Preface

We begin with a disclaimer. This is not a book about the international climate change legal regime. Those whose interests lie primarily in detailed analyses of the international climate regime and the on-going negotiations under the auspices of the United Nations Framework Convention on Climate Change and the Kyoto Protocol would be advised to look elsewhere. Rather, this book is about the impact of climate change, and our responses to it, on both the substance and processes of the broader corpus of public international law. The underlying premise of this book is that climate change, and our responses to it, will impact directly or indirectly on virtually every regime of international law and, ultimately, on the basic principles which underlie the international legal system as a whole.

This book therefore deliberately diverts attention away from the international climate regime per se to focus, instead, on the substantive changes to other specific international legal regimes that have been or will be required, or are likely to come about, as a result of both climate change itself and the responses of the international community to climate change. Leading specialists were asked to map the current, likely, possible, and recommended changes within various substantive and systemic areas of international law. Authors were asked to consider, inter alia, the consequences of climate change for the subject matter of the regime, whether the current regime permits or even encourages behaviours that exacerbate climate change, what changes to the regime might be needed to address these consequences, and what implications these developments have or may have for systemic regimes relating to law-making, enforcement and dispute resolution and foundational concepts such as statehood and state responsibility. International law is only in the early stages of its interaction with climate change and this book can provide only a preliminary enquiry. However, it is an enquiry that we hope will serve as a benchmark for future analysis of the development of international law in the era of climate change.

The book is organised in three parts. Part I provides the necessary background to the enquiry, its rationale and parameters. The chapters in Part II analyse climate change-related developments in non-climate-specific
substantive regimes. The chapters in Part III examine the impacts of climate change on systemic or operational aspects of international law, including processes of international law creation and enforcement. The papers on which the chapters of this book are based were presented at a workshop held at the Lauterpacht Centre for International Law at the University of Cambridge on 1 and 2 September 2010 at which authors and invited commentators discussed the issues. The authors revised their papers subsequent to the workshop to take into account the developments at Cancún. The manuscript was finalised in advance of the Durban conference and therefore does not reflect the developments there.

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