Contents

List of Figures	x	۲V
List of Tables	x	vi
List of Abbreviations		⁄ii
Table of Cases	xi	ix
Table of Legislation and International Agreem	nents xx	(V
9		
1. The Climate Change Policy Puzzle		1
1.1 Introduction		1
1.2 Scientific Foundations and Potential		4
1.3 Political Economy of Climate Chang	ge	8
1.4 Mitigation, Adaptation, and Global	Governance 1	1
1.5 Technology Transfer for Mitigation	1	3
1.6 Themes in Subsequent Chapters		7
Appendix to Chapter 1: Climate Change	e and the American People 1	9
2. International Legal Framework	2	21
2.1 Introduction	2	21
2.2 UN Framework Convention on Clin	8	23
2.3 Sustainable Development Principle	2	26
2.4 Precautionary Principle		30
2.5 Common but Differentiated Respon	nsibilities 3	33
2.6 Polluter-Pays Principle		38
2.7 Environmental Impact Assessment		39
2.8 Unilateral Measures and State Jurisd		í1
2.9 Conclusion	5	50
3. Unresolved Issues in WTO Law	5	52
3.1 Introduction	5	52
3.2 Emerging Climate Change Policies	5	53
3.3 Environmental Subsidies	5	56
3.4 "Like Products" and Processing and	Production Methods 6	55
3.5 GATT Article XX	7	71
3.6 Technical Barriers to Trade	8	30
3.7 Conclusion	9)1
4. International Investment Agreements	9)2
4.1 Introduction	9)2
4.2 WTO Law and International Invest	ment Agreements)5
4.3 International Investment and Clima		98
4.4 Applying Investment Agreements to)5

xiv Contents

	4.5 Performance Requirements	115
	4.6 Nondiscrimination Obligations	118
	4.7 Minimum Standard in Customary International Law	122
	4.8 Compensation for Expropriation	126
	4.9 Rights of Investors versus Right to Regulate	128
	4.10 Conclusion	129
5.	Intellectual Property Rights for New Plant Varieties	130
	5.1 Introduction	130
	5.2 TRIPS Article 27	131
	5.3 UPOV Convention	140
	5.4 Convention on Biological Diversity	147
	5.5 Conclusion	152
6.	Economics of Climate Change	154
	6.1 Introduction	154
	6.2 Environmental Economics and Climate Change6.3 Calculating Effects of Climate Change with	155
	Macroeconomic Models	162
	6.4 Climate Sensitivity Index of Countries	170
	6.5 Conclusion	175
	Appendix to Chapter 6	175
7.	Climate Change and the Financial Industry	177
	7.1 Introduction	177
	7.2 Mitigation Lessons from SO2 Market	177
	7.3 CO2 Markets	184
	7.4 Adaptation, Mitigation, and Insurance	194
	7.5 Conclusion	198
8.	Climate Finance	200
	8.1 Introduction	200
	8.2 Multilateral Financing Mechanisms	201
	8.3 Climate Finance and WTO Subsidies Law	207
	8.4 Fossil Fuel Subsidies	210
	8.5 Financing Adaptation by Subsistence Farmers	218
	8.6 Financing Clean Energy Projects	221
	8.7 Private Sector Finance and Technology Transfer	223
	8.8 Conclusion	226
9.	Creating Incentives and Removing Obstacles	228
Se	lected Bibliography	239
	Books and Monographs	239
	Journal Articles	243
	der	240