

INTERNATIONAL ENVIRONMENTAL LAW

International environmental law is central to climate action. For example, the 2015 Paris Agreement, is a universal climate change agreement through which both developing and developed countries work together on climate mitigation and adaptation. This 2-sider offers an overview of some of the key agreements and sources of international environmental law that can benefit local and national climate action efforts.

WHAT IS IT?

International environmental law is a way to control actions relating to the environment and its protection. It is created by and applied to **countries** at the international level. There are four different sources that feed into the creation of international law:

- **Conventions and Treaties:** the legally-binding agreements between countries
- **Customary International Law:** habits of how countries act that become rules
- **Principles of International Law:** the norms and standards informing international law and action
- **Scholarly Work:** how experts around the world interpret the law

International law consists of hard laws, which are legally-binding obligations, and soft laws, which are other international documents like declarations, compacts, and general comments, which shape and influence obligations countries have.

International environmental law is shaped, in particular, by a set of three conventions all signed in Rio in 1992:

1 - The United Nations Framework Convention on Climate Change (UNFCCC) - The UNFCCC is an international treaty that recognizes the dangers of human-induced climate change, and that greenhouse gas emissions from human activities must be reduced to a level that prevents catastrophic impacts. The UNFCCC states that "such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner." Under the UNFCCC, decisions are made during annual Conferences of Parties (COPs) to further protect people and the planet. These include setting global climate goals, establishing taskforces to research specific areas of concern and create recommendations, and structuring international climate finance instruments. The Paris Agreement, exists within the frame of this Convention and commits countries to action.

2 - The Convention on Biological Diversity (CBD) – The CBD focuses on the protection and sustainable use of biodiversity, and on how to manage and share genetic information. The almost universal adoption of the CBD makes it an influential document, and gives weight to its sections highlighting public awareness, education, and the rights of women and Indigenous peoples. Under the CBD, biodiversity protection is always carried out at the national level, where local organizations and movements take on the role of ensuring that countries follow the rules to which they agreed. The CBD includes a de facto moratorium on geoengineering: to invoke a precautionary approach and prohibit climate-related geoengineering activities.

3 - The United Nations Convention to Combat Desertification (UNCCD) - The UNCCD gathers countries to implement sustainable land management and to create long-term, cross-border collaboration protection and to expand arable land and the environment. It is relevant to climate action because accelerating desertification, and its consequences, such as sandstorms and food insecurity, are part of the impacts of climate change.

Sometimes the term "State" or "Party" is used instead.



Some key principles that have emerged from international environmental law are:

- The Prevention Principle: preventive measures must be taken to anticipate and avoid environmental damage
- The Precautionary Principle: allows preventive measures to be taken in cases where harm is yet to materialise but there is uncertainty about risk
- The Polluter Pays Principle: the country, business or person who causes pollution should bear the costs of the damage caused

This page is an excerpt from QUNO's "People's Climate Empowerment Series", a publication that explains international efforts on climate change and how these can help us support fair, ambitious and inclusive climate action.

To find out more visit:

<https://quno.org/resource/peoples-climate-empowerment-series>

Besides the 1992 triplets, there are many other International Environmental Law treaties, declarations, and documents. Some of the most important are listed below.

WHAT	WHEN	WHY
African Charter on Human and Peoples Rights	1981	The African Charter establishes in Article 24 that people have the right to a healthy environment. It was the first regional treaty to do so.
Montreal Protocol and the Kigali Amendment	1987 and 2016	The widely successful Montreal Protocol phases down the production and consumption of ozone-depleting chemicals, whereas the Kigali Amendment reduces the usage of alternative non-ozone depleting chemicals that are harmful to the environment, including climate change.
Rio Declaration on Environment and Development	1992	Principle 10 recognises that environmental issues are best handled with the participation of all concerned citizens. This includes appropriate access to information and the opportunity to participate in decision making processes. Principle 20 and 22 highlight the vital role of women and Indigenous peoples in environmental management.
Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	1998	Sets out national obligations on access to information, public participation in decision making and access to justice in environmental matters. Signatory countries also have a duty to provide a review mechanism for the settlement of grievances through either a court of law or independent body.
UNFCCC Cancun Agreements	2010	Declare that all countries should, in all climate change related actions, fully respect human rights.
UN Guiding Principles on Business and Human Rights	2011	Article 11 provides that businesses have an obligation to respect human rights of others and address adverse human rights impacts with which they are involved. This involves meaningful consultation with potentially affected groups and other relevant stakeholders, as well as continued feedback and monitoring (article 18 and 20).
Paris Agreement	2015	A legally binding convention to commit its signatories to greenhouse gas emissions reductions, adaptation, finance, and capacity building. It encourages countries to respect their human rights and gender equality obligations in the preamble.
Sustainable Development Goals	2015	A set of 17 targets to be achieved by 2030 agreed to by all United Nations members to create a better and more sustainable world for all, including clean water and sanitation (6), affordable and clean energy (7), climate action (13), life below water (14), and life on land (15).

WHAT TO DO NOW – PRACTICAL STEPS

Everyday: 1.) Consider how we can change our everyday behaviors – this can include changing what we eat, the way we use energy at home, or how we travel – to have less impact on our planet. 2.) Talk with the people around us, especially those who may not understand the human impact of climate change or feel powerless and don't know how to help.

Medium-Term: 1.) Find out what our workplaces are doing to reduce their carbon emissions. This could be with regards to work activities or product sold, behavioural aspects such as the commute to work or recycling in the office. 2.) Engage with local groups or local chapters of organizations or movements we respect (be that environmental groups, faith community initiatives or a sports club). 3.) For owners of financial assets, look into the choice of ethical pension funds, banking and investments.

Long-term: 1.) Engage politically – this spans getting involved in local, regional and national politics and making sure we vote in every election. 2.) Learning about international climate law and legal challenges and thinking about how we can participate, either through campaigning, research or contributing to public consultations. Public participation in climate policy making is our legal right!

The Quaker United Nations Office (QUNO) is an expert observer of the UNFCCC, IPCC and Human Rights Council. QUNO has been supporting work on climate change at the international level through diplomacy, advocacy and education initiatives since 2012. Please consider making a donation to help us continue with this work.