DEBATING CLIMATE LAW

What role could or should the law play in dealing with the climate emergency? In this innovative volume, leading scholars explore fundamental debates at the frontier of climate change law scholarship. They address the key areas of scholarly disagreement about what climate change law is, the legal rules it consists of, and how these rules could be implemented in the real world. The first eleven topics are debated by teams of scholars expressing diametrically opposite points of view on each topic, in traditional debating style; the last seven chapters are presented as an individual author’s own reflection on a topic that cannot readily be reduced to a binary debate. Each section is written in an accessible and thought-provoking way, emphasizing clear lines of argumentation. The debating-style format is designed to stimulate students to think critically and logically about the law and to fire up debate in and out of class.

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DEBATING CLIMATE LAW

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Benoit Mayer and Alexander Zahar

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ABBREVIATIONS

For journal names, see Cardiff Index to Legal Abbreviations, <www.legalabbrevs.cardiff.ac.uk/>.

AOSIS Alliance of Small Island States
BAU Business As Usual
BECCS Bioenergy with Carbon Capture and Storage
C40 Cities 40
CA Climate Assessment
CBD Convention on Biological Diversity
CBDR Common but Differentiated Responsibilities
CBDR-RC+ Common but Differentiated Responsibilities and Respective Capabilities in the Light of Different National Circumstances
CBDR-RC Common but Differentiated Responsibilities and Respective Capabilities
CCS Carbon Capture and Storage
CDR Carbon Dioxide Removal
CEDAW Committee on the Elimination of Discrimination Against Women
CEQ Council on Environmental Quality (United States)
CESCR Committee on Economic, Social and Cultural Rights (United Nations)
CH₄ Methane
CIA Climate Impact Assessment
CIEL Center for International Environmental Law
CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLRTAP Convention on Long-Range Transboundary Air Pollution
CM Climate Migration
CMA Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Paris Agreement
CMP Conference of the Parties to the UNFCCC serving as the Meeting of the Parties to the Kyoto Protocol
CO₂ Carbon Dioxide
CoM Covenant of Mayors for Climate and Energy
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>COP</td>
<td>Conference of the Parties to the UNFCCC</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>CVF</td>
<td>Climate Vulnerable Forum</td>
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<td>DACCS</td>
<td>Direct Air Capture with Carbon Capture and Storage</td>
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<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EIF</td>
<td>Entry Into Force</td>
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<td>ENMOD</td>
<td>Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques</td>
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<td>EPA</td>
<td>Environmental Protection Agency (United States)</td>
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<td>ERT</td>
<td>Expert Review Team</td>
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<td>EU</td>
<td>European Union</td>
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<td>GCF</td>
<td>Green Climate Fund</td>
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<td>GHG</td>
<td>Greenhouse Gas</td>
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<td>HE</td>
<td>Historical Emissions</td>
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<td>IACtHR</td>
<td>Inter-American Court of Human Rights</td>
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<td>ICAO</td>
<td>International Civil Aviation Organization</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICL</td>
<td>Intra-Climate Law</td>
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<td>ILC</td>
<td>International Law Commission</td>
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<td>INDC</td>
<td>Intended Nationally Determined Contribution</td>
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<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
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<td>ITLOS</td>
<td>International Tribunal for the Law of the Sea</td>
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<td>L&amp;D</td>
<td>Loss and Damage (associated with climate change)</td>
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<td>LDCs</td>
<td>Least Developed Countries</td>
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<tr>
<td>LEC</td>
<td>Land and Environment Court (New South Wales, Australia)</td>
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<td>MCB</td>
<td>Marine Cloud Brightening</td>
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<td>MEA</td>
<td>Multilateral Environmental Agreement</td>
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<td>MSP</td>
<td>Market Substitution Postulate</td>
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<td>NDC</td>
<td>Nationally Determined Contribution</td>
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<td>NEEDS</td>
<td>National Economic, Environment and Development Study</td>
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<td>NEPA</td>
<td>National Environmental Protection Act (United States, 1969)</td>
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<td>NET</td>
<td>Negative Emission Technique / Technology</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>N₂O</td>
<td>Nitrous Oxide</td>
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<td>Non-State Actor</td>
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<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
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<td>PCIJ</td>
<td>Permanent Court of International Justice</td>
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<td>SCRC</td>
<td>Special Circumstances and Respective Capabilities</td>
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<td>Stockholm Environment Institute</td>
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<td>SIDS</td>
<td>Small Island Developing States</td>
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<td>SRM</td>
<td>Solar Radiation Management</td>
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<td>STH Rule</td>
<td>Significant Transboundary Harm (Prevention) Rule</td>
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<td>Transboundary Significant Harm Rule</td>
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<td>TERT</td>
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<td>TWAIL</td>
<td>Third World Approaches to International Law</td>
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<td>UN Environment Programme</td>
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<td>UN General Assembly</td>
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<td>WIM</td>
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