Climate change is one of the greatest long-term threats to the stability of the international community. It inherently involves all sectors of society, all aspects of our environment, and the well-being of future generations. It raises difficult and complex equity issues, both in the allocation of burdens to mitigate climate change and in the effects of climate change. Law has an important role in addressing climate change, as a means to build and to express shared values, to provide predictability and stability about behavior, to promote security and environmental robustness, to promote human dignity, and to avoid or mitigate conflict.

International law has traditionally been concerned with negotiating new international agreements to address new problems. For climate change, these agreements may be global, regional, bilateral, or even transnational between local entities. Many of the legal instruments are or will be nonbinding, and set forth norms, guidelines, and practices that need to be followed for a sustainable and equitable future. Until recently, there has been much less attention to implementing and complying with legal instruments. Implementation and compliance are critical but difficult, and all too often taken for granted. They are central to addressing climate change effectively.

Prof. Dr. Wolfrum has made many very important contributions to a broad range of subject areas in international law. One of his recent academic pursuits has been compliance with and enforcement of multilateral environmental agreements. He wrote his Hague Lectures on international law on this topic in 1998,1 and he organized a symposium and co-edited a volume that explored various facets of the problem.2

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These represent significant contributions to an increasingly important topic in international law.³

Thus, in tribute to Rüdiger Wolfrum, I would like to set forth the conceptual framework that the late Professor Harold Jacobson and I in collaboration with an international research team developed to understand compliance with international environmental agreements⁴ and to offer some preliminary analysis of its applicability to issues of climate change. The conceptual framework also applies to other fields in international law⁵ and to legal instruments that are not binding.⁶ It may have relevance to compliance with instruments that actors other than States develop and to compliance with national legal instruments.

A. THE CONCEPTUAL FRAMEWORK FOR UNDERSTANDING COMPLIANCE

Traditionally international law has viewed compliance as hierarchical and static. Under this view, States negotiate and adopt international agreements, which they then implement within their territory or jurisdiction. If actors within the State do not follow the agreement or legislation and regulations implementing the agreement, States are obligated to adopt enforcement measures, which can take various forms. According to this conception, it follows that a snapshot at any given

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