The problems of the environment have long been seen as global in scope. "Only One Earth" was, after all, the motto of the 1972 Stockholm conference founding the United Nations Environmental Program and the title of the book that served as its semiofficial "manifesto." Even before that, attention had been firmly fixed on considerations such as the carrying capacity of the planet and the exhaustion of the earth's stocks of mineral and other resources.

Still, there is something new and distinctively global about the current concern with the environment. The "first environmental crisis" was essentially a concern with problems that, though recurring the world over, could in principle be resolved perfectly well on a country-by-country basis. When environmental problems were essentially matters of dirty air or water, they were very largely matters of domestic political concern. Ill winds and shared waterways apart, pollution generally stayed in the same political jurisdiction as that in which it was generated. Of course, since all industrial nations used broadly the same dirty technologies, they all experienced similar problems of pollution. But problems that were in that sense common among a number of nations were not "shared problems" in a stronger sense, requiring concerted action among all countries for their resolution.

That is not to minimize the seriousness of the problems forming the focus of earlier environmental crusades. London's "killer fogs" were no less lethal for being purely domestic products. Neither, politically, are these traditional environmental problems
necessarily all that tractable just because they are purely domestic in nature. Even in purely domestic terms, producers with a vested interest in not cleaning up after themselves will always be a political force to be reckoned with. Still, whatever obstacles politicians face in mounting effective action against domestic polluters, those obstacles will be multiplied many times over with the addition of a genuinely international dimension to the problem.

What is striking about the environmental crisis as it is currently understood is how genuinely global it is, in contrast to traditional environmental problems. The problems at the forefront of present environmentalist discussions are problems like the degradation of the ozone layer and the "greenhouse effect." These problems are shared internationally, in the stronger sense. They are not just problems for each nation, taken one by one. They simply cannot be resolved by isolated actions of individual nations.

London's dirty air could effectively be cleaned simply through local regulations requiring domestic users to burn smokeless coal in their fireplaces and industrial users to install scrubbers in their smokestacks. No such purely local remedies will patch the hole in the ozone layer. The voluntary decision of the United States—or indeed the whole Organization for Economic Cooperation and Development (OECD)—to ban the use of aerosols may serve as a useful start and an important precedent; the United States produces something like 28 percent of global CFC-11 and CFC-12, and Western Europe another 30 percent, all told. However, if our goal is genuine stabilization of the ozone layer, and if we want to be reasonably certain of accomplishing it, then we cannot (working with present knowledge, anyway) be sufficiently sure of achieving it, even through dramatic reductions in emissions by such major producers.

In and of themselves, initiatives by single countries or even small groups of countries cannot really solve such problems. These new environmental concerns, unlike the core concerns of the "first environmental crusade," are truly global. The whole world, or some very large proportion of it, must be involved in the solution.

My argument here will build on that observation. I shall have little to say about particular environmental issues or political maneuvers surrounding them. My concern will instead be with the deeper structure of these problems, concentrating first on philosophical aspects: what alternative normative structures are logically available to us for handling such situations? Ultimately, however, this recourse to moral philosophy will be only incidental and instrumental. The fundamental point will be essentially political. The aim is to use philosophical insights to assist us in deciding the appropriate structure of an international regime for resolving the full range of environmental problems that we now know we face.

To foreshadow, my conclusion will be that the traditional structure of international law—guided as it is by notions of autonomous national actors with strong rights that all other national actors similarly share—is wildly inappropriate to many of these new environmental challenges. A system of shared duties or, better yet, shared responsibilities is a more fitting model, given the nature of the tasks at hand.

