**THE LEGAL PROTECTION OF THE ENVIRONMENT IN INTERNATIONAL INSTRUMENTS**

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***Abstract****:*

*Environmental issues and problems occupy a prominent place on the agenda of international and national institutions and bodies, as well as in various humanities and social sciences. This growing interest is due to the direct and obvious impact of these issues on human life, as they are considered a human right, which is increasingly suffering from environmental problems resulting from the imbalance of environmental systems. There is therefore an urgent need to mobilise international and local efforts at all levels to understand the causes of these problems, limit them and prevent their escalation. To achieve this goal, it is necessary, first, to understand the concept of the environment and its components, and to identify the environmental system and how the imbalance in its equilibrium occurs, and, second, to review the legal texts that have come to protect the environment at the international level.*

***Keywords****: Legal protection of the environment, pollution, international environmental law, sustainable development, climate change, biodiversity.*

**INTRODUCTION**

Today’s environmental challenges are accumulating and growing at an unprecedented rate, becoming a source of concern for the stability of future generations. This concern or threat manifests itself in a variety of phenomena, the most prominent of which is climate change and its many negative impacts. Climate change alters the characteristics of the climate and even affects the biodiversity of many regions. It can therefore be said that the environment is one of the most important issues that requires special and constant attention in order to raise the awareness of the general public, governments and specialised agencies.

The environmental issue, with all its ramifications - various types of pollution: air, water and soil pollution, climate change, etc. - is a multifaceted and multidimensional problem, especially with the widespread assumption that environmental degradation is an inevitable consequence or a necessary price to be paid for progress in the industrial and technological fields, especially in the energy sector and the means of its development. This assumption was widespread in the past, but it has only recently been refuted, specifically since the beginning of the second half of the twentieth century, for a number of reasons, the most important of which is the series of environmental disasters that have disturbed the stability of the world. This has led to a growing and escalating interest in environmental issues at all levels, as the environment and its problems have become one of the contemporary challenges with a direct relationship to the stability of countries in terms of development, economy and even technological progress.

These environmental challenges are not just an environmental crisis, but a fundamental human rights and humanitarian crisis. Environmental degradation undermines the rights to life, health, food, water and adequate housing, and disproportionately affects the most vulnerable groups such as children, women, indigenous peoples and impoverished communities. Environmental degradation also hinders the achievement of sustainable development, which aims to meet the needs of the present without compromising the ability of future generations to meet their own needs.

International conventions and treaties provide the foundation for the legal protection of the environment and embody a shared global commitment to preserve our planet and its resources for future generations. These conventions and treaties cover a wide range of environmental issues, from climate change and biodiversity to pollution and the protection of natural resources. They provide a binding legal framework for states, defining their rights and obligations in the field of environmental protection and establishing mechanisms for international cooperation and coordination in this field.

In the face of these complex and multifaceted challenges, there has been an urgent need to strengthen the legal protection of the environment at the international level. This protection has manifested itself in a number of international conventions and treaties that aim to regulate the behaviour of states and individuals in their interaction with the environment and to provide a legal framework for addressing global environmental challenges. In this context, the main question is To what extent are international conventions and treaties effective in enhancing the legal protection of the environment in the face of the global environmental crisis?

In light of these complex and multifaceted challenges, this article aims to analyse the international legal framework for environmental protection, as represented by international charters and treaties, and to assess its effectiveness in addressing the global environmental crisis, with a focus on identifying the strengths and weaknesses of these charters and proposing ways to enhance their effectiveness in order to ensure a sustainable future for future generations.

This study is of great importance in the context of international efforts to address the global environmental crisis, as it seeks to shed light on the role of international law as a critical tool to protect the environment from the consequences of ongoing development at all levels, and to assess the effectiveness of international charters and agreements in achieving this goal. This study aims to achieve a number of objectives, the most important of which are to:

- Suggest ways to enhance the effectiveness of international law in protecting the environment by providing practical recommendations based on the study’s findings and contributing to the development of a more effective and sustainable international legal framework.

- To identify the challenges to the implementation of international charters through an analysis of the political, economic and legal obstacles to the effective implementation of these charters.

- To analyse the international legal framework for environmental protection by reviewing the main international charters and agreements and identifying their underlying principles and implementation mechanisms.

