

Emerging Global Environmental Governance Law

Louis J. Kotzé

Global Environmental Governance

- “Normative institutional regulatory intervention and social construct that aims to influence how people interact with the environment in the global. It entails a pluralistic, dynamic, multilevel (national, regional, international), multi-actor (state and non-state actors) process of change which idealistically aims to optimise environmental benefits and use, while at the same time seeking to equally protect environmental capital for the benefit and use of present and future generations.” (Kotzé, 2012)

The Global?

- Spatial
- Causal
- Multi-level
- Multi-actor

Many environments...

- “At the end of the 20th century, the world is in unprecedented transition. The adaptability of present institutions to emerging challenges is being widely questioned. In a broadly encompassing context, these areas of challenge ... have environmental implications. However, this assertion is credible only if the *environment* is understood in its holistic dimensions - comprising complex dynamic interrelationships from cosmic to microcosmic, extending beyond ordinary perceived human experience, yet nevertheless interacting with humanity, and thus shaping the parameters of life on Earth.” (Caldwell, 1999)

Global Law

- Created and enforced at various levels
- Created and enforced by multiple actors
- Nature and types of legal rules are plural(ised)

Global Environmental Governance Law

- Consists of all the laws that seek to influence human behaviour with respect to the global environment and which have some global environmental objective
- An interconnected phenomenon with reciprocal vertical and horizontal flows ranging among national, regional and international legal systems, among specific sectoral environment-related issues, and among the various state and non-state actors that are involved with global environmental governance on these different levels