**Normative Structures**

The first task, then, is to explore alternative normative structures for coping with issues of the international environment. Here I shall identify three. One is a system of shared rights, giving each nation absolute and total control over what happens within its own boundaries. Another is a system of internationally shared duties, specifying particular performances for each nation that are the duty of that nation alone; the effect is to exempt others from any obligation to pick up the slack left, should any one nation fail to do its duty. A third is a system of shared responsibilities, stipulating outcomes that all nations are responsible for helping to produce; the effect there is to enjoin all nations, individually and collectively, to help take up the slack, should any among them default, in whole or in part.
Shared Rights

The fundamental principles of international law, from Grotius and Vattel forward, are all based on premises of national autonomy and noninterference with the domestic affairs of other nations. These, in turn, seem to follow from a normative structure in which each nation is thought to have a strong right to do whatever it likes to people, property, and natural resources within its own jurisdiction.

Just as a system of personal rights gives individuals a “protected sphere” within which they can act without interference from others, so too does a system of international law that accords analogous rights to political entities protect the autonomy of nation-states. And just as modern liberal political theory accords to each individual maximal rights to liberty consistent with like liberty for all, so too does liberal international law accord only such fundamental rights to any one nation as are consistent with like rights being accorded to all other nations as well. The rights in question are, thus, shared rights—“shared” in the sense that all other agents possess rights strictly similar to one’s own.

Of course, there are limits to what liberal political theory will let agents do to themselves—as individuals or as nations. At the personal level, we standardly refuse to respect people’s decisions to sell themselves into slavery on the grounds that respecting autonomy cannot commit us to respecting decisions (even autonomously reached ones) to renounce autonomy. At the international level, we might sometimes want to impose standards of decent conduct—respecting basic human rights, for example—even upon regimes that might want to renounce them autonomously.

But those practices constitute the exceptions rather than the rule, both in liberal political theory and in the regime of international law that flows from it. By and large, if we are to interfere in the affairs of some other person or nation, we must find justification for it. That, in turn, usually amounts to showing that some of our own rights would somehow be infringed upon by the conduct in question.

If we can succeed in showing that the actions of others actually violate some of our own rights, then we can justifiably intervene in those actions, however sovereign or autonomous they may be. In the case of genuine spillovers, where others’ activities impose external costs upon us—and, crucially in this rights-based context, we actually have a right that they not impose such costs upon us—it is relatively easy to invoke notions of rights to justify our interfering with their activities. Transboundary spillovers are, within a regime of shared rights, akin to aggression, an infringement of the prerogatives of another autonomous actor with rights identical to one’s own. Thus, it is far from surprising that the case for international environmental protection long has been—and still largely continues to be—couched in terms of damage done beyond one’s own borders.

Absent a demonstration of transboundary spillovers, however, we must, within a regime of shared rights, simply concede that environmental policy is entirely within a nation’s sovereign sphere. What is then left for us to do is to try to persuade all nations that—either because it is in their interests or for some other, less self-serving reason—they should exercise their sovereign rights so as to produce the outcomes we want.

It is far from absurd to believe that we might be able to do so. Ward, Dubois, and participants at the 1972 Stockholm Conference on the Human Environment more generally saw no real need to “reconsider national sovereignty” to solve the problems they were considering: simply sharing information worldwide would, they supposed, be more than enough; once nations realize what environmental threats they actually face, they will have no hesitation in agreeing to concerted international action to counter them. In a similar vein, Jessica Tuchman Matthews’s recent Foreign Affairs article attempts to cast the environmentalist case explicitly in terms of national interest, inviting nations to “redefine”
conceptions of their "national security" so as to include environmental interests preeminently alongside their other "vital interests."\textsuperscript{96}

The whole aim of rights, though, is to carve out a "protected sphere" within which agents can act with complete autonomy. What they do within that sphere—a sphere that in international law tends to be defined in basically territorial terms—is, under a regime of shared rights, purely their own business. As the much-vaulted Principle 21 of the 1972 Stockholm Declaration on the Human Environment declares, "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies," constrained only by the correlative "responsibility to ensure that activities within their jurisdiction ... not cause damage to the environment of other States or ... beyond the limits of national jurisdiction."

