

## 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*

## ABBREVIATIONS

For journal names, see Cardiff Index to Legal Abbreviations, <[www.legalabbrevs.cardiff.ac.uk/](http://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)
CH <sub>4</sub>	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
CO <sub>2</sub>	Carbon Dioxide
CoM	Covenant of Mayors for Climate and Energy



COP	Conference of the Parties to the UNFCCC
CSO	Civil Society Organization
CVF	Climate Vulnerable Forum
DACCS	Direct Air Capture with Carbon Capture and Storage
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EIF	Entry Into Force
ENMOD	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques
EPA	Environmental Protection Agency (United States)
ERT	Expert Review Team
EU	European Union
GCF	Green Climate Fund
GHG	Greenhouse Gas
HE	Historical Emissions
HR	Historical Responsibility
IACtHR	Inter-American Court of Human Rights
ICAO	International Civil Aviation Organization
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICL	Intra-Climate Law
ILC	International Law Commission
INDC	Intended Nationally Determined Contribution
IPCC	Intergovernmental Panel on Climate Change
ITLOS	International Tribunal for the Law of the Sea
L&D	Loss and Damage (associated with climate change)
LDCs	Least Developed Countries
LEC	Land and Environment Court (New South Wales, Australia)
MCB	Marine Cloud Brightening
MEA	Multilateral Environmental Agreement
MSP	Market Substitution Postulate
NDC	Nationally Determined Contribution
NEEDS	National Economic, Environment and Development Study
NEPA	National Environmental Protection Act (United States, 1969)
NET	Negative Emission Technique / Technology
NGO	Non-Governmental Organization
N <sub>2</sub> O	Nitrous Oxide
NSA	Non-State Actor
NSW	New South Wales
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCIJ	Permanent Court of International Justice

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SCRC	Special Circumstances and Respective Capabilities
SEA	Strategic Environmental Assessment
SEI	Stockholm Environment Institute
SIDS	Small Island Developing States
SRM	Solar Radiation Management
STH Rule	Significant Transboundary Harm (Prevention) Rule
TBSH Rule	Transboundary Significant Harm Rule
TERT	Technical Expert Review Team
TWAIL	Third World Approaches to International Law
UK	United Kingdom
UN	United Nations
UNCLOS	UN Convention on the Law of the Sea
UN Doc	UN Document (accessible at <a href="http://www.un.org/en/ga/documents/symbol.shtml">www.un.org/en/ga/documents/symbol.shtml</a> )
UNEP	UN Environment Programme
UNFCCC	UN Framework Convention on Climate Change
UNGA	UN General Assembly
US	United States
WIM	Warsaw International Mechanism for Loss and Damage