

**THE EARTH SUMMIT:
INTERROGATING THE ROLE OF THE UNITED NATIONS
IN ENVIRONMENTAL DIPLOMACY**

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ABSTRACT

The founders of the United Nations (UN) did not give express consideration to environmental protection. However, the emergence of environmental issues the late 1960s illustrated the UN's system's evolution as a multilateral forum for global policy making. Concerns about the consequences of economic activities on environment and human health began to grow. This development was promoted by some scholarships such as Rachel Carson's 'Silent Spring', Garret Hardin's 'Tragedy of the Common', among others. Photographs of the Earth from space taken by APOLLO II astronauts provided a new image of the planet earth as a single ecosystem and a object of great beauty. This scenario coupled with the promptings of United Nations Economic and Social Council (UNESCO) scientists and experts informed the first UN international conferences specifically on environmental matters in Stockholm in 1972 and in Rio in 1992. This paper examines the role of the United Nations in the protection of the environment for sustainable development. Using the Rio Earth Summit as an area of study, the paper argues that the Rio Earth Summit (United Nations Conference on the Environment and Development) was the largest of the UN sponsored international conference both in the number of participants and in the scope of the agenda. The paper, in its submission, posits that the major outcomes of the Rio Summit were the declaration of twenty seven international principles on environment, adoption of two international conventions on environment, establishment of regional and sub-regional commissions for capacity building for sustainable development, an express commitment by developed states to commit 0.7% of their gross national product (GNP) to protect the environment and a pledge of six hundred and

seven dollars, million for the implementation of the Rio Declaration or Programme of action and other international regimes on environment and sustainable development.

Introduction

Environmental issues emerged in the late nineteen century as a major focus of international concern. From the International Treaty on Flora of 1899 to the United Nations Law of the Sea of 1982, steps have been taken to create awareness of the risk and implications of a wide range of environmental problems. Since then, it has become clear that most of the world seas and oceans are over-fished, soil is being degraded and eroded on a large scale and natural habitats are being destroyed. As a result, tens of thousands of species of fishes, plants and animals are becoming extinct each year. The dumping of the waste materials into the sea, air and land means that pollution problems are ubiquitous. Severe environmental damage and unsustainable exploitation of natural resources occurred in all regions of the world. By the late twentieth century, the impacts of human activities have become truly global¹, and environmental matters became an issue of concern to the United Nations. This concern prompted the first UN sponsored international conference on the Biosphere in 1968. In that same year, Sweden agreed to host the Stockholm Conference on Environment which came up in 1972 as the United Nations Conference on Human Environment (UNICHE)².

The Stockholm Conference placed environmental issues on the global agenda. It initiated a process that led to global environmental agenda, increasing acceptance by states on international environmental standards and monitoring regimes. The 1992 Rio Earth Summit was the largest of the UN sponsored international conference on environment, both in the number of participants and in the scope of the agenda. As with other conferences, a series of preparatory meetings were used to articulate positions, iron out basic issues and negotiated the text for all conference documents.

This paper examines the role of the United Nations in the promotion of environmental diplomacy using the Earth Summit as a case study. To this end, the paper is divided into five parts. Part one focus on the preparatory arrangement for the conference while part two takes a look at the Rio Summit. Part three examines the implementation of the Rio Declarations and convention and part four considers agenda 21 as one of the major outcomes of the Rio Summit. Part five is the conclusion.

Preparing for Rio

In 1989, the United Nations decided to convene an international conference in Rio, Brazil, to address environmental issues and promote sustainable development. That decision prompted the development of an agenda for the Rio Earth Summit. By the end of 1980s, there were international concern that anthropogenic emissions of green house gases such as carbon dioxide, methane, nitrous oxides could be affecting the earth's overall energy balance and causing rapid global warming and climate change. In 1998, an International Panel On Climate Change (IPCC) was set up under the auspices of the United Nations Development Programme (UNDP) and the World Meteorological Organization (WMO) to examine the risk of such climate change³.