- Assessing the effectiveness of international charters in protecting the environment by analysing the extent to which states comply with the implementation of these charters, the extent to which they achieve their environmental objectives, and the factors that enhance or hinder their effectiveness.

In order to answer the previous question and to try to achieve these objectives, this study used the descriptive approach by reviewing the relevant legal literature, analysing the texts of international charters and treaties, and studying practical cases that demonstrate the effectiveness or ineffectiveness of these charters. The study also benefits from the decisions of international and national courts and the opinions of legal experts in the field.

**1. The concept of international environmental law**

Before delving into the explanation of the general and comprehensive concept of the legal protection of the environment, it is necessary to clarify some elements related to this term in order to remove the ambiguity and vagueness about the nature of international environmental law and to clarify the differences between the terms. Accordingly, the main variables related to the concept under study will be addressed below:

**1.1. Definition of the environment:**

This section aims to clarify and remove the ambiguity surrounding the term ‘environment’ from a linguistic, terminological and even scientific perspective:

**1.1.1. Linguistically:**

- The linguistic meaning of environment is “the environment that surrounds us in every sense, the containment, i.e[[1]](#footnote-1). the environment is the environment in which we live sensually and meaningfully”[[2]](#footnote-2).

- The term “environment” is mentioned in the Arabic dictionary Lisan Al-Arab by Ibn Manzur as “to return to a thing², to return to it” and in the Arabic language dictionaries as “to return to a thing, to return to it, to settle or reside”[[3]](#footnote-3).

- The meaning of the term “environment” has been mentioned in several places in the Noble Qur’an, including what is mentioned in Surat Al-Hajj, the Saying of the Almighty: “And [mention, O Muhammad] when We designated the site of the house for Abraham, [saying]: ‘Associate nothing with Me, and purify My House for those who perform Tawaf and those who stand [in prayer] and those who bow and prostrate themselves.’” (Quran 22:26).

While the word “environment” did not appear in the English language until the 19th century, it has been used to refer to all the external conditions that surround and influence the growth and development of living organisms[[4]](#footnote-4).

In the French language, the term “environnement” is used to refer to a set of external or natural conditions of the medium, place, whether air, water or land, together with the other living beings that surround the human being[[5]](#footnote-5).

**1.1.2 Technically:**

Despite the diversity of definitions of the environment in the scientific literature and the lack of complete consensus on a specific definition for it, these definitions converge at their core and refer to the same general concept. Here are some of them:

- The Oxford Dictionary definition of the environment: it is “the surroundings or conditions in which a person, animal or plant lives or operates”.

- UNESCO’s definition of the environment: “The environment is everything that surrounds a living being, whether animal or plant, and includes the inanimate elements of nature, such as water, air and soil, as well as what exists in that environment of living beings”.

- The legal concept of the environment, as defined by the United Nations Conference on the Environment in Stockholm in 1972, is “the stock of material and social resources available at a given time and place to meet human needs and aspirations”. The Stockholm Conference gave it a broad meaning by referring to it as including not only material or natural factors (such as water, air and soil), but also the social conditions available at a given time and place to meet human needs[[6]](#footnote-6).

- The US Environmental Protection Agency’s definition of the environment: “It is a set of elements - the complex system that brings them together - that make up the things and circumstances that surround the lives of individuals and communities as they are observed.”

- The definition of the Algerian legislator for the environment: Article 04 on the protection of the environment in the context of sustainable development defines the environment as: “It consists of non-living and living natural resources such as air, atmosphere, water, land, subsoil, plants and animals, including genetic heritage, and forms of interaction between these resources, as well as natural sites, landscapes and features”[[7]](#footnote-7).

The Algerian legislator has clearly and explicitly enshrined the right to a healthy environment in the 2016 and 2020 constitutions, where it is stipulated that the State shall ensure a healthy environment, emphasising its protection in all its terrestrial, marine and air dimensions, as well as continuous awareness of the rational use of fossil and other resources, and take appropriate measures to punish polluters, all for the protection of individuals and the achievement of their well-being[[8]](#footnote-8).

