 223
through bespoke mechanisms, 131	participation, 240–241
flexibility of, 164	precautionary principle, 217, 234, 244-246
goal setting in, 126–127	progression, 248–249
human rights and, 225	proportionality principle, 216
normalisation activities of, 127–130	sound science requirements, 244-246
capacity building, 128	stakeholder participation, 240–241
methodological standards, 129–155	sustainable development, 246–249
principle-based standards, 127–128	transparency, 238–240
procedural standards, 129	private governance, TER and, 5
substantive standards, 128–129	private international law, transnational law and,
performance-based standards, 165	30
regulatory learning strategies in, 131–132	private regulation, 76
response strategies, 132–134	private TER, 43-47. See also Carbon Neutral
technical standards, 165	Protocol
transparency framework, 129–155	private/private, 43-46
Parker, Christine, 177	in conservation law, 44-45
PEFC. See Programme for the Endorsement of	as CSR, 43-44
Forest Certification	CSSD, 44
People's Republic of China, 194	in finance and investment sectors, 45-46
Pike, Drummond, 31	in food industry, 44
POPs Convention. See Stockholm Convention on	GSTC, 43
Persistent Organic Pollutants	IRMA, 44
precautionary principle, 217, 244–246	Responsible Care®, 43
in EU law, 234	substitute TER, 72
prices, in regulatory normalisation, 109,	private/public, 46-47
164–166	EU standardisation bodies, 46
principles, of TER	private oversight of public authorities, 46-47
in administrative law, 226–233	in transnational environmental regulatory
in constitutional law, 226–233	networks, 163
global constitutionalism, 227–228	Programme for the Endorsement of Forest
global environmental constitutionalism,	Certification (PEFC), 44–45
227–228	Progression principle, 248–249
contestability, 241–244	project law, 208
limitations of, 242–243	proportionality principle, 216
deductive approach to, 220–233, 249–250	public institutional law, 226–233
general characteristics, 233-237	public law norms, 205–206
in human rights, 223–226	public TER, 38–43
in international environmental law, 221–223	public/private, 42–43
Oslo Principles, 220–221	in CJEU cases, 42
in public institutional law, 226–233	ECHA, 42
ICJ rulings and, 222	EU Biocides Regulation, 42
identification of, 216–219	Global Compact, 42–43
identification of challenges 216-210	OECD guidelines, 42



Index 294 public TER (cont.) flexibility as result of, 107-108 public/public, 39-41 through prescription, 107-108 APEC, 40 prices in, 100 ASEAN, 40 for rules and standards, 106-108 collective action TER, 58 standardisation approaches to, 108 under EU law, 39–40 responses as, formulation of, 115-118 FLEGT, 40 individualised, 115-118 London Convention, 39 systemic, 116-118 MEAs, 39 Reductions in Environmental Deforestation and Forest Degradation (REDD), 83 Minamata Convention on Mercury, 39 SADC, 40 regime polycentricity, transnational law and, 197 SBT Convention, 39 regional fisheries management organisations in US, 41 (RFMOs), 245-246 Regional Greenhouse Gas Initiative (RGGI), 41, rationality of networks, 190 152-158 REACH Regulation. See Registration, Evaluation, engagement activities, 156-157 Authorisation and Restriction of Chemicals CCR, 156 Regulation ERAs, 156-157 reclamation, of transnational law, 198-202 tradeability features, 156 advantages of, 200-202 goal setting in, 127-154 CJEU rulings and, 201 normalisation processes, 154-156 disadvantages of, 200-202 'Model Rule' in, 155 soft law and, 201 participating states, 153 reconceptualisation, of transnational law, 206-213 purpose of, 153 function of law as result of, 209-210 regulated sources of, 152-153 through organisation, 207-209 regulatory learning strategies, 157-158 as plurality, 209 response strategies, 158 project law and, 208 regional law, transnational law and, 30 strengths of, 210-213 regional trade agreements, in trade facilitation structure of law as result of, 209-210 TER, 65-66 weaknesses of, 210-213 Registration, Evaluation, Authorisation and reconstruction, of transnational law, 202-206 Restriction of Chemicals (REACH) conflict of law doctrines, 202-203 Regulation, 12-14 expertise-driven proposals for, 206 centralisation as part of, 13 as law of society, 204-205 institutional complexity of, 13-14 through public law norms, 205-206 registration, 13 strengths of, 205-206 SIEFs and, 13, 17, 112 weaknesses in, 205-206 regulation. See also recursive activities; specific recursive activities, of regulation, 105-118 types of regulation engagement strategies, 110-112 civil, 36 decentred, 33-34, 36-37 bonding technologies for, 110-111 definitions of, 26-27, 34-35 communication strategies, 110 decentred, 33-34 facilitation technologies, 111-112 goal setting, 105-106 scope of, 37 de-governmentalised, 36-37 outcome-oriented, 105 performance-oriented, 105 determination of authority and, 34-35 learning as result of, 112-115 disclosure-based, 94 through assessment, 114-115 as dynamic, 27 of EMA, 35 through citizen complaints, 114 through feedback, 113-114 EPA and, 31, 33 goal of, 34 normalisation processes, 106-109 allowances in, 109 governance and, 32