On the basis of the IPCC's 1990 report, representatives of 137 states met at the second world climate conference in Geneva in November, 1990, and agreed that an international convention was urgently needed to address the problem. Negotiations began in February 1991 with a view to completing a framework convention on climate change in time for signing at the Rio Conference.

Similarly, there was also wide concern about the loss of natural habitats and the consequent rapid extinctions of many species of life. Between 1988 and 1990, the United Nations Environmental Programme convened a group of experts to examine the issues and negotiate for a convention on Biological Diversity in June 1991. In addition, there was wide support in many developed states for an International Forestry Convention to limit deforestation, particularly of tropical rainforest. However, the proposal as opposed by some developing states possessing such forests such as Malaysia and Brazil on the grounds that it was their sovereign rights to use their forests as they consider just as the industrialized states had done many years gone-by. In an effort to win African government support, negotiations to establish a convention to contain desertification. This was a priority issue for African states, many of which suffered from land degradation in arid areas, an issue that had received the attention of UNEP since the 1970s⁴.

In addition to these conventions, attention focused on preparing agreements to define and promote the goals of sustainable development. Negotiations centered on preparing two main documents for agreement at the Rio conference. The first was a statement of agreed principles which emerged at the RIO DECLARATION. The second document was a detailed programme of action for sustainable development which became known as Agenda 21⁵.

The Rio Conference

The Earth Summit (United Nations Conference on the Environment and Development) at Rio de Janeiro, Brazil turned out to be one of the biggest summit meetings ever had. One hundred and eighty (180) states were represented, with about forty-five thousand (45,000) participants, over ten thousand press men and representatives of one thousand, five hundred (1,500) Non-Governmental Organizations (NGO) including environment, development and business organizations, women caucus and indigenous people groups. Non-Governmental Organizations had their own panel conference in Rio, but were also entitled to attend the inter-governmental sessions. The meeting attracted global attention and received enormous media coverage. The Rio declaration, Agenda 21 and the declaration of Forest Principles were all agreed. The Convention on Climate Change and biodiversity were signed by one hundred and fifty-four (154) states and one hundred and fifty thousand (150) governments respectively. The Convention on Desertification was not ready until June 1994. However, it is customarily included amongst the Earth Summit Agreement⁶.

Major Outcome of the Rio Conference

There were major outcomes of the Earth Summit at Rio. These include the Rio Declaration, Agenda 21, The Framework Convention on Climate Change, the Convention on Biological Diversity, the Forest Principles and the Convention to Combat Desertification.

The Rio Declaration

The Rio Declaration proclaimed twenty-seven (27) general principles to guide action on environment and development. They include principles relating to national responsibilities and international cooperation on environmental protection, the needs for development and eradication of poverty and the roles and rights of citizens, women and indigenous peoples. For example, Principle 7 affirms the common but differentiated responsibilities of developed and developing states in environmental protection. Principle 10 states that environmental issues are best handled with the participation of all citizens, at the relevant level and thus, public education, participation and access to information and redress should all be promoted, Principle 15 affirms that a precautionary approach should be adopted; and lack of full scientific certainty should not be used as reason for postponing cost-effective measures to prevent environmental degradation⁷.

Agenda 21

Agenda 21 is a four hundred (400) page document with forty (40) chapters aiming to provide a programme of action for sustainable development. The chapters cover a wide range of topics such as promoting sustainable urban development, combating deforestation, biotechnology management, management of fragile mountain ecosystems, and hazardous waste management. Several chapters are on strengthening the role of major groups including local authorities, trade union, business and industry scientists, women, indigenous peoples, youths and farmers. The last eight chapters' address implementation issues including financial mechanisms and institutional arrangements. The Global Environment Facility was to produce agreed incremental cost to help developing states implement aspects of Agenda 21 programme. The Commission for sustainable Development was established as part of the United Nations system to promote and review progress on implementation and to help coordinate activities of the UN Agencies. In this context⁸, this paper will assess Agenda 21 in detail.