Unless we can either show that our rights have somehow been transgressed or else persuade others to exercise their rights in line with our preferences, a regime of shared rights effectively blocks us from interfering in the actions of others—however environmentally destructive or shortsighted they may be.

**Shared Duties**

Whereas classical international law revolves around notions of shared rights and sovereign prerogatives, we have recently added an overlay of shared duties. We now tend to assume, for example, that each nation must respect the fundamental human rights of its subjects, whether or not it wants to do so.\textsuperscript{10} Among these, it is sometimes said, is a "fundamental right to an environment adequate for their health and well-being."\textsuperscript{97}

Shared duties may correlate with—and indeed derive from—the rights of others. In the particular example listed above, they actually do so. But even where they do, they are rights of the nation's own subjects rather than of any other national actor. No other nation necessarily has any rights in the matter to press against the offending nation. That is what is crucial in differentiating this model from the last.

Under an international regime organized around notions of shared rights, the only circumstance in which there exists anything that could, strictly speaking, be called a "duty" to restrain any one nation's autonomous action would be if the proposed action violated the rights of some other nation. Under a regime of shared duties, by contrast, one nation may well be bound by genuine duties, even where no other nation has any strict rights.\textsuperscript{12}

Notice, however, that only truly fundamental duties can justifiably be imposed in this way upon nations, regardless of their particular preferences or circumstances. What follows from that fact is a rule of universality. Truly fundamental duties are equally fundamental for all agents alike. The duties thus imposed can therefore be said to be shared duties—"shared" in the sense that each nation is under the very same duties for the very same reasons as is every other nation.

For an example of this sort of normative structure drawn from the more familiar terrain of personal morality, consider the duty that each of us has to tell the truth. This is not, first and foremost, a duty that derives from any right owed to others: it rings untrue to say that the only reason we should tell the truth is simply that others have a right to be told the truth.\textsuperscript{13} The duty is freestanding, in that sense. Furthermore, it is a duty that is imposed upon all agents alike. Whatever reasons we have for thinking that moral agents should be bound by a duty to tell the truth, those reasons are the same for all agents. The duty in question is, therefore, a shared duty.

The striking thing about duties that are shared in this way, however, is that they are also very much "personalized" (or, in the current jargon, "agent-relative"). If I fail in my duty to tell you the truth, no one else is under any duty to right the wrong
by disabusing you of the falsehood that I have planted in your head. The lie would be my lie; it would be charged to my moral account. Others cannot clear my account—they cannot make me any less of a liar—simply by telling the truth on my behalf. Nor can they somehow restore the moral balance of the universe by being doubly honest themselves to make up for my dishonesty.

It is indisputably true that duties such as those of truth telling are shared duties, in the sense that everyone is under one and the same duty. The nonetheless peculiar thing about shared duties, thus construed, is that they are so weakly shared. They bind each of us individually but none of us collectively. If one agent defaults on his duty, there is nothing any other agent should do—indeed, within this moral structure, there is nothing that any other agent even can do—to remedy the situation.

International duties are sometimes said to be like that. Consider the classic case of human rights once again. Many of those who are most anxious that their own nation respect the rights of its subjects will also insist that it would be wrong for other nations to interfere if it did not. Sometimes that position reflects simple hypocrisy, revealing that the person only halfheartedly agreed to the principle of human rights in the first place. But sometimes, at least, people urge that view because of a particular view they take about why human rights are morally important. They might think, for example, that the reason for insisting upon respect for human rights has to do with a duty that nations have to display a certain attitude—an attitude of equal consideration and respect—toward their subjects. While external pressure might force a nation to perform the right actions, these would be no more than morally empty gestures if performed for the wrong reasons. What would follow from this way of thinking about human rights is that every nation should respect the human rights of its own subjects but no nation should (because none usefully could) intervene if other nations fail to respect the rights of their own subjects.

