

The International Legal Framework for Civil Society

People's rights are enclosed in a wide range of:

International agreements

Other legal instruments

*Covenant Convention Charter
Accord Protocol or Agreement*

treaties in the context of international law.

Generally are a **legally binding instrument**: the implementation of the obligations undertaken by its state parties can be enforced by international law. Nevertheless, this engagement must have the express consent of the parties to the treaty.

Ratification

Accession

Succession.

International instruments **not inherently legally binding**

Declaration Proclamation Standard rules Guidelines Recommendation Principles

Nevertheless, states are expected to adhere to them as a moral obligation to the international community and to their own populations.

Environmental law is a comparatively new branch of law and has evolved mainly over the last **thirty years**.

Many of the same principles are shared by the **common law and civil law systems**.

It is therefore as yet in a formative stage and is undergoing a process of rapid development inspired also by a quantum leap in our understanding of the environmental challenge.

Growing **public awareness** of threats to the environment, informed by **warnings of scientists**, has led to demands that law protect the natural surroundings on which human well-being depends.

Governments began to demonstrate concern during the 1960s

- Introduced **legislation** to combat pollution of inland waters, ocean, and air, and to safeguard certain areas
- Established special **administrative organs**, ministries or environmental agencies, to preserve more effectively the quality of life of their citizens.
- Developments in **international environmental law** paralleled this evolution within states, reflecting a growing consensus to accord priority to resolving environmental problems.
- **Today, national and international environmental law is complex and vast, comprising thousands of rules that aim to protect the earth's living and non-living elements and its ecological processes.**

BACKGROUND

The first generation of environmental law

1972 Stockholm UN Conference

(Differences between developed and developing countries, introduction of a suite of laws for them to administer on environmental impact assessment, pollution control, wilderness conservation and threatened species conservation.)

Sustainable development definition Brundtland Report 1988

“...which fulfils present needs without effecting potentiality of future generation...”

1991 Montreal Agreement to eliminate CFC

The second generation of environmental law

1992 Rio Conference on Environment and Development

The **1992 Rio Declaration on Environment and Development** and **Agenda 21** (even if is no binding) emphasised the need to develop endogenous capacity in the legal and institutional areas, which is critical for sustainable development. In the past two decades, developing countries have taken remarkable steps towards developing sustainable legal institutional frameworks for improved environmental management using guidelines for NTP. Focus to sustainable development, reflecting the increased participation of developing countries in international diplomatic initiatives on the environment.

Kyoto Protocol 1997 to reduce greenhouse effect - effective in 2005

Currently 119 countries have ratified it

last 40 years

700 agreements

CHALLENGES & GAPS

How the international system can ASSIST & PUSH countries to address what has become known as the 'implementation gap'?

August 2002 The Johannesburg Principles on the Role of Law and Sustainable Development adopted at the Global Judges Symposium

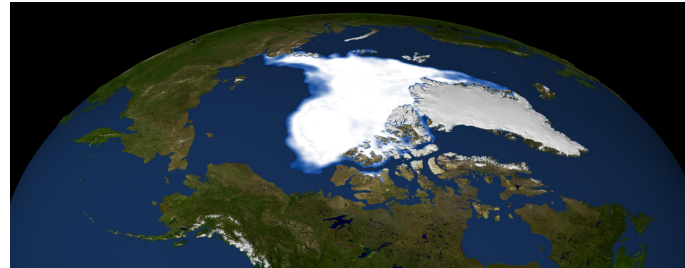
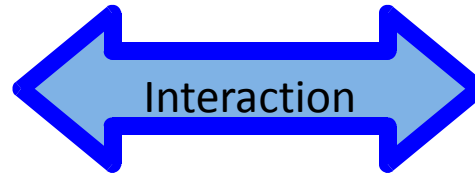
Members of the Judiciary from around the world agreed on a capacity building programme in environmental law, based in particular on the importance of sensitizing the public and the Judiciary on environmental issues. Building knowledge based on acquisition and dissemination of information, public participation in decision-making and access to justice are key elements of the programme.

1999 Montevideo Environmental Law Programs

implementation of environmental law have been periodically elaborated by UNEP within its sequential 10 year plans of action entitled the Montevideo Programs for the Development and Periodic Review of Environmental Law. **The last Montevideo IV in 2009.**

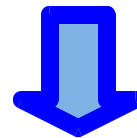
Division on Environmental Law and Conventions (DELIC) is structured into four programs: Policy and Interlinkages; Climate Change and Energy Law; Biodiversity and Land Law; and Chemicals. The program on Policy and Interlinkages is designed to support the effective and efficient implementation of multilateral environmental agreements by addressing cross-cutting issues

Energetic issue & EU strategies



Natural system reacts time wise differently from human activity.