The Framework Convention on Climate Change (FCCC)

The Framework Convention on Climate Change was signed by one hundred and fifty-three (153) states on March 21, 1994. It is a framework convention establishing principles, aims, institutions and procedures which should subsequently be developed. The declared objectives of the FCCC as provided in Article 2, is to achieve stabilization of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interferences with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adopt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Recognizing that developed states should as a first step, individually or jointly return to the 1990 levels of greenhouse gas emissions, was not a legal binding obligation. The most important obligation in the FCCC are that parties must provide regular report on their national greenhouse gas emissions, their emissions projections and their policies and measures to limit such emissions. These are then carefully reviewed and assessed internationally. Thus review process aims not only to stimulate negotiation of further commitments as required but also to promote the development and implementation of national targets⁹.

The Convention on Biological Diversity

This convention was signed by one hundred and fifty five states and came into force on December 29, 1993. It is a framework convention which aims at preserving the biological diversity of the earth through protection of species, ecosystem and habitats and to establish terms for the use of genetic resources and bio-technologies. Parties were obliged to develop plans to protect biodiversity and to submit reports which will be internationally reviewed. The principle clarifying state's sovereign rights to genetic resources and bio-technologies were highly contentious and vague. Such rights were affirmed, provided that the fruits of such resources are shared in a fair and equitable way on terms to be mutually agreed¹⁰.

The Forest Principles

These were the residue of the failed attempt to negotiate a forestry convention. It proclaims principles for forest protection and management while emphasizing that states have a sovereign right to exploit forests in their territory¹¹.

The Convention to Combat Desertification:

This convention was not open for signature until June 1994. Nevertheless it is considered to be an UNCED Agreement. It aims to promote coordinated international actions to address problems of land degradation in arid, semi-arid and dry-sub-humid areas resulting from various factors, including climate variations and human activities. It provides a code of good practices for the management of marginal lands, for governments of affected regions and for donors. It aims to provide a framework for cooperation between local land users, NGOs, government, international organizations, funding agencies and donor countries but includes no binding obligations¹².

Implementation and Development of the Rio Convention

The Rio conference (earth summit) of 1992 was widely regarded as an overall success. However, its real impact could only be judged according to how the summit agreements and conventions were subsequently developed and implemented. It is interesting to note that the convention on climate change and biodiversity were framework conventions. That is, they established basic aims, principles, norms, institutions and procedures for coordinated international actions, including procedures for regularly reviewing commitments and for strengthening or revising them and developing other rules and institutions of the regime as deemed appropriate by the parties¹³.

However, the initial obligations on parties in the convention were weak. Moreover, in order to achieve agreement in time for these conventions to be signed at Rio, it had proved necessary for many contentious or complex issues to be sidestepped. Thus, many key rules, institutions and procedures were worked out before the convention came into force. In the case of biodiversity convention, the aims and priorities of the agreement remained unclear. Thus, the intergovernmental negotiating committee that were charged with the responsibility of negotiating each agreement were immediately reconvened to work out these issues before the conventions came into force. Before international treaty becomes operational, it must be ratified by a specified number of parties as stated in the treaty. In the case of climate convention, ratification by fifty states was required. The ratification process involves the relevant national legislature of each signatory state. It normally takes some years for the number of required state to ratify a treaty for it to come into force. However, the three earth summit convention came into force remarkably quickly, all within two years of being signed¹⁴.

In many respect, the early progress in implementing commitments in the climate convention was very striking. Parties from the developed states mostly prepared detailed national reports on their national green house gas emissions, their projected future emissions and their policies and measures to reduce them. These reports were internationally reviewed in details in a way that established promising precedent for the future. Lack of legally binding commitment to limit emissions created wide concern. The first meeting of the climate convention took place in March 1995. In that meeting, decisions were taken to begin negotiations to establish more stringent commitments on industrial countries to limit their emissions of greenhouse gases. The aim was to establish a new protocol, including legally binding limits on green house gas emissions of industrialized states¹⁵.

