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An Introduction To International Environmental Law: Foundations, Regimes, Issues and Challenges.

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Summary: The key focus of this speech is to present foundations, evolution and the current state of art of international environmental law, which nowadays constitute important part of the global international law regime. Current international environmental regime is the main source regulating the environmental relations between countries and non-state actors. The beginning of the global environmental regime can be dated back to the early seventies (creation of UNEP). Creation of UNEP was the direct consequence of the United Nations Conference on the Human Environment in June 1972 and has its. Further development of international environmental law was shaped by the changing dynamics of international cooperation in this area. The key assumption of my speech to present the evolution and current state of art of international environmental law from the point of view of its changing institutional dynamics. I will also draw attention to the most important environmental challenges shaping the current image of international environmental law and observed United Nations activity in this area. Observed dynamic of drought, famine, desertification and natural hazards (e.g. Floods) are important factors contributing to the changing face of international environmental law over the past decades. I will devote much attention to the international environmental law conventions signed in recent years. I am thinking in particular of The United Nations Framework Convention on Climate Change (UNFCCC).

Resume: L'objectif principal de ce discours pour présenter les fondations, l'évolution et l'état actuel de l'art du droit international de l'environnement, qui constituent aujourd'hui une partie importante du régime mondial de droit international. Le régime environnemental international actuel est la principale source régissant les relations environnementales entre les pays et les acteurs non étatiques. Le début du régime environnemental mondial peut être daté du début des années soixante-dix (création du PNUE). Création du PNUE était la conséquence directe de la Conférence des Nations Unies sur l'environnement humain en Juin 1972 et a son. Poursuite du développement du droit de l'environnement international a été façonnée par la dynamique changeante de la coopération internationale dans ce domaine. L'Assomption clé de mon discours pour présenter l'évolution et l'état actuel de l'art du droit international de l'environnement du point de vue de ses dynamiques institutionnelles changeantes. Je vais également attirer l'attention sur les défis environnementaux les plus importants qui façonnent l'image actuelle du droit international de l'environnement et de l'activité des Nations Unies observée dans ce

domaine. dynamique Observé de la sécheresse, la famine, la désertification et les risques naturels (par exemple inondations) sont facteur important contribuant à l'évolution du droit international de l'environnement au cours des dernières décennies. Je vais consacrer beaucoup d'attention aux conventions internationales de droit de l'environnement signés au cours des dernières années. Je pense en particulier à la Convention-cadre des Nations Unies sur les changements climatiques (CCNUCC).

The evolution of environment is one of the greatest challenges that humanity will face in the future decades. Global and regional environmental issues are increasingly the subject of international law. Debates over environmental concerns implicate core principles of international law and have been the subject of numerous international agreements and declarations. Customary international law is an important source of international environmental law. These are the norms and rules that countries follow as a matter of custom and they are so prevalent that they bind all states in the world. When a principle becomes customary law is not clear cut and many arguments are put forward by states not wishing to be bound. Examples of customary international law relevant to the environment include the duty to warn other states promptly about icons of an environmental nature and environmental damages to which another state or states may be exposed, and Principle 21 of the Stockholm Declaration ('good neighbourliness' or *sic utere*). Numerous legally binding international agreements encompass a wide variety of issue-areas, from terrestrial, marine and atmospheric pollution through to wildlife and biodiversity protection. International environmental agreements are generally multilateral (but sometimes bilateral) treaties (a.k.a. convention, agreement, protocol, etc.). Protocols are subsidiary agreements built from a primary treaty. They exist in many areas of international law but are especially useful in the environmental field, where they may be used to regularly incorporate recent scientific knowledge. They also permit countries to reach agreement on a framework that would be contentious if every detail were to be agreed upon in advance. The most widely known protocol in international environmental law is the Kyoto Protocol, which followed from the United Nations Framework Convention on Climate Change. While the bodies that proposed, argued, agreed upon and ultimately adopted existing international agreements vary according to each agreement, certain conferences, including 1972's United Nations Conference on the Human Environment 1983's World Commission on Environment and Development, 1992's United Nations Conference on Environment and Development and 2002's World Summit on Sustainable Development have been particularly important. Multilateral environmental agreements sometimes create an International Organization, Institution or Body responsible for implementing the agreement. Major examples are the CITES and IUCN. International environmental law also includes the opinions of international courts and tribunals. While there are few and they have limited authority, the decisions carry much weight with legal commentators and are quite influential on the development of international environmental law. One of the biggest challenges in international decisions is to determine an adequate compensation for environmental damages. The courts include the International Court of Justice (ICJ); the international Tribunal for the Law of the Sea (ITLOS); the European Court of Justice, European Court of Human Rights and many other regional treaty tribunals. The European Union issues secondary legislation on environmental issues that are valid throughout the EU (so called regulations) and many directives that must be implemented into national legislation from the 28 member states (national states). Examples are the Regulation (EC) No. 338/97 on the implementation of CITES; or the Natura 2000 network the centerpiece for nature & biodiversity policy, encompassing the bird Directive (79/409/EEC/ changed to 2009/147/EC) and the habitats directive (92/43/EEC). Which are made up of multiple SACs (Special Areas of Conservation, linked to the habitats directive) & SPAs (Special Protected Areas, linked to the bird directive), throughout Europe. EU legislation is ruled in Article 249 Treaty for the Functioning of the European Union (TFEU). Topics for common

