ISSN: 2047-1025



TRANSNATIONAL ENVIRONMENTAL LAW

Transnational Environmental Law

EDITORS-IN-CHIEF

Thijs Etty, VU University Amsterdam, The Netherlands Veerle Heyvaert, London School of Economics and Political Science, United Kingdom

EDITORS

Wil Burns, Forum for Climate Engineering Assessment, USA Cinnamon Carlarne, Ohio State University, USA Daniel Farber, University of California - Berkeley, USA Jolene Lin, University of Hong Kong, Hong Kong

BOOK REVIEW EDITORS

Donald K. Anton, Griffith University, Australia Rakhyun E. Kim, Griffith University, Australia

Assistant Editors

Megan Bowman, King's College London, UK Bruce Huber, University of Notre Dame, USA Josephine van Zeben, Worcester College, Oxford University, UK

ADVISORY BOARD

Natasha Affolder

University of British Columbia, Canada

Edith Brown Weiss

Georgetown University, USA

Geert Van Calster

K.U. Leuven and DLA Piper, Belgium

Ed Couzens

University of Sydney, Australia

Daniel C. Esty

Yale University, USA

Neil Gunningham

Australian National University, Australia

Ellen Hey

Erasmus University Rotterdam, The Netherlands

Stephen Humphreys

London School of Economics, UK

Koh Kheng Lian

National University of Singapore, Singapore

Ludwig Krämer

Derecho y Medio Ambiente, Spain and

University College London, UK

Louis Kotzé

North West University, South Africa

Douglas A. Kysar

Yale University, USA

Maria Lee

University College London, UK

Robert V. Percival

University of Maryland, USA

Lavanya Rajamani

Centre for Policy Research,

New Delhi, India

Richard L. Revesz

New York University, USA

Benjamin J. Richardson

University of Tasmania, Australia

Joanne Scott

University College London, UK

Gregory Shaffer

University of California - Irvine, USA

Tseming Yang

Santa Clara University, USA

Wang Xi

Shanghai Jiao Tong University, China

STATEMENT OF AIMS

Transnational Environmental Law (TEL) is a peer-reviewed journal for the study of environmental law and governance beyond the state. It approaches legal and regulatory developments with an interest in the contribution of non-state actors and an awareness of the multi-level governance context in which contemporary environmental law unfolds.

TEL offers a forum for rigorous analysis and discussion of the impacts of globalization on complex environmental risks and norms. It welcomes scholarship that enriches our understanding of contemporary environmental law through comparative and cutting-edge interdisciplinary analysis. TEL's scope is broadly conceived in terms of disciplinary focus: its pages are open to scholarly contributions covering a wide range of environmental issues, including climate change, biodiversity, emerging technologies, industrial pollution and waste management. TEL also promotes the exploration of the evolving dynamics between environmental law and other legal disciplines (including but not limited to trade and competition law, financial law and human rights).

TEL strives for a new generation of environmental scholarship that will bridge geographical boundaries, scholarly styles and generations. TEL encourages the integration of theoretical and practical legal perspectives on current environmental issues, and aims to deliver scholarship of high salience to academics and practitioners alike.

TRANSNATIONAL ENVIRONMENTAL LAW

VOLUME 4 ISSUE 2 OCTOBER 2015

Contents

	EDITORIAL
235–245	By All Available Means: New Takes on Established Principles, Actions and Institutions to Address Today's Environmental Challenges Thijs Etty and Veerle Heyvaert, Editors-in-Chief Wil Burns, Cinnamon Carlarne, Dan Farber, Jolene Lin, Editors
	ARTICLES
247–287	Sustainable Development and Its Discontents John C. Dernbach and Federico Cheever
289–317	Land Grabbing, Sustainable Development and Human Rights Evadné Grant and Onita Das
319–337	Testing the Boundaries of Subnational Diplomacy: The International Climate Action of Local and Regional Governments Joana Setzer
339–357	Establishing a Governmental Duty of Care for Climate Change Mitigation: Will <i>Urgenda</i> Turn the Tide? Josephine van Zeben
359–394	Coordinated Ocean Stewardship in the Arctic: Needs, Challenges and Possible Models for an Arctic Ocean Coordinating Agreement Betsy Baker and Brooks Yeager
395–423	Environmental Constitutionalism in South Asia: Analyzing the Experiences of Nepal and Sri Lanka Joshua C. Gellers
	COMMENTARY
425–437	Linking Subnational Climate Change Policies: A Commentary on the California–Acre Process Ernesto Roessing Neto

BOOK REVIEWS

439–443	Ecological Governance: Reappraising Law's Role in Protecting Ecosystem Functionality, by Olivia Woolley Reviewed by <i>Timo Koivurova</i>
444–447	Global Environmental Constitutionalism, by James R. May & Erin Daly Reviewed by <i>Tim Stephens</i>
447–451	Environmental Protection and Sustainable Development from Rio to Rio+20 (Protection de l'environnement et développement durable de Rio à Rio+20), edited by Malgosia Fitzmaurice, Sandrine Maljean-Dubois & Stefania Negri Reviewed by <i>Usha Tandon</i>
451–455	Philosophy and the Precautionary Principle: Science, Evidence, and Environmental Policy, by Daniel Steel
	Science and the Precautionary Principle in International Courts and Tribunals Expert Evidence, Burden of Proof and Finality, by Caroline E. Foster Reviewed by <i>Mihalis Kritikos</i>
457-473	Highlights of Recent Book Publications