That model of “tending our own garden” has been applied fairly widely by those commentators on international relations inclined to move somewhat beyond—but not too far beyond—a minimalist regime of shared rights. “Pursuing the Good” in this way, one step at a time and one country at a time, has obvious attractions. It is laudably realistic, appreciating that we cannot reasonably expect to persuade everyone in the world to do exactly the right thing at the very same instant. And if the problems in view are genuinely decomposable in that way—if they genuinely can be resolved through country-by-country action—that may well be the most effective way to pursue “The Good” in an inevitably imperfect world.

There are, however, genuine problems with that model. The first and most obvious is, of course, the simple fact that not all internationally significant problems are necessarily decomposable in that way. But that is merely an objection to the impracticality of that way of proceeding. In a more principled vein, what is perhaps morally most unattractive about this model is that it makes altogether too many concessions to realism. It lets off the hook altogether too easily those who actually do take their moral duties seriously. Under this model, they are morally in the clear just so long as they do not themselves do anything wrong. If others around them are doing wrong, even wrong of a sort that they could take action easily and without cost to correct, they are on this account under no duty to do so. Of course, it would be good if they did. But morally, such a performance would count as supererogatory—above and beyond the call of duty. Critics of this model might reasonably remark that if this is so, then duty seems not to be calling loudly enough.

**Shared Responsibilities**

Whereas a regime of shared duties is act-oriented, a regime of shared responsibilities is outcome-oriented. What duties demand of agents are specific performances. What responsibilities demand of agents are specific results, leaving the agents themselves to choose which among various possible, morally permissible
actions might best achieve the mandated results. Under a system of duties, an agent is morally off the hook once he has performed precisely those actions demanded of him, even if the overall results are utterly catastrophic. A system of responsibilities does not let an agent off the hook until he has actually accomplished the prescribed ends through some judicious choice among permissible means.

Some responsibilities—such as the responsibility of a bodyguard to protect the dignitary he or she is assigned to watch over—are peculiar to one particular agent. But many responsibilities are shared among several agents. Consider, as an example, the responsibility that is shared by both parents to care for their offspring: there is a single outcome in view (healthy and happy children), which the two partners, jointly and separately, are responsible for producing.¹⁶

Notice, however, that the implications of sharing a responsibility are markedly different from those of sharing a duty. The principal difference derives, in turn, from the difference between act-oriented and result-oriented moral systems. To share a duty is to have a duty just like another’s; but it is still very much your own duty, and if you fail to do it, no one else can do it for you. To share a responsibility, by contrast, is to be responsible together with various others for producing certain outcomes. And since it is the outcome that each is responsible for producing, there is usually something each can (and should, if possible) do to pick up the slack, if any of the others default in their responsibility. Thus, for example, parents are, insofar as they are able, jointly and separately responsible for ensuring that their children’s basic needs are met. What that means, in turn, is that each parent is responsible for assuming complete responsibility for catering to the basic needs of the couple’s children, should the other partner prove unable or unwilling to shoulder his or her share of the burden.¹⁷

That leads to the second important point of difference in a regime of shared responsibilities. Under the other sorts of regimes, it is inappropriate (wrong, under a regime of shared rights; pointless, under a regime of shared duties) to force people to do what, in some larger sense, they should. Under a regime of shared responsibilities, by contrast, it is perfectly proper to do what one can—within limits—to force others to shoulder their share of a responsibility that is jointly shared. It is your business to do so, precisely because their default would increase the share of the burden that would morally fall to you to bear. Thus, in the example of family relations, it is thought to be perfectly proper to use the force of the law to extract child support payments from financially solvent parents who have chosen to leave their families.

Transpose this family model, now, from hearthside settings to the international arena. What would it mean to say, then, that what nations shared were genuine responsibilities rather than mere duties? First of all, it would fix the moral focus upon the outcomes that they were collectively supposed to produce, rather than upon specific acts of specific agents. Second, it would mean that each nation would be responsible for making good any shortcomings, should other nations fail to do their full part toward producing those ends. And third, it would mean that each could properly press others to do their part toward producing those shared ends.