Today, scientists agree that the concept of the environment includes all external conditions and factors that influence the life and functions of living beings. For humans, the environment is the framework in which they live and interact, and it includes all the natural and artificial elements that surround them and affect their lives. The environment is “the framework in which they live, which includes soil, water and air, and what each of these three elements contains of inanimate components and living organisms, and the various manifestations that prevail in this framework, such as weather, climate, winds, rain, gravity and magnetism, etc., and the interrelationships between these elements”[[9]](#footnote-9).

**1. 2. Definition of International Environmental Law**

Despite the great efforts made through numerous publications and international conferences, a consensus definition of international environmental law has not been reached and this field has remained open for discussion and research, with researchers and experts continuing to put forward their proposals and conceptions of this concept. This section looks at the definitions that have attempted to clarify its meaning:

- International environmental law is “a set of general principles and rules of international law governing the activities of States in the field of prevention and reduction of various types of damage caused by various sources to the environment or outside the limits of territorial sovereignty”[[10]](#footnote-10).

- International environmental law or environmental law is the law that deals with the environment with the aim of preserving and protecting it. If we go back to the beginning of the international community’s interest in the environment in contemporary history, we find that the international charters dealing with the protection of the environment from pollution, including the charters issued by the Stockholm Conference on the Human Environment held in 1972, have endorsed this definition, where international environmental law, according to this Conference, is defined as “a set of natural, social and cultural systems in which human beings and other living things live and from which they derive their sustenance and in which they carry out their activities”[[11]](#footnote-11).

- International environmental law can be defined as “the law that seeks to protect the living environment from serious damage and disturbance that threatens its vital functions and natural balance”[[12]](#footnote-12).

**1. 3. Importance and Objectives of International Environmental Law**

International environmental law plays a central role in maintaining stability and ensuring the sustainability of natural resources for present and future generations. This importance can be summarised as follows:

- Promoting sustainable development: International law seeks to provide the legal framework for achieving sustainable development, which aims to balance economic and social development with environmental protection.

- Raising environmental awareness: The contribution of international environmental law is to raise the level of environmental awareness among States and individuals by setting environmental standards and promoting sustainable practices.

- Providing mechanisms for resolving environmental disputes: International environmental law provides peaceful mechanisms for the resolution of environmental disputes between States, thereby contributing to the maintenance of international peace and security.

- Protection of human rights: International environmental law contributes to the protection of fundamental human rights that depend on the environment, such as the right to life, health, food and water.

- Ensuring environmental justice: International environmental law seeks to achieve equity in the distribution of environmental burdens and benefits between states and generations, and to ensure that developing countries do not bear the greater burden of environmental degradation.

- Tackling global environmental challenges: International law provides the necessary legal framework for international cooperation to address transboundary environmental challenges such as climate change, biodiversity loss and marine pollution.

In summary, international environmental law is considered a fundamental tool and mechanism for achieving a balance between human needs and nature, and for ensuring a sustainable future for all. The role of international environmental law is manifested in achieving criminal protection of the environment by defining its comprehensive concept, which includes its subject matter of regulating environmental affairs at the international and national levels, and its objective of protecting the environment and preserving its natural balance. The means of achieving this objective include motivating States to regulate human activities and to criminalise acts harmful to the environment, to impose criminal penalties on their perpetrators and to establish their legal liability for environmental damage[[13]](#footnote-13).

**1.4** **Characteristics of international environmental law**

International environmental law has unique characteristics that distinguish it from other branches of international law. It protects a common interest of all humankind, namely the environment, which all States must preserve through the sustainable use of its resources. This ensures that the needs of the present generation are met without compromising the ability of future generations to meet their own needs. In brief, the main features of international environmental law are as follows:

- International environmental law is a relatively modern field, having emerged in the last third of the twentieth century as a result of the increase in human activities harmful to the environment. As a result, its rules are still in the process of formation and development, requiring more provisions to regulate the behaviour of States and individuals and to ensure effective environmental protection[[14]](#footnote-14).

- This law is characterised by its scientific and technical nature, as the formulation of its rules and principles requires the assistance of experts in various scientific fields related to the environment, such as chemistry, physics, earth sciences and biology. For example, the determination of permissible levels of pollution requires precise scientific knowledge of the components of the environment and the effects of pollutants on it[[15]](#footnote-15).

- International environmental law is also characterised by its predominantly preventive nature, aimed at preventing environmental damage before it occurs. This is due to the fact that this law emerged as a response to man-made environmental disasters, which led to the adoption of the principle of prevention as one of its main principles[[16]](#footnote-16).

