



# **GLOBAL TRAINING PROGRAMME ON ENVIRONMENTAL LAW AND POLICY**

Evolution of environmental law and  
policy

2 November 2009

# EARLY STAGES

- Concern for - and public awareness of - the natural environment a relatively recent phenomenon.
- new scientific findings, dissemination of information, new challenges: growing concern.
- Since XIX century: some inter-state efforts to address problems relating to the oceans, endangered species, and other natural resources, which date back into the nineteenth century.
- These early international efforts were relatively uncoordinated.

# Modern int.l environmental law

- Modern international environmental law: evolved from early efforts and received a major boost with the 1972 Stockholm Conference on the Human Environment and later on with the 1992 Rio Conference on Environment and Development
- Developed in a piecemeal fashion, though ad hoc responses to environmental threats or challenges (many international fora and many international instruments)
- At the same time, development of principles and concepts taken on board in several treaties or non-binding instruments. This contributed to the creation of a global framework for international environmental law.
- Several attempts to create more coherence, including recent IEG efforts

# Stockholm to Rio (to Johannesburg)

- Stockholm Conference 1972:
  - Recognition of centrality of the environment for human well being
  - Recognition of need for a coordinated approach to the environment
- Rio Conference on Environment and Development 1992:
  - Rio Declaration: 27 principles, aiming to guide the international community in its efforts to achieve sustainable development.
  - Agenda 21: a sort of action plan for moving forward in the area of sustainable development
  - Boosted the adoption of several major international environmental agreements (or MEAs)
  - Emergence of the concept of sustainable development
- WSSD – Johannesburg – 2002
  - Political declaration
  - Plan of implementation

# Sustainable development

- 1987: World Commission on Environment and Development published Our Common Future (Brundtland Report)
- "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
- Shift toward sustainable development has implications for development, economic and social policy:
  - primary focus on improving the human condition;
  - integration of environmental and social concerns into all aspects of economic policy
  - broader understanding of human reliance and dependence on the environment.

# Sustainable development: related principles

- Goal of intergenerational equity.
  - Sustainable development recognizes each generation's responsibility to be fair to the next generation, by leaving an inheritance of wealth no less than they themselves had inherited.
- Common but differentiated responsibilities (because of different development paths)
  - Reflected in the structure and content of many international environmental instruments.

# Multilateral environmental agreements

- One of the most important sources of international environmental law, are MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs, or treaties, or conventions).
- While some of them are limited to a very well defined geographical area (e.g. a transboundary lake and its basin) other are global
- UNEP has been at the forefront of developing these instruments, by bringing to the attention of governments certain problems, by raising awareness and by sponsoring the negotiation process.

# ABOUT UNEP

- Established in 1972 by the UN General Assembly  
(Resolution 2997/XXVII of 15 December 1972)
- Objectives/mandate:
  - Coordination
  - Keeping the environment under review
  - Promoting cooperation and development of environmental policy

# UNEP's MISSION

To provide leadership and encourage partnership in caring for the environment

by inspiring, informing and enabling nations and peoples to improve their quality of life without compromising that of the future generations

# MAIN ACTIVITIES

- I - Development of international environmental law
- II - Technical assistance for the development, strengthening and harmonization of environmental legislation and institutions
- III - Training
- IV - Information

# MONTEVIDEO PROGRAMME

- The strategy for UNEPs environmental law activities in the first decade of the 21st Century
- Developed with governmental participation and consultation with legal experts throughout the world
- SEVERAL Priority areas of intervention
  - GROWING ENPHASIS ON INTERLINKAGES, E.G. TRADE AND ENVIRONMENT, HUMAN RIGHTS AND THE ENVIRONMENT, ETC.

# GLOBAL MEAs

- **OZONE** Vienna Convention, 1985  
Montreal Protocol, 1987
- **WASTES** Basel Convention, 1989  
Protocol on Liability and Compensation, 1999
- **CHEMICALS** Rotterdam Convention (PIC), 1998  
Stockholm Convention (POPs), 2001, UNEP-FAO
- **BIODIVERSITY** Convention on Biological Diversity, 1992  
Cartagena Protocol on Biosafety, 2000

# REGIONAL MEAs

## REGIONAL SEAS PROGRAMME

- SHARED WATER RESOURCES
- ATMOSPHERE
- BIODIVERSITY
- HAZARDOUS WASTES

# SOFT LAW

- **NON LEGALLY-BINDING PRINCIPLES, GUIDELINES AND CODES OF CONDUCT**

(Shared Natural Resources, Weather Modifications, Offshore Mining and Drilling, Hazardous Chemicals, Hazardous Waste, Marine Pollution from Land-Based Activities, Environmental Impact Assessment, Safety in Biotechnology, Enforcement of and Compliance with MEAs, liability and compensation, access to information, justice and public participation)

- **PROGRAMMES OF ACTION**

(GPA - Global Programme of Action for the Protection of the Marine Environment from Land-based Activities)

# TECHNICAL ASSISTANCE/1

- **DEVELOPMENT AND STRENGTHENING OF NATIONAL ENVIRONMENTAL LEGISLATION**
  - constitutional provisions on the environment
  - framework environmental laws
  - sectoral environmental laws
  - environmental institutional regimes
- **HARMONIZATION OF ENVIRONMENTAL LEGISLATION**
- **IMPLEMENTATION OF MEAS**

# TECHNICAL ASSISTANCE/2

## - APPROACH

- assessment of needs
- national ownership and commitment
- endogenous capacity building

## - TARGET

- more than 100 countries assisted so far

# TRAINING

## MAJOR INITIATIVES

- Global Training Programme (GTP 1-9)
- Judges Symposia
- Diplomacy courses
- Capacity building to negotiators
- Promotion of environmental law education in national or regional institutions

# RECENT TRENDS

- MORE HOLISTIC – COORDINATED APPROACH (E.G. SYNERGIES AND IEG PROCESSES, ALL LEVELS OF GOVERNANCE RELEVANT, ALL ACTORS IMPORTANT)
- ECOSYSTEM APPROACH
- INTERLINKAGES (HUMAN RIGHTS, ECONOMICS, TRADE...)
- FOCUS ON SUPPORTING IMPLEMENTATION (COMPLIANCE AND ENFORCEMENT, ENVIRONMENTAL CRIME, EFFECTIVENESS...)