Introduction

Although tackling climate change and environmental degradation are the common responsibility of the global community for averting catastrophic consequences and the likelihood of serious welfare losses on a global level, the majority of states are not willing to give up their short-term economic interests and to pool their sovereignty to make a comprehensive and coercive international environmental agreement. Therefore, the implementation and enforcement of a comprehensive and coercive international regulatory regime have been stalled in the international fora for a long time. At the same time, private regulations, voluntary environmental assessments and reporting frameworks initiated by business, civic and professional organizations have been proliferating since the beginning of the 1990s. The question is whether these private self-regulatory initiatives of assessing and monitoring environmental performances, especially, of the large corporations are an effective and proper substitute for mandatory multilateral environmental agreements; whether those in terms of global environmental outcomes can counterbalance the unwillingness of the majority of the states to comply with a stringent international regulatory regime.

Failures of international environmental treaty making

Since the United Nations Conference on the Human Environment held in Stockholm in 1972 1,598 bilateral and 1,225 international environmental treaties, agreements, conventions, protocols and amendments have been drafted and signed in which the contracting states agreed upon mitigating human impacts on the environment, natural resources
and water reservoirs, banning the use of persistent organic pollutants, preventing and minimizing the causes of climate change, and conserving biodiversity (Mitchell, 2003, pp. 429–461; IEA, 2002–2014). The contracting states recognize the majority of these international and bilateral environmental agreements as legally binding and declare their commitment to preventing the overuse and degradation of natural resources, set up the effective national regime of regulating the processes of environmental protection, and enforce stringent environmental policies in accordance with the newly established international or bilateral legal provisions. In spite of the endless profusion of international and bilateral treaties, agreements, conventions and protocols agreed upon the last four decades – about 40 and 30 per year, respectively –, the writ commitment of the states and their self-proclaimed responsibility do not exactly match their actual conduct of well-designed and effective environmental policies, programmes and institutions, measurable and verifiable outcomes. As the authors of the UNDP Fifth Global Environment Outlook (2012) state: ‘Out of 90 goals and objectives assessed, significant progress could only be shown for four. Of equal concern, progress could not be appraised for 14 goals and objectives simply because data were lacking’ (GEO-5, 2012, p. xvii; Bakker and Richardson, 2012, 30).

The UN Climate Change Conference held in Copenhagen in 7–18 December 2009 was supposed to replace the expiring Kyoto Protocol in 2012 with a new comprehensive and legally binding agreement for all countries is a case in point. The refusal of legally binding commitments and the short-term economic interest of the greatest emitter countries at the conference simply frustrated the recognition and the implementation of a new comprehensive agreement (Vidal and Watts, 2009; Petrella, 2009; Broder, 2010; Carrington 2010; Traynor, 2010). The final document of the Copenhagen Summit, the so-called Copenhagen Accord (2009), was drafted by the representatives of the United States, China, India, Brazil and South Africa which countries either declined to sign the Kyoto Protocol (1997) and to comply with its aims and objectives, or were not the parties of its legally binding obligations to reduce the greenhouse gas emissions due to the endorsement of corrective justice principle for the developing and newly industrialized countries in the original protocol.

It is noticeable that the Copenhagen Accord emphasized the solid scientific basis of the impacts and the anthropogenic causes of climate change and the urgent need of the common climate policy of the global community, however, the big emitter countries, especially, its drafters did not want to sign a legally binding agreement that imposed quantitative