- International environmental law is primarily treaty-based because international agreements have played a central role in shaping its rules.

This is due to the need for a rapid response to environmental damage, which cannot be achieved by international custom, which takes a long time to form[[17]](#footnote-17).

- International environmental law is seen as complementary to domestic law, as effective environmental protection cannot be achieved by either alone.It requires complementarity and coordination between domestic and international law, as domestic law addresses the same international rules and principles, but with details and applications specific to each country[[18]](#footnote-18).

**2. Origin and development of international environmental law**

The origin of international environmental law is closely linked to the development of human civilisation and the increasing exploitation of natural resources. Initially, the impact of human activities on the environment was limited by the capacity of the environment to absorb pollutants within the natural ecological balance. However, this situation changed with the industrial revolution and technological progress, as the phenomenon of environmental degradation became increasingly evident and the environment was no longer able to replenish its resources at a sufficient rate.

For a long time, environmental degradation was considered an inevitable consequence of industrial progress, and it was only in the second half of the 20th century, after a series of environmental disasters, that the world became aware of its negative effects. As a result, interest in environmental issues increased and became the focus of scientific study and research, with the aim of reducing environmental degradation and preserving natural resources.

This growing interest in the environment was reflected at both global and national levels, leading to the emergence of international environmental law as a new branch of public international law. The global interest in the environment began to crystallise at the United Nations Conference on the Human Environment in 1972, which discussed environmental issues and their relationship to poverty and development, and issued recommendations calling for environmental protection.

This interest was further strengthened at the United Nations Conference on Environment and Development in 1992, which resulted in a number of important legal documents containing international environmental principles.

These conferences and documents marked a turning point in the development of international environmental law and helped to raise global awareness of the importance of environmental protection[[19]](#footnote-19).

International environmental law has undergone a remarkable development in recent years, manifested in the adoption of numerous international, regional and bilateral conventions covering a wide range of environmental issues, such as the protection of the ozone layer (1985), hazardous waste (1989) and persistent organic pollutants (2001). In addition, several international declarations and initiatives have been adopted that emphasise the importance of protecting the environment and promoting sustainable development, such as the Rio Principles on Environment and Development (1992).

At the national level, many countries have adopted comprehensive environmental laws and policies aimed at improving natural resource management, reducing pollution and conserving biodiversity. This growing trend towards environmental protection reflects increased awareness of the importance of the environment and human health, as well as growing pressure from civil society and non-governmental organisations.

**3. Sources and Principles of International Environmental Law**

The protection of the human environment is a common interest of all states, so the sources of international environmental law are similar to the sources of general international law. These sources include international treaties and conventions, international custom and general principles of law. General principles of law are particularly important in this context because they impose obligations on States to protect the environment and reflect the international consensus on the need to preserve the environment for present and future generations. This section discusses the sources of international environmental law, which consist of several key sources:[[20]](#footnote-20)

- International treaties and conventions: These agreements are considered to be the primary and fundamental sources of international environmental law because they establish binding legal obligations for the states that are parties to them. These treaties cover a wide range of environmental issues, including climate change, biodiversity, pollution and the protection of natural resources.

- International custom: This refers to general practices followed consistently by states in the belief that they are legally binding. International environmental custom is shaped by the repeated practices of states in the field of environmental protection, such as the prohibition of the use of weapons that cause widespread and long-term damage to the environment.

- General principles of law: These are principles derived from different national legal systems and are considered to be universal. In the environmental field, these principles include the principle of “prevention”, which requires states to take preventive measures to avoid environmental damage, and the principle of “responsibility for environmental damage”, which requires states to compensate for the damage they cause to the environment.

- Judicial decisions and scientific opinions: Decisions of international and national courts and the opinions of legal experts contribute to the interpretation and development of international environmental law. These decisions and opinions are considered ancillary sources of international environmental law because they assist in the understanding and application of environmental rules and principles.

- Non-binding declarations and principles: Although not legally binding, non-binding declarations and principles, such as the Rio Declaration on Environment and Development and the Johannesburg Principles on Sustainable Development, play an important role in guiding the behaviour of States and promoting international cooperation on environmental protection[[21]](#footnote-21).