Our Economic system introduce material resources and energy with a completely different process used by ecosystem



ECOLOGICAL ISSUE

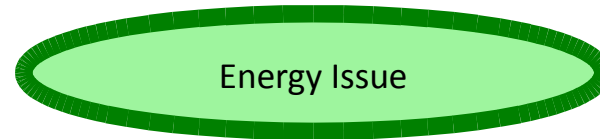
GLOBAL CHANGE /GLOBAL WARMINGS

Scientists in Europe and around the world do not always agree on **causes** and **effects** of this problem.

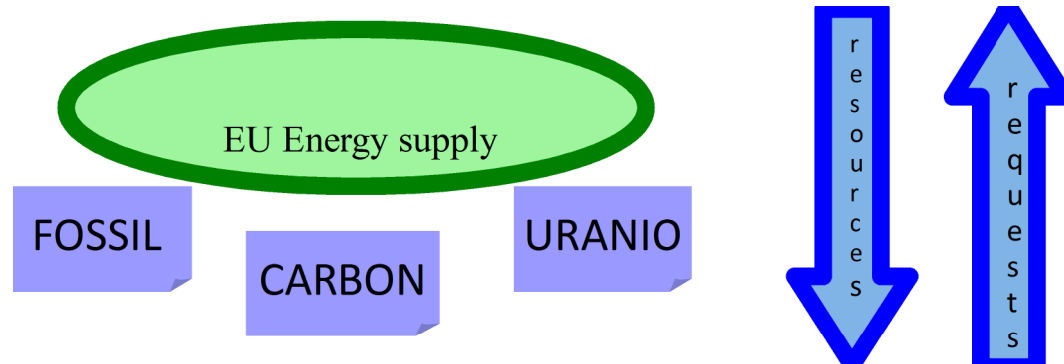
Since ecological issue is perhaps the worst problem related to live which human beings have been struggling with in history, human beings themselves are trying to solve it introducing a legal framework.

Examples such as Cernobyl 1986 or Japan 2011 make all actors involved in environmental protection concerned)

As pointed out in Agenda 21, “Laws and regulations suited to country-specific conditions are among the most important instruments for transforming environment and development policies into action not only through ‘command and control’ methods but also as a normative framework for economic planning and market instruments.”



Ought to be seen in the political, social and economical transformation, considering the influence of social and political relationships on DEMOGRAPHY ,RESOURCES AND DISTRIBUTION ,TECHNOLOGY USED IN DIFFERENT POLITICAL /GEOGRAPHICAL AREA



EU has decided to plan its strategy at EU level rather than for each single state of the union. It is the only way to achieve a sustainable development.

EU commitments related to Kyoto Protocol: about 8% CO2 emission by 2008-2012 (measured on data collection 1990)

by: raising awareness on responsible consumption and energetic development.

EC directive 96/92 on energy market interconnections

have been further implemented by

EC 2003/54 consumer protection and economic and social cohesion in energy market.

On decision of EP and EU Council a programme on intelligent use of energy in Europe have been adopted focused on health and safety.

SOCIAL COHESION TO FIGHT POVERTY

ECONOMIC COHESION TO HAVE SECURITY AND ENVIRONMENT PROTECTION

New generation of legislation

Almost every country now has a ministry or agency empowered to implement a wide range of activities for the protection of the environment, conservation and sustainable use of natural resources.

Environmental ministries are usually established at Cabinet level and are responsible for implementing the frameworks for environmental laws and for formulating environmental policies.

Environmental agencies have also been set up at some provincial levels to assist in the implementation of national strategies and to improve the assessment and monitoring of resource use.

Rio+20: European Union aims for ambitious agreement



TOWARDS GREEN ECONOMY AND BETTER GOVERNANCE

The EU resource efficiency Roadmap was adopted in September: **Resource Efficiency** is one of the seven flagship initiatives in the Europe 2020 strategy approved in 2010. The roadmap aims to decouple the use of natural resources from economic growth, and to encourage changes and social behaviour. Together with EU proposals on a low carbon economy, it sets out what is needed to make Europe's economy sustainable by 2050.

The EU proposal for Rio + 20 emphasis national actions from the bottom up and a package of reforms to improve international environmental governance and more specifically cooperative action in key sector such as: **water, food, agriculture, fisheries, forestry, energy, marine environment and chemicals, as well as restoring natural resources and ecosystem services.**

Regulation in the market has a role to play in moving to the goal. EU propose that the conference should adopt a new set of indicators which will integrate economic, social and environmental factors and could be used to measure progress towards green economy.

What is next?

Do we use existing laws?

Should we improve or adapt them with a social -economical approach?