By 1995 almost all OECD states and the EU had pledged themselves to stabilize their green house gas emissions at 1990 levels by the year 2000. Germany and Netherlands also promised reductions by that time. However, it was glaring that most industrialized countries were not on track to achieve such stabilization pledges. In this context, negotiations for Kyoto Protocol which include more stringent commitment for developed state were bound to be difficult, and so it proved. An Alliance of Small Island states (AOSIS) threatened as they were with inundation as a result of sea level rise advocated a twenty percent reduction in industrial state emissions by 2005. However, oil exporting countries and their allies came

out strongly against any substantial commitment for developing countries, fearing that emission reduction measure would reduce demand for oil and thus affect their economy.

Similarly, the European Union supported emissions reduction target of 5 – 10 percent by 2010, but other developed like the USA, Japan, Australia and Canada were reluctant to support any obligations requiring emission reductions. Former communist states in Eastern Europe were suspicious of any obligation that could impede their economic recovery. Many of them did not think it fair they should be categorized as developed states when rich states such as South Korea, Malaysia and India were classified as developing states and thus under no pressure to limit their emission¹⁶.

These differences highlights the complexities in equity issues in inter-state negotiations. The differences in situational reality of states within the context of developed and developing states are in many ways as the differences between them. Even within the developed countries in Europe, some states argued that their states are comparatively poor and should not have to stabilize their emissions yet. Japan and others argued that they should not accept the same percentage cut in emissions as the USA because they have already implemented energy efficiency measures. Moreover, political elites in developing states live 'first-world' lifestyles and states like Brazil, India and China, their population far exceeded the population of medium and small developed states. Some argued that these elites should not be exempted from obligations to adopt more climate friendly lifestyles. However, some diplomats were aware that any attempt in the name of equity, to negotiate separate targets for each country, taking into account, its individual circumstances, is a recipe for failure. Special pleading and complexity would bog down the negotiations¹⁷.

Kyoto Protocol of 1997

The Kyoto Protocol was successfully agreed in December, 1997 and this involved more stringent limits on most developed states emissions than many had expected in the circumstances. This was a major achievement but many challenges remained. Many technical issues needed to be resolved on which the effectiveness of the Protocol depends. Also, there was the political challenge of achieving ratification of the Kyoto Protocol so that it comes legally into force. For instance, in the United States, political opposition to the Kyoto Protocol and the emission reduction measures became so strong in the 1990s, raising questions about whether the American senate would ratify it. By 2001, it was very clear that most industrialized states needed to take much more active emission reduction

measures if they were to achieve their Kyoto Protocol commitments. This is a perquisite to meeting the long term challenges of negotiating and establishing further commitments, including commitment of developing states to limit their increases in the greenhouse gas emissions as they industrialize, that are required to reduce substantially the risk of catastrophic climate change¹⁸.

The challenges of making the Biodiversity Convention effective have proved to be a fundamental one. Although in formal terms, it also got off to a reasonably prompt start, fundamental disputes about its aims and priorities continued. Little progress was made in what many in developed states regarded as the primary objectives to protect natural habitats and thus the diversity of species of wildlife that depend on them. Many developed states have a wider agenda including securing international financial and technology assistance and gaining a share of the economic benefits of biodiversity and biotechnology by securing intellectual property rights over any genetic resources from their territory and any products made from them. These were demands that most developed states were reluctant to concede¹⁹.

Some progress was achieved in implementing the aspect of the convention concerned with the development and reporting of national data on biodiversity in the future. In 1996, negotiating efforts were made in the elaboration of a protocol on bio safety, and particularly in regulating the movement of genetically engineered organisms' access borders. After five years of negotiations, the parties agreed Cartagena Protocol on Bio-safety in January, 29, 2000. It established a requirement for advanced informed agreement before genetically modified organisms may be transferred.

In view of the agreement, concerning the use and trade in genetically modified organisms, particularly intended for use in agriculture, this protocol was a significant achievement. However, it did little or nothing to prevent loss of species or natural habitats. The effectiveness of the Biodiversity Convention in promoting these goals therefore remained in doubt²⁰.