Together, these sources provide a comprehensive legal framework for the protection of the environment at the international level.

Together, they work to raise environmental awareness and encourage states to take effective measures to protect the environment and conserve its resources for future generations.

**4. Principles of International Law for the Protection of the Environment**

Today, the environment has become a global human concern that transcends national boundaries and requires effective international cooperation. Environmental challenges such as transboundary pollution and climate change cannot be tackled by a single country alone, no matter how powerful or wealthy it may be. International cooperation has therefore become essential to find sustainable solutions to these problems that threaten the whole of humanity. This international cooperation is manifested in the establishment of international legal rules to regulate and address the problem of environmental pollution. These rules aim to limit activities harmful to the environment, to promote the sustainable use of natural resources and to provide legal protection for the environment at the international level. Based on the above, the principles of international environmental law and their key elements will be discussed.

**4. 1. Principle of international cooperation or solidarity**

Environmental problems are global threats that require extensive international cooperation, as they can only be effectively addressed at the global level. These issues have taken on a global dimension that transcends political boundaries and geographical considerations, particularly since the 1960s when problems such as acid rain, which caused environmental damage in Sweden, were identified as originating from emissions in North America. This growing awareness of the transboundary nature of environmental problems led the United Nations to convene a global conference on the environment in Stockholm in 1972[[22]](#footnote-22). The need for international cooperation stems from the overlapping borders of states and the difficulty of controlling the environment through national legislation alone. It has therefore become necessary to establish common international legal rules to limit the risks of various forms of pollution and to define legal liability for environmental damage. The Stockholm Declaration emphasised the importance of international cooperation in environmental protection, with Principle 22 calling for the development of international law on liability and compensation for transboundary environmental damage. Principles 21 to 25 affirmed the right of states to exploit their natural resources in accordance with their environmental policies, while stressing their obligation not to cause environmental damage beyond their borders. These principles called for international cooperation through bilateral or multilateral agreements or other means to address international environmental problems.

The preamble to the United Nations Framework Convention on Climate Change (UNFCCC) highlighted the global concern about the significant increase in greenhouse gas emissions resulting from human activities.

The Convention recognised that the global nature of climate change requires broad international cooperation, taking into account the common but differentiated responsibilities and respective capabilities of States according to their social and economic conditions[[23]](#footnote-23).

**4.2 The Precautionary Principle**

The precautionary principle is one of the fundamental principles of international environmental law, emphasising the need to take preventive action to avoid pollution, even in the absence of full scientific certainty about potential risks. This principle has been enshrined in various international agreements, such as the 1991 Bamako Convention on Hazardous Waste in Africa, the 1990 London Convention on Oil Pollution, and numerous other treaties and conventions that have subsequently adopted it[[24]](#footnote-24).

**4.3 Principle of non-discrimination and equal treatment of victims of transboundary pollution**

The principle of equal access to remedy is a fundamental customary principle of international environmental law, which aims to ensure that victims of transboundary environmental damage enjoy the same rights and remedies as citizens of the State that caused the pollution or where the source of the damage is located, regardless of their nationality, place of residence or the location of the damage. This principle was emphasised in the preambles of the 1992 Helsinki Convention on the Transboundary Effects of Industrial Accidents and the 1997 New York Convention on the Non-Navigational Uses of International Watercourses[[25]](#footnote-25).

**4.4 The polluter pays principle**

The polluter pays principle first emerged in 1972 within the framework of the Organisation for Economic Co-operation and Development as an environmental policy principle aimed at rationalising the use of natural resources. It is an economic principle that seeks to make the polluter pay for the costs of preventing and remedying pollution in order to maintain the environment in an acceptable state. It became a globally recognised legal principle in the 1990s, providing the basis for determining the costs of preventing pollution and promoting the optimal use of scarce environmental resources, while avoiding damage to international trade and investment.

The “polluter pays” principle is widely applied in international environmental law, where it has been adopted in numerous international resolutions and agreements. For example, in November 1989, the European Conference of Ministers of Transport agreed on the need to introduce new taxes to cover the costs of environmental damage caused by pollution. In addition, in December 1989, the Ministers of Environment and Health of the European Member States of the World Health Organisation adopted the principle of making private and public institutions financially responsible for the environmental damage they cause.

