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gLAWcal Comment #266

**PROPORTIONALITY DOES NOT ALWAYS
MEAN APPROPRIATE**

Based on

**Marion Lemoine “The Kyoto Protocol:
Carbon Pricing and Trade Prospects.
The Clean Development Mechanism
from the Perspective of the Developing
Countries”**



gLAWcal
Global Law Initiatives for Sustainable Development



Routledge
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A gLAWcal comment on Marion Lemoine “The Kyoto Protocol: Carbon Pricing and Trade Prospects. The Clean Development Mechanism from the Perspective of the Developing Countries” in Paolo Davide Farah and Elena Cima (Eds.) China’s Influence on Non-Trade Concerns in International Economic Law

The chapter focuses on the legal and political concept of proportionality, and how the idea has migrated into international law and international organizational behaviors. The author does a proficient job of explaining the definition of proportionality, or in other words, the most appropriate responses to a given action. They are able to do this without delving too far into legal concepts that a reader with little understanding of the field would understand with reasoned haste. What was most interesting was the modern examples made of the increasing number of proportionality tenants that have crept into structures that would previously not have those in existence. Moreover, the author provides an

interesting case that proportionality as a tenant at this level prevents proper accountability to the needs of the constituency and the individualized circumstances. While many times it is most palatable to provide a proportional response, it is often not the best or most appropriate response for an international organization to give. And yet, the author stops short of determining that, yes in fact proportionality has fully invested itself into international law. Instead they gives examples of how proportionality may have injected itself into the responses given in a variety of circumstances.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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