incentive-based, 94-95

law compared to, 25-27

entitlements as part of, 109

'five-second' rule, 106-107



meta-regulation approach, 94–95 NSMD, 71	SADC. See South African Development Community
private, 76	Sarbanes-Oxley Act (2002), US, 203
responsive, 94	SBT Convention. See Southern Bluefin Tuna
scope of, 25–27	Convention
self-regulating strategies, 94	Scott, Colin, 33–34, 95
as transnational, 28–31	SEAP. See Sustainable Energy Action Plan
transnational governance and, 31–37	self-regulating strategies, 94
regulation theory, 51–53	SFI. See Sustainable Forestry Initiative
emergence of regulation, standard accounts for,	Shaffer, Gregory, 2, 30
51–52	SIEFs. See Substance Information Exchange
in national contexts, 52–53	Forums
risk reallocation in, 52	socially responsible investing (SRI), 193, 204
in transnational contexts, 53	soft law, 201
Equator Principles, 54	sound science requirements, in TER principles,
globalisation influences on, 53	244–246
under PA, 54	South Africa, Constitution in, 225–226
under TFEU, 53–54	South African Development Community (SADC)
under UNFCC, 54	40
regulatory space, 122	Southern Bluefin Tuna (SBT) Convention, 39,
response strategies, 115-118, 169-171	61–63
CNP, 148	TACs in, 59–60
Compact of Mayors, 151–152	sovereignty, 10, 186–189, 207
deterrence and, 175	SRI. See socially responsible investing
FQD, 141–143	stable conventions, 182-183. See also rule of
individualised responses, in regulation,	recognition
115–118	stakeholder participation, in TER principles,
PA, 132–134	240-241
RGGI, 158	standard account, of environmental regulation,
systemic responses, in regulation, 116-118	92–100, 118–120
Responsible Care®, 16-17, 54	command-and-control, 92–93, 96
IGOs and, 16–17	consequences of, 96–100
as private/private TER, 43	critique of, 96–100
as risk management TER, 78-79	development of, 92–96
responsive regulation, 94	globalisation as influence on, 100
RFMOs. See regional fisheries management	maturity of, 99–100
organisations	state-based environmental regulation, 254-258
RGGI. See Regional Greenhouse Gas	relevance of, 11
Initiative	Stockholm Convention on Persistent Organic
Richardson, Benjamin, 193, 204	Pollutants (POPs Convention), 14–15, 112
Rio Declaration on Environment and	COP in, 14, 60
Development, 222	Substance Information Exchange Forums
risk management TER, 77-81	(SIEFs), 13, 17, 112
anti-competitive behaviour management,	substitute TER, 71–77
80-81	coalition-building strategies, 74-76
coalition-building strategies, 80-81	intergovernmental organisations and, standard-
compliance-related challenges to, 80–81	setting by, 71–72
CSR frameworks, 79–80	NSMD, 71
lax standard-setting as challenge to, 80–81	as private/private, 72
private/private TER, 79	profile of, 76–77
profile of, 81	vulnerability of, 73–76
Responsible Care®, 78–79	Sulphur Protocol. See Long-Range Transboundar
risk reallocation, in regulation theory, 52	Air Pollution on Further Reduction of
rule of recognition, 26, 190	Sulphur Emissions



296

Cambridge University Press 978-1-108-41574-3 — Transnational Environmental Regulation and Governance Veerle Heyvaert Index More Information

Index

non-interventionist instruments, 173-174 supranational law, transnational law and, private TER, 174-175 sustainable development, in TER principles, categories of, 37-49 246-249 hybrid, 47-49 private TER, 43-47 Sustainable Energy Action Plan (SEAP), private/private, 43-46 Sustainable Forestry Initiative (SFI), 44-45 private/public, 46-47 public TER, 38-43 TACs. See total allowable catches public/private, 42-43 TEDs. See turtle exclusion devices public/public, 39-41 complexity of, 163-175 TEL. See Transnational Environmental Law TER. See transnational environmental interpretive freedom in, 165 regulation compliance with, 175-180 territoriality, transnational law and, 185-188 advantages of, 179 Covenant of Mayors and, 186-187 effectiveness of, 179-180 in EU, 187–188 identity of actors, 177-179 FSC and, 187 limitations of, 179 jurisdiction and, 186 by MNEs, 179 TEU. See Treaty of the European Union criticism of, 10-11 TFEU. See Treaty on the Functioning of the definitions, 2-3, 30 European Union deterrence in, 175-180 total allowable catches (TACs), in SBT, effectiveness of regulation influenced by, 59-60 trade facilitation TER, 64-70 learning strategies and, 175 compromise in, 67-68 response strategies and, 175 in international trade agreements, 65-66 disadvantages of, 1 profile of, 69-70 drivers of, 4-11 as public/public, 65 climate change, 7-8 in regional trade agreements, 65-66 economic globalisation, 6-7 legalisation of world politics, 5-6 stagnation as challenge to, 68-69 trading-up dynamics of, 67-68 private governance, 5 tradeability features, of RGGI, 156 risk regulation as, 9-10 transformation, of environmental regulatory transnational initiatives, 5 strategies, 91-100. See also standard establishment of, 51 account expansion of, 6 complexity of, 98-99 FLEGT, 10-11 disclosure-based regulation, 94 VPAs and, 10 through diversification, 91, 95, 97-98 hybrid, 47-49 incentive-based regulation, 94-95 advantages of, 49 meta-regulation approach, 94-95 in EU, 48 FLEGT, 47 principle-based approaches, 94-95 responsive regulation, 94 in food industry, 48 identity of, 1-4, 252-254 self-regulating strategies, 94 Transnational Environmental Law (TEL), legitimacy of, 20 long-range benefits of, 3-4 transnational environmental regulation (TER). national environmental regulation compared to, See also intentions; principles; private TER; public TER; transnational law neutrality in, 10 allowances in, 164-166 pricing, 164-166 assumptions about, 171-175 principles of, 2 identifying TER principles, deductive command-and-control, 174-175