This principle was also recognised at the International Environmental Law Forum held in Italy in 1990, in the Treaty on European Union in 1992 and in the Barcelona Convention on the Protection of the Marine and Coastal Environment of the Mediterranean Sea in 1995. It was also included in the preamble to the 2001 Stockholm Convention on Persistent Organic Pollutants and in Principle 16 of the 1992 Rio Declaration, which states that the polluter should bear the cost of pollution, with due regard for the public interest and without distorting international trade and investment[[26]](#footnote-26).

The principles of international environmental law are characterised by their diversity and comprehensiveness, covering various aspects of the relationship between man and the environment. The principle of sustainable development is the cornerstone of this law as it seeks to achieve a balance between economic and social development on the one hand and environmental protection on the other, ensuring that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The principle of common but differentiated responsibilities recognises that all states have a responsibility to protect the environment, but that this responsibility varies according to the capabilities of states and their contribution to environmental degradation.

Consequently, developed countries should take greater responsibility for environmental protection and provide assistance to developing countries.

The precautionary principle requires states to take preventive action to avoid environmental damage, even in the absence of conclusive scientific evidence of a risk. This principle is based on the idea that prevention is better than cure, and that it is preferable to avoid environmental damage before it occurs rather than trying to deal with it afterwards.

The principle of public participation emphasises the right of the public to participate in environmental decision-making and to have access to information about the environment. This principle aims to increase transparency and accountability in environmental management and to empower the public to contribute to environmental protection.

The polluter pays principle is one of the fundamental economic principles of international environmental law, as it seeks to make the polluter pay for the costs of preventing and remedying pollution. This principle contributes to environmental justice by making the polluter bear the financial burden of his environmental damage, rather than imposing it on society as a whole.

Finally, the principle of equal access to remedy aims to ensure that victims of transboundary environmental damage enjoy the same rights and remedies as citizens of the States that caused the pollution or where the source of the damage is located, regardless of their nationality or place of residence.

Together, these principles provide a comprehensive legal and ethical framework for addressing environmental issues at the international level, and work to enhance environmental protection and achieve sustainable development to ensure a better future for generations to come.

**5. International Charters for the Legal Protection of the Environment**

The future of life on our planet is now threatened by serious dangers as a result of human mismanagement and intentional or unintentional attacks on the environment, which is the source of its life and existence. Despite its beautiful and integrated environmental system, today it suffers from human pollution and is unable to manage it independently in a way that serves human interests. As a result of this pollution, man himself suffers from numerous health problems and environmental crises due to the damage he has caused to nature.

**5.1. International environmental charters and conferences**

This section reviews some of the most prominent international environmental charters and conferences:[[27]](#footnote-27)

**5.1.1. Global international conferences on the environment**

- The Stockholm Conference of 1972: This conference is considered a turning point in the history of international concern for the environment, as it was the first to discuss environmental issues and their relationship to development. The main outcomes are:

\* The Stockholm Declaration of Principles, considered the first comprehensive international document on environmental issues.

\* The establishment of the United Nations Environment Programme (UNEP) to coordinate international efforts to protect the environment.

- The World Charter for Nature, adopted by the United Nations General Assembly in 1982: This Charter is an important document that defines the basic principles of environmental protection and conservation of natural resources. The main results are:

\* It emphasised the importance of conserving biodiversity and the sustainable use of natural resources.

\* It called for the strengthening of international cooperation in the field of environmental protection.

The 1992 Rio de Janeiro Conference: Also known as the “Earth Summit”, this conference focused on the concept of sustainable development. Its main outcomes were:

- The Rio Declaration on Environment and Development, which sets out the principles of sustainable development.

- The United Nations Framework Convention on Climate Change and the Convention on Biological Diversity were adopted.

The World Summit on Sustainable Development in Johannesburg in 2002: This conference reviewed progress in implementing Agenda 21 for sustainable development. Its main outcomes were:

- It emphasised the importance of achieving the Millennium Development Goals.

- It called for the strengthening of partnerships between governments, the private sector and civil society to achieve sustainable development.

The 2009 Copenhagen Climate Change Conference: The aim of this conference was to reach a new international agreement on climate change.

- Although no binding agreement was reached, the conference resulted in the Copenhagen Accord, in which countries recognised the need to limit the rise in global temperatures.

