

International Environmental Law

Innovative Mechanisms in Multilateral Environmental Agreements To Protect Wildlife

David A. Wirth

Boston College Law School

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A Typology of International Environmental Problems

Transboundary Pollution

(physical transmission of a pollutant across a border)

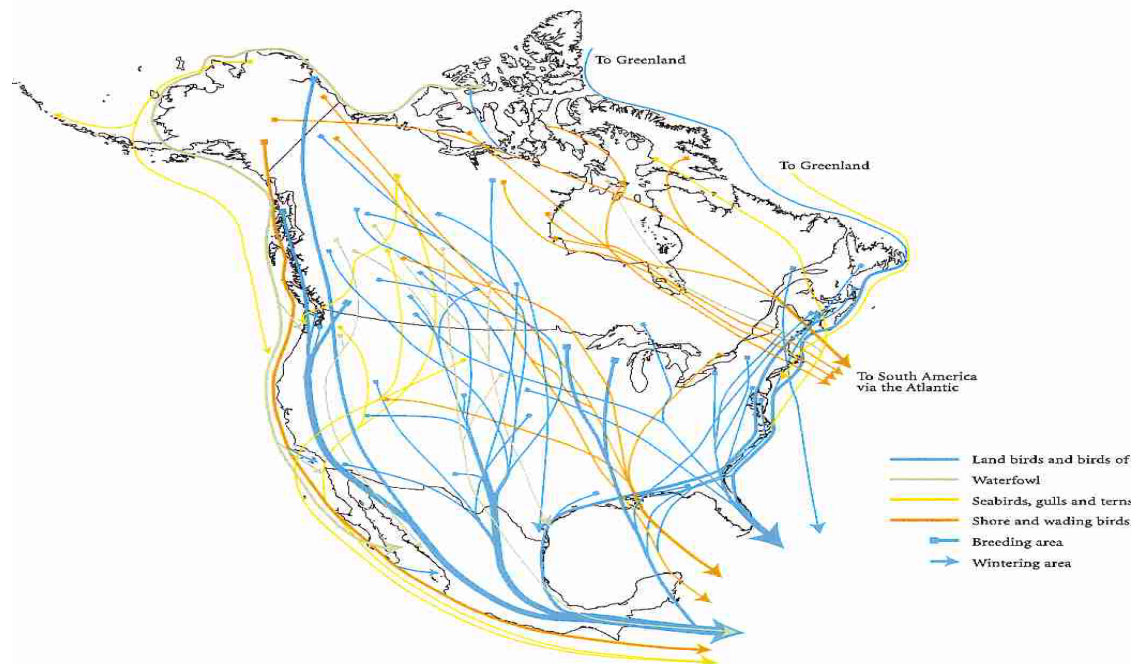


A Typology of International Environmental Problems

Shared Natural Resources

(migratory species, transboundary watercourses)

Migratory Bird Routes in North America



Source: Brower 1994.

Note: Routes that proceed directly from North America to another continent without crossing a border have been omitted. Ocean migrants are not shown. Terminus points and pathways are general; birds may be found hundreds of kilometres from location shown.

A Typology of International Environmental Problems

Commons Management – areas beyond national jurisdiction (high seas fisheries and pollution, Antarctica)



A Typology of International Environmental Problems

Regional Issues (acid rain)

One Brick Shy



"Dad, what's acid rain?"

A Typology of International Environmental Problems

Truly Global Issues

(stratospheric ozone depletion, climate)



A Typology of International Environmental Problems

Consequences of global economic interactions -
international trade



Typology of International Environmental Problems

Consequences of global economic interactions –
foreign investment



A Typology of International Environmental Problems

Consequences of global economic interactions --
overseas development assistance



The World Bank, Washington, DC

A Typology of International Environmental Problems

International issues without obvious international connections or effects (desertification, endangered species in Madagascar, Brazilian Amazon)



Remedial Strategies

- ∞ Compensation
- ∞ Overcome collective action problems (through bilateral or multilateral treaties)
- ∞ Disincentives for free riding, holding out
- ∞ Reconcile competing policy considerations (trade vs. environment)
- ∞ Harmonization (e.g. chemicals legislation), coordinated national action (discourages trade disputes)

Remedial Strategies

- Financial mechanisms (Global Environment Facility)



Remedial Strategies

- ✎ Greater Citizen/private party participation in international process
- ✎ Formal citizen complaint mechanisms
 - World Bank Inspection Panel
 - NAFTA side agreement citizen submission process



Remedial Strategies

- Private voluntary schemes (Forest Stewardship Council, fair trade coffee, Global Food Safety Initiative)



Remedial Strategies

∞ Appeals to court of public opinion



David and Robert Swan on the Antarctic Peninsula

Remedial Strategies

- ∞ Serious shifts in collective thinking (e.g. smoking, incandescent bulbs). Climate as counterexample.



International Trends

- Fragmentation of state, devolution to other actors, creation of power vacuums:



International Trends

☞ “Encyclical Letter Laudato Si’ of the Holy Father Francis on Care for Our Common Home.” (May 24, 2015.)



1. “Laudato si’, mi’ Signore” – “Praise be to you, my Lord”. In the words of this beautiful canticle, Saint Francis of Assisi reminds us that our common home is like a sister with whom we share our life and a beautiful mother who opens her arms to embrace us. “Praise be to you, my Lord, through our Sister, Mother Earth, who sustains and governs us, and who produces various fruit with coloured flowers and herbs”

International Trends

- ∞ Internet
- ∞ Dramatically lowers information barriers
- ∞ Potentially creates genuinely global civil society
- ∞ Little governance structure



International Trends

∞ Supranational Integration – European Union



International Trends

- ✎ Intensified activity in international organizations:
- ✎ World Trade Organization
- ✎ Montreal Protocol on Substances that Deplete the Ozone Layer



Impediments to Progress

- ✂ Only pain, no gain (especially climate)
- ✂ Fragmentation in existing regimes (climate, stratospheric ozone, toxics, fisheries, etc.)
- ✂ Ineffective decision making procedures

Moving Forward: Changing the Rules of the Game

More Effective international decision making processes

International organizations becoming ever more important (proposals for Global/World Environment Organization)

Serious rethinking of molding and shaping private resource flows