Kyoto Protocol to the Framework Convention on Climate Change

At the core of the 1997 Kyoto Protocol are legally binding commitments by industrialized states to limit their green house gas emissions. The EU, USA and Japan commit themselves respectively to reduce their annual greenhouse gas emissions by 2008 – 12 to 8, 7 and 6 percent less than 1990 levels. Poland adopted the EU targets while Russia, Ukraine and New Zealand agreed to stabilize their emissions at 1990 levels

and Australia, Iceland and Norway managed and negotiated limited increases in their permitted emissions so that green house gas emissions may be offset by absorption of such gases in sinks such as afforestation projects. Overall, these commitments would imply a five percent reduction in green house gas emission in industrialized states.

To achieve this agreement, a number of flexibility mechanisms were established in the Protocol Joint Implementation (allowing industrialized states to share the credit emission reductions achieved in specific joint projects). Emissions trading (allowing industrialized states to exchange part of their national emission allowance) and the Clean Development Mechanism (allowing industrialized states to obtain emissions credits for financing approved climate friendly projects in developing states) for example, the USA is allowed to achieve its commitments not only by reducing net emissions from domestic sources, but also by buying spare emissions quotas from other industrialized states such as Russia and by getting credit for emissions reduction achieved in approved joint implementation or clean Development Mechanism projects which is supports in other countries. EU member states also had their own flexibility mechanism. They were permitted to distribute emissions targets amongst themselves, provided that their overall emissions are reduced by 8%, enabling France and Ireland to be allocated much less stringent targets¹⁸.

The agreement achieved in Kyoto in 1997 left many key issues open, requiring further negotiation. These included the design of each of the above flexibility mechanism, the rules for offsetting emissions with absorption by sinks, methodologies for calculating and reporting national emissions and systems for assessing implementation and compliance and for responding to compliance problems²³.

Although the convention to combat desertification came into force in 1996, it was primarily designed to encourage donor countries to provide aid and assistance to developing states in dry regions that are facing problems of land degradation. They were intimately linked with broader development programmes, and this was how most donor countries have preferred to approach the issue during a period when development aid budget were generally declining. In practice, only slow progress was made in establishing specific multilateral funding mechanisms and it proved difficult to attract additional donor interest²⁴.

As earlier indicated, the remaining part of the paper will focus on one of the major outcome of the earth summit – the Agenda 21.

Agenda 21: Promoting Sustainable Development

The Rio conference tagged 'The Earth Summit' of 1992 established several institutions to promote the implementation and development of the agenda. The most significant of these were the Commission for Sustainable Development (CSD) and the Global Environment Facility (GEF), working in association with UNEP, UNDP and other UN Agencies. It was not expected that these institutions could directly implement Agenda 21 or compel others to do so, rather the hope was that they could help to stimulate or influence broader international or domestic processes in a useful way²⁵.

The CSD consists of representatives of fifty three (53) states, elected for three year terms in a way that ensures equitable geographical representation. The Commission began its operations in 1993 and has met annually since then to review progress on different aspects of Agenda 21. With numerous preparatory meetings, ministerial participation in these meetings has given the process substantial political weight. Also, non-governmental organizations participated in their proceedings, thereby making each CSD meeting a sort of mini Earth Summit. Coalitions between environmental NGOs and sympathetic states have made the CSD a forum in which environmental agenda can be set and pursued²⁶.

Broadly speaking, the CSD process is aimed to promote sustainable development in three ways. Its role in promoting coordinated approaches towards sustainable development by international agencies has had some modest successes. However, its second role of reviewing national reports on aspects of sustainable development may be of wider significance. The significance of the CSD process is simply stimulating governments to review their practices and prepare policies for inclusion in their national reports should not be underestimated. Moreover, the CSD has provided a forum where government can be called to account for the components of their policies or for the gap between their policies and reality. The presence of NGOs has helped to make this process more substantial.

The third role of the CSD process has been to follow up unfinished business of UNCED and to promote the formation of new regimes where opportunities arise. For example, after negotiation on deforestation at the CSD, an intergovernmental panel was established to review the issues raised. In 1996, this led to an agreement to begin international negotiation on a forestry convention providing a second chance after the failure in the lead-up to UNCED²⁷.