The 2010 conference in Mexico: Also known as COP16, this conference focused on following up on the implementation of the Copenhagen Accord.

- The Green Climate Fund was established to help developing countries adapt to climate change and reduce greenhouse gas emissions.

Rio+20 Conference 2012: This conference took place 20 years after the Earth Summit in Rio de Janeiro. Its main outcomes were

- It focused on the green economy in the context of sustainable development and poverty eradication.

- It adopted the document “The Future We Want”, which outlines a new vision for sustainable development.

**5. 1. 2. Global international conventions on environmental protection**

- International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (OILPOL): This is considered to be the first international convention dealing with marine pollution and aims to prevent pollution caused by discharges of oil from ships.

- United Nations Convention on the Law of the Sea, 1982 (UNCLOS): Considered the “constitution of the oceans”, it regulates all aspects of the use of the seas and oceans, including the protection of the marine environment and the sustainable use of marine resources.

- United Nations Framework Convention on Climate Change, 1992 (UNFCCC): This Convention aims to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It provides the general framework for international negotiations on climate change.

- Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997: This is the first legally binding international agreement that sets quantitative targets for developed countries to reduce their greenhouse gas emissions.

- Paris Agreement, December 2015: This is the latest and most comprehensive international agreement on climate change and aims to strengthen the global response to the threat of climate change by limiting the global average temperature increase to well below 2°C above pre-industrial levels.

- Vienna Convention on the Protection of the Ozone Layer, 1985: This Convention aims to protect the ozone layer by phasing out ozone-depleting substances. It has led to significant success in reducing ozone depletion.

**5.2 Analysis of the main international environmental treaties and conventions**

**5.2.1 The United Nations Framework Convention on Climate Change (UNFCCC)**

Main provisions: The Convention aims to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It requires Parties to submit periodic reports on their greenhouse gas emissions and to take measures to reduce those emissions and to adapt to the effects of climate change.

Implementation mechanisms: The Convention relies on various mechanisms to enhance its implementation, including the provision of financial and technical assistance to developing countries, the exchange of information and experience between countries, and the establishment of monitoring, reporting and verification mechanisms.

Challenges: The Convention faces several challenges, including:

- The lack of legally binding mechanisms to enforce countries’ emission reduction commitments.

- The difficulty of reaching consensus between developed and developing countries on the distribution of burdens and responsibilities.

- Inadequate funding to support adaptation efforts in developing countries.

**5.2.2 Convention on Biological Diversity (CBD)**

Key provisions: The Convention aims to conserve biological diversity, to ensure the sustainable use of its components, and to achieve the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. It requires Parties to identify and protect ecological systems and natural habitats, conserve endangered species, and regulate access to genetic resources and the sharing of their benefits.

Implementation mechanisms: The Convention’s implementation mechanisms include the development of national biodiversity strategies and action plans, the establishment of protected areas and the regulation of international trade in endangered species.

**Challenges**: The Convention faces several challenges, including:

- The difficulty of implementing the Convention in developing countries due to lack of resources and capacity.

- The conflicting interests of countries in the use of genetic resources and the equitable sharing of their benefits.

- The negative impacts of human activities on biodiversity, such as deforestation, pollution and climate change.

**5.2.3. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

Key provisions: The Convention aims to protect human health and the environment from the harmful effects of hazardous wastes by regulating their transboundary movements and ensuring their environmentally sound disposal. The Convention requires exporting countries to obtain the prior informed consent of importing countries, to provide the necessary information on the wastes and to ensure their safe disposal.

Implementation mechanisms: The Convention’s implementation mechanisms include the establishment of a notification and monitoring system, the provision of technical assistance to developing countries, and the regulation of international trade in hazardous wastes.

**Challenges**: The Convention faces several challenges, including

- Non-compliance by some countries, particularly with regard to shipments of hazardous waste to developing countries.

- Difficulties in tracking and monitoring the movement of hazardous waste across borders.

- Lack of resources and capacity in developing countries to manage hazardous waste safely.

**5.2.4. The United Nations Convention on the Law of the Sea (UNCLOS)**

Key provisions:This Convention is considered the “Constitution of the Oceans” as it regulates all aspects of the use of the seas and oceans, including the protection of the marine environment and the sustainable use of marine resources.It requires Parties to protect the marine environment from pollution, conserve marine biodiversity and manage fisheries sustainably.