In the context of international human-rights policy, for example, a regime of shared responsibilities would have quite clear and distinctive implications. Under such a regime, it most definitely is the business of the international community as a whole to ensure that states respect human rights, even if they are not so inclined. It would be legitimate for other nations to do whatever they can, within limits, to force delinquent nations to respect human rights. And it would be not only morally permissible but morally mandatory for nations, insofar as possible, to respect human rights on behalf of any delinquent nation—by offering political asylum to that nation’s persecuted subjects, for example.

In the context of international environmental policy, a regime of shared responsibilities would imply, first of all, that it is morally permissible for environmentally conscientious nations to bring
pressure, at least in certain ways, upon nations that fail to discharge their environmental responsibilities. It would be perfectly permissible, rather than a gross infringement of another nation’s sovereign prerogatives, for one nation to grant licenses to fish in its territorial waters only to the ships of nations that comply with international standards to protect fish stocks within their own territorial waters. It would also be perfectly permissible for bilateral- or multilateral-aid donors to attach strings to loans, making receipt conditional upon effective policies to protect the environment within the recipient nations.

Such a model would imply, second, that it would be both fitting and proper for environmentally conscientious nations to do double duty; should others refuse to do their duty at all. If some nations are not going to do their part, then the others must do more than their share if the task is going to get done at all. On this analysis, therefore, there should be no moral qualms about paying Brazil to stop destroying the Amazon rain forests, even though this would amount to paying Brazilians to do no more than what morally they should be doing anyway. And on this analysis, it is perfectly proper for environmentally conscientious nations to overcomply with international agreements protecting the environment—reducing their whale catch or their production of chlorofluorocarbons (CFCs) or “greenhouse gases” by more than the treaty requires—once it becomes clear that some other nations are going to undercomply.

Mixed Models

Naturally, these are all highly stylized models, and the distinctions between them tend to blur in practice. It is, nevertheless, worth setting out distinctions as clearly as possible, even at the risk of some artificiality, so that the advantages and disadvantages of any particular component in the larger mixture can be clearly assessed.

While conceding that actual cases may always be mixed, it would be a mistake to jump to the conclusion that actual cases will inevitably be mixed. It is commonly said, for example, that rights entail responsibilities; and that might lead us to suppose that those two models of international ethics are necessarily complementary, rather than competing. Whether or not that is true, however, depends upon what account is given of the entailment relationship. According to one very standard interpretation, rights entail only a responsibility to respect the analogous rights of others. If that is all there is to the relationship, then the rights and corollary responsibilities both work strictly within one and the same model of shared rights, as described above. There are, of course, other ways of interpreting the rights-responsibilities entailment relationship. One, for example, deals in terms of the duties that the powerful have to protect the less powerful. But genuinely distinctive responsibilities, akin to those to be imposed under the model of shared responsibilities described above, will arise only within stronger and more contentious accounts of the entailment relationship.

Applying the Structures

With all this philosophical apparatus in place, let us return to the actual policy problems—problems of the environment—that motivated this inquiry in the first place. Of course, there are many problems with the environment, each subtly different from the other. Different sorts of policy responses, and different structures of international regime, are therefore going to be best suited to solving all the various problems of the global environment.

Let us, however, try to cut through all those subtleties and focus instead on fundamentals. Different as they may be in other respects, notions of shared rights and notions of shared duties both deal in terms of the actions of individual nations. Some, perhaps many, environmental problems are indeed decomposable
in that way: the more nations there are implementing a policy, the more likely it is that the desired outcome will be achieved, and the relationship is thus a smoothly increasing function of how many, and to what extent, actors are working toward that end. In such a case, isolated actions of individual nations are, in principle, perfectly capable of producing—or at least of contributing usefully to the production of—the desired outcome. And it is therefore perfectly defensible for us to pursue those goals through normative structures focusing upon the actions of individual nations.