Another aspect of follow up to UNCED has been a series of follow-up summit meeting on specific issues such as population and development (Cairo, 1994), Social Development (Copenhagen, 1995), The Role and Rights of

Women (Beijing, 1995) and Urban Development (Istanbul, 1996). The significance of such summits was controversial but they have helped to promote political awareness and concern and to develop international networks of concerned experts, NGOs, citizen's groups, and local authorities which can hopefully become more effective in their local activities. Five years on, there were a number of follow-up conferences to review and stimulate further progress in implementing and developing sustainable development in the relevant policy spheres²⁸.

Global Environmental Facility (GEF) funds of three million dollars were allocated for 1994-1997. This amount was small compared to the funds needed to implement sustainable development. However, numerous small GEF grants to developing states and former communist states in Eastern Europe have contributed significantly to the preparation of national plans to promote sustainability. All said the UNCED institutions to promote implementation of Agenda 21 have had some limited significance. But it is clear that they have marginal impact on the broader economic and social processes that drive the pattern of development. At the end of the last century, the focus was on the challenges of developing international mechanisms to shape broader patterns of trade and investment in line with environmental goals.

Some believe that the norms and rules of the World Trade Organisation, with their focus on removing constraints on International trade and investment are inimical to efforts to promote environmental protection, sustainable development and other social goals. Transnational NGO campaigns to challenge the dominance of World Trade norms and rules proved resonant in 2000 when there was a disruption in the Seattle meeting of the WTO. In contrast, others believe that trade and environment regimes can be complementary and mutually reinforcing by promoting international investment in more environmentally friendly technologies²⁹. Principles were established whereby global environmental regimes may restrict in direct pursuit of its goals without failing foul of WTO rules.

For instance, the Montreal Protocol included provisions for restricting trade to non parties or non-compliant parties as well as restricting trade in goods containing ozone depleting substances. However, the situation is much less clear when restrictions on trade for environmental purposes are imposed as part of national or regional measures that do not command wide support at the global level. In this wise, differences between environmental and trade regimes are likely to be the continuous source of friction. For example, in the 1990s, international free trade rules were used to overturn measures by the United States to

restrict import of fauna in response to fishing methods that is injurious to dolphin populations. However, there are increasing interests in the international community in formulating the rules and mechanisms of international environmental regimes so that they work with the grain of globalised economic processes and market mechanisms and seek to shape international patterns of trade and investment in line with environmental goals. The flexibility mechanisms agreed in the Kyoto Protocol to the framework conventions on climate change is one of the glaring examples of this trend in environmental diplomacy.

Conclusion

Environmental issues emerged in the late twentieth century as a major focus of international diplomacy. Many environmental issues are intrinsically international or global, stimulating international political activities in response. Others, though local are experienced across the world. Indeed all environmental problems are virtually and intimately linked to the dynamics of globalised political economic values and processes. Awareness and concern about environmental problems grew substantially since the late 1960s and 1970s. Since then, wide range of agreements, institutions and regimes for international environmental governance have developed more international political activities related to the environment has focused on the development and implementation of these regimes involving a wide range of actors. Since the late 1980s and early 1990s, the United Nations has intensified effort in promoting environmental diplomacy. One of such effort was the Earth Summit which gave rise to the United Nations Commission for Environmental and Development (UNCED) and other programmes of actions, declarations and regimes all geared toward addressing the problems of environment for sustainable development. Notable among them were the three conventions aimed at limiting climate change, preserving biodiversity and combating desertification. Each of these regimes came into force but the process of making these conventions effective proved a long term tasks³¹.

The negotiations to develop further the climate change convention demonstrated the immense challenges involved in achieving sufficient response to prevent substantial anthropogenic climate change and also the complexity of equity issues in negotiations. The Kyoto Protocol agreed in 1997 established legal binding commitments though many challenges remain. The institutions established to promote the implementations of Agenda 21 have stimulated the production of national plans for sustainable development and provided a forum where plans can be reviewed and where

networks on non-governmental groups, government representatives and international secretariats can develop and influence agenda. However, their influence on overall patterns of development has been minimal all said, the relationship between environment and trade regimes has emerged as a key issue in environmental diplomacy.

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