Implementation mechanisms:The Convention’s implementation mechanisms include the establishment of marine protected areas, the regulation of fishing and the reduction of pollution from ships and land-based activities.

Challenges:The Convention faces a number of challenges, including

- Difficulties in enforcing the Convention on the high seas, which are not under the sovereignty of any state.

- Conflicting interests between countries in the exploitation of marine resources.

- The adverse effects of climate change on the marine environment.

**6. Prominent examples of countries that have successfully implemented environmental laws**

Environmental protection is one of the most pressing challenges facing the world in the 21st century. Many countries have taken serious steps to address this issue by enacting and implementing effective environmental laws and policies. In this context, we will review some prominent examples of countries that have successfully implemented environmental laws and achieved tangible results in this area[[28]](#footnote-28).

**Costa Rica**: Costa Rica is considered a model for environmental protection, as it has committed to achieving carbon neutrality by 2050. The country has made significant progress in this area, relying on renewable energy sources to generate more than 98% of its electricity needs. It has also implemented innovative policies to reduce deforestation and conserve biodiversity, including the creation of a vast network of protected areas and the introduction of a payment for environmental services scheme that incentivises farmers to conserve forests.

**Germany**: Germany is a leader in renewable energy and aims to generate 80% of its electricity from renewable sources by 2050. The German government has set ambitious policies to encourage the use of solar and wind energy, including financial subsidies for consumers and companies that invest in renewable energy. Germany also has an effective recycling and waste management system, which helps to reduce the amount of waste sent to landfill.

**Norway**: Norway is committed to achieving carbon neutrality by 2030 and is investing heavily in the development of clean technologies, such as carbon capture and storage. It also supports environmental efforts in developing countries by providing financial and technical assistance. Norway is also considered a leader in marine environmental protection, with strict laws to protect its fisheries resources and marine biodiversity.

**Bhutan**: Bhutan is the only country in the world that is considered carbon negative, meaning it absorbs more carbon from the atmosphere than it produces. This is due to its commitment to protecting its forests, which cover more than 70% of the country, and its reliance on hydropower for electricity generation.

**Finland**: Finland tops the list of countries in the Environmental Performance Index, which measures the environmental performance of countries. This ranking reflects Finland’s commitment to sustainable development and its adoption of comprehensive environmental policies covering various aspects of environmental protection, such as air and water quality, waste management and biodiversity.

Based on information from various websites that track and report pollution levels, it is clear that implementing environmental protection laws is not only a moral choice, but also an economic and social necessity. Countries that invest in environmental protection reap significant long-term economic benefits, such as improved public health, increased agricultural productivity and the development of new industries based on renewable energy.

**7. Challenges in the implementation of international environmental agreements**

Despite the extensive international legal framework for environmental protection, as represented by numerous international treaties and agreements, the implementation of these agreements faces significant and varied challenges, which hinder the achievement of their intended objectives of protecting the environment and ensuring its sustainability. The most prominent of these challenges are:

**Political challenges:** The process of implementing international agreements is often influenced by political disputes between states and conflicts of national interests. Some countries may refuse to join certain agreements or seek to evade their obligations under these agreements for political or economic reasons.

**Economic challenges:** Financing is one of the greatest challenges to the implementation of international agreements. Many of these agreements require substantial financial resources, which may not be readily available, particularly for developing countries. In addition, some environmental measures may conflict with the economic interests of certain states or companies, making them difficult to implement.

**Legal challenges**: International environmental law suffers from weak enforcement and monitoring mechanisms. There are often no effective mechanisms to ensure that states comply with the provisions of agreements or to punish states that violate them. In addition, some agreements may be ambiguous or lack specificity, making them difficult to interpret and apply.

**Social Challenges:** Environmental awareness is considered one of the key factors in the successful implementation of international agreements. In the absence of sufficient awareness of the importance of environmental protection, the application of these agreements may face significant difficulties. In addition, some groups or sectors of the economy may oppose environmental measures, thus hindering their implementation.

**Scientific and technical challenges:** Some environmental issues, such as climate change and biodiversity loss, require advanced scientific and technical knowledge to understand and address. Some countries, particularly developing countries, may lack