flexible instruments, 172-173

incentive-based strategies, 172

nonbinding instruments, 171

approach, 220-233, 249-250

approach, 233-251

identifying TER principles, inductive



purposes of, 51	expertise-driven proposals for, 206
regulatory strategy in, 3	through public law norms, 205–206
rules of, 164–166	strengths of, 205–206
scholarship on, 2	weaknesses in, 205–206
scope of, 1–2	reflexivity of, 194–196
standards for, 164–166	regime polycentricity and, 197
state regulation and, 254–258	regional law and, 30
relevance of, 11	regulatory functions of, 195
terminology for, 2	state development and, 189–191
transformative impact of, 258-266	supranational law and, 30
on effectiveness of TER, 258–266	territoriality and, 185–188
on legal authority, 258–260	Covenant of Mayors and, 186–187
on legitimacy of TER, 258–264	in EU, 187–188
in UK, 11	FSC and, 187
universality of, 10	jurisdiction and, 186
in US, 11	transnational legitimacy, 3
transnational environmental regulatory networks,	transnational regulation, 28-31. See also
84–85, 161–163	transnational law
IGOs, 162	transparency, 238-240. See also principles,
lateral structure of, 163	of TER
multilevel governance structure, 162	Treaty of the European Union (TEU),
NGOs, 162	141
organisation of, 162–163	Treaty on the Functioning of the European Union
private TER regimes, 163	(TFEU), 53–54
rationality of, 190	FQD under, 141–142
World Cities Network, 41	turtle exclusion devices (TEDs), 67
transnational governance, 31-37	
transnational law, 28-31	UCLG. See United Cities and Local Government
in academic literature, 197	UK. See United Kingdom
autopoietic perspective on, 196	UN Convention on the Law of the Sea
constitutive functions of, 195	(UNCLOS), 245
constructivist perspective on, 196	UNCED. See United Nations Conference on
containment and, 198–202	Environment and Development
definition of, 28	UNCLOS. See UN Convention on the Law of th
impact on disciplinary divides, 191–193	Sea
international law compared to, 28-29	UNEP. See United Nations Environment
legal scholarship for, 30	UNFCCC. See United Nations Framework
lex mercatoria, 28	Convention on Climate Change
mapping of, 185–197	UNITAR. See United Nations Training and
private international law and, 30	Research Programme
reclamation as response to, 198–202	United Cities and Local Governments (UCLG),
advantages of, 200–202	148
CJEU rulings and, 201	United Kingdom (UK)
disadvantages of, 200–202	Brexit and, 11
soft law and, 201	Environment Act, 194
reconceptualisation as response to, 206-213	TER and, Brexit as influence on, 11
functional reconceptualisation, 209-210	United Nations Conference on Environment and
organisational reconceptualisation,	Development (UNCED), 15
207–209	United Nations Environment (UNEP), 16
strengths of, 210–213	United Nations Framework Convention on
structural reconceptualisation, 209–210	Climate Change (UNFCCC), 8, 54, 57.
weaknesses of, 210–213	See also Paris Agreement
reconstruction as response to, 202–206	United Nations Training and Research
conflict of law doctrines 202–202	Programme (UNITAR) 16



298

United States (US)
cap-and-trade programmes in, 83. See also
Regional Greenhouse Gas Initiative
EWG in, 31
ICLEI in, 41
public/public TERs in, 41
RGGI in, 41
Sarbanes-Oxley Act, 203
TER and, 11
WCI in, 41

Index

Vienna Convention for the Protection of the Ozone Layer, 8–9, 57, 59 Voluntary Partnership Agreements (VPAs), within FLEGT, 10

Western Climate Initiative (WCI), 41 WHO. See World Health Organisation World Cities Network, 41 World Health Organisation (WHO), 71–72 World Trade Organization General Council, 7