EU legislation are. One of the seminal issue that emerged from the conference is the recognition for poverty alleviation for protecting the environment. The Indian Prime Minister Indira Gandhi in her seminal speech in the conference brought forward the connection between ecological management and poverty alleviation. Some argue that this conference, and more importantly the scientific conferences preceding it, had a real impact on the environmental policies of the European Community (that later became the European Union). For example, in 1973, the EU created the Environmental and Consumer Protection Directorate, and composed the first Environmental Action Program. Such increased interest and research collaboration arguably paved the way for further understanding of global warming, which has led to such agreements as the Kyoto Protocol and also this has given a foundation of modern environmentalism. UNEP publishes many reports, atlases and newsletters. For instance, the fifth Global Environment Outlook (GEO-5) assessment is a comprehensive report on environment, development and human well-being, providing analysis and information for policy makers and the concerned public. One of many points in the GEO-5 warns that we are living far beyond our means. It notes that the human population is now so large that the amount of resources needed to sustain it exceeds what is available. In June 2010, a report from UNEP declared that a global shift towards a vegan diet was needed to save the world from hunger, fuel shortages and climate change. The provisions of the Kyoto Protocol are currently one of the central elements of international environmental law worldwide. The Kyoto Protocol is an international treaty, which extends the 1992 United Nations Framework Convention on Climate Change (UNFCCC) that commits State Parties to reduce greenhouse gases emissions, based on the premise that. There are currently 192 Parties to the Protocol. The Kyoto Protocol implemented the objective of the UNFCCC to fight global warming by reducing greenhouse gas concentrations in the atmosphere to "a level that would prevent dangerous anthropogenic interference with the climate system" (Art. 2). The Protocol is based on the principle of common but differentiated responsibilities: it puts the obligation to reduce current emissions on developed countries on the basis that they are historically responsible for the current levels of greenhouse gases in the atmosphere.

The United States Position in Negotiations concerning Kyoto Protocol: The US signed the Protocol on 12 November 1998, during the Clinton presidency. To become binding in the US, however, the treaty had to be ratified by the Senate, which had already passed the 1997 non-binding Byrd-Hagel Resolution, expressing disapproval of any international agreement that did not require developing countries to make emission reductions and "would seriously harm the economy of the United States". The resolution passed 95-0. Therefore, even though the Clinton administration signed the treaty, it was never submitted to the Senate for ratification. "This policy reversal received a massive wave of criticism that was quickly picked up by the international media. Environmental groups blasted the White House, while Europeans and Japanese alike expressed deep concern and regret. [...] Almost all world leaders (e.g. China, Japan, South Africa, Pacific Islands, etc.) expressed their disappointment at Bush's decision." Bush's response that, "I was responding to reality, and reality is the nation has got a real problem when it comes to energy" was, it said, "an overstatement used to cover up the big benefactors of this policy reversal, i.e., the US oil and coal industry, which has a powerful lobby with the administration and conservative Republican congressmen.". The US accounted for 36% of emissions in 1990, and without U.S. ratification, only an EU+Russia+Japan+small party coalition could place the treaty into legal effect. A deal was reached in the Bonn climate talks (COP-6.5), held in 2001

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