Some of the most worrisome environmental problems are not like that at all, however. Instead, they are more akin to "lumpy public goods": instead of policy inputs translating smoothly into environmental outputs, the response curve is more of a "step function," and inputs must pass a certain threshold before they make any difference whatsoever to the outcome. As alluded to earlier, ozone depletion and resulting climate change might be like that.

In such cases, concerted action among a large group of countries will be required to make any difference at all to the outcome, and normative structures focusing upon the isolated acts of single states are wildly inappropriate to the situation. For these second-wave problems that characterize the "new environmental crisis," therefore, a regime of shared responsibilities is the normative structure that is prudentially required.

To say that a regime of shared responsibilities is the normative structure that the situation requires, however, is not to say that it will be set in place automatically. Politically, we must start from where we find ourselves, and that is in a world of sovereign states. Even the most committed environmentalist must take due account of that fact. In such a setting, shared responsibilities can acquire practical political force only if (and only to the extent that) they are recognized by nations themselves, through treaties and other similar international instruments.

There are good grounds for suspecting that this strategy is morally suboptimal, second-best, or worse. Of course it is perfectly possible, in a regime of shared rights, for states, through the exercise of their sovereign prerogatives, to sign treaties assuming various responsibilities to be shared with other cosignatories. But the shared responsibilities that emerge in this way are very different from those in models built around these notions directly. Whereas the shared responsibilities under the latter models would be foundational, treaty-based responsibilities would be merely derivative—derivative from the rights that sovereign states have to sign such agreements with other sovereign states.

The disadvantage of their being derivative, in turn, is that they are virtually always revocable, at least in principle. What sovereign states do through the exercise of their sovereign prerogatives they can typically undo in the same manner. As the old saying in constitutional law has it, sovereigns cannot bind their future selves—or at least they cannot do so without undermining the sovereignty of those future sovereigns.

Under regimes based directly upon notions of shared responsibilities, by contrast, the responsibilities are regarded as foundational. Having in that way an existence independent of the actions of sovereign states, they cannot simply be revoked at the pleasure of the states concerned in quite the same way that responsibilities deriving merely from treaties typically can. Such is the great disadvantage of deriving shared responsibilities from treaty commitments alone.

Even if the treaty-based strategy is morally suboptimal, though, at least it has realism to recommend it. Given where we are starting—in a world of sovereign states—perhaps the treaty-based strategy is the only way to move toward a regime of shared responsibilities.

Still, if a regime of shared responsibilities can only emerge in present circumstances from treaties, not all sorts of treaties are
equally good for the purpose. Some treaties institute a regime of shared responsibilities, whereas others just serve to reinforce regimes of shared rights.

Compare, for example, the 1985 Vienna Convention for the Protection of the Ozone Layer with the 1987 Montreal Protocol on Substances That Deplete the Ozone Layer. Notice how the Montreal protocol was set to go into force not (as with the Vienna convention) when a fixed number of signatories ratified it but, rather, when it was ratified by countries accounting for two-thirds of the estimated 1986 consumption of ozone-depleting substances. The idea—which, in terms of a model of shared responsibilities, is obviously the right idea—is that what matters is not how many members there are in the club but whether the members that are in it have the capacity to make the relevant difference to the outcomes. Or again, notice how, rather than just encouraging systematic observation, research, and information exchange, as under the Vienna convention, the Montreal protocol actually imposes some rather onerous burdens upon signatory states, committing them first to freezing and then to sharply reducing their emissions of ozone-depleting substances. Or notice, yet again, how the Montreal protocol commits signatories, in a way the Vienna convention patently does not, to the attempt to influence the ozone-depleting actions of other, nonsignatory states. That might be regarded by advocates of a shared-rights model of international relations as an unwarranted interference with the domestic affairs of another nation, but it would be perfectly permissible in pursuit of genuinely shared moral responsibilities. In all these respects, the Montreal protocol is a model of how to—and the Vienna convention a model of how not to—draft treaties institutionalizing a regime of shared responsibilities.

The primary recommendation of this article—which for reasons given at the outset of this section is still very much a second-best solution, morally—is for the recognition of such responsibilities through many more treaties along the lines of an extended version of the Montreal protocol. Pending such international developments, however, there are still useful steps that individual nations can take. A model of shared moral responsibilities for environmental protection would, for example, legitimize a nation refusing to allow the manufacture or export of CFCs or the technology to produce them. Or, for another example, it would legitimize a nation unilaterally refusing to provide aid or loans to countries that manufacture CFCs.

Other nations may protest that this constitutes interference in their own domestic affairs. And, of course, in a way it does. But that objection bites only if we are thinking in terms of rights of sovereign states. The point of this paper is that this is the wrong way to be thinking about the new wave of environmental concerns.

NOTES

1. I am grateful to James Crawford and Joel Rosenthal for comments on an earlier draft of this article.


3. That certainly is what is suggested by the policy-specific portions (e.g., parts 3 and 4) of Ward and Dubois's Only One Earth. Only in part 5 do they turn—briefly, and almost as an afterthought—to consider the larger questions of the "planetary order," among them questions of climate modification that I here present as paradigmatic of the "new environmental crisis." Similarly, the 1972 Stockholm Declaration on the Human Environment, article I, section 7, condones that, inevitably, "local and national government will bear the greatest burden for large-scale environmental policy and action within their jurisdiction," even while acknowledging a "growing class of environmental problems...[that] are regional or global in extent or...affect the common international realm" and will therefore "require extensive cooperation among nations and action by international organizations in the common interest"; see International Legal Materials 11 (1972), 1416–21.


6. Note, for example, the extent to which the “Proposed Legal Principles for Environmental Protection and Sustainable Development,” adopted by the World Commission on Environment and Development (WCED) chaired by Gro Harlem Brundtland, all still largely pertain to problems of “transboundary environmental interferences”; WCED, Our Common Future (Oxford: Oxford University Press, 1987), annex 1, 348–51.


10. These duties may sometimes correlate with, or indeed derive from, the rights of others. In this particular example, they actually do so. But even where they do, they are rights of the nation’s own subjects, rather than of any national actor. What is crucial in differentiating this model from the last is precisely that fact: no other nation (necessarily) has any rights in the matter. (Of course, they may, as signatories of international agreements; but morally, nations arguably lie under such a duty even if they have not signed any relevant international instruments.)


12. To sample this way of thinking, see the Philosophy and Public Affairs debate between Michael Walzer and his critics; it is reprinted in Charles Beitz et al., eds., International Ethics (Princeton: Princeton University Press, 1985), 165–246.

13. They may or may not, in any particular case, but even where we think they do, it seems somehow wrong to say that the duty derives from the right. Surely the duty would exist, even in the absence of any particular right (or right holder) in the matter.

14. John Locke argues similarly in his Letter Concerning Toleration that there is no point in compelling outwardly pious religious performances from people whose hearts are not in it, since pious acts performed for fear of external sanction and not motivated by genuine belief will not procure a person’s salvation.

15. In terms of contemporary moral philosophy, the former is deontological whereas the latter is consequentialist. For further elaboration of the distinction between duties and responsibilities at work here, see Robert E. Goodin, “Responsibilities,” Philosophical Quarterly 36 (1986), 50–56.


20. As, indeed, the 1972 Stockholm Declaration does in Principle 24: “International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries, big or small, on an equal footing. Cooperation through bilateral or multilateral arrangements or other appropriate means is essential, [but it must work] in such a way that due account is taken of the sovereignty and interests of all states.”

21. Sometimes, of course, treaties do explicitly renounce sovereignty in certain respects, in which case the obligations arising under them may well be irrevocable.

22. These are reprinted in International Legal Materials 26 (1987), 1529–40 and 1550–61, respectively. For the purely illustrative purposes here, I shall simply gloss over the fact that the latter is a protocol concluded under the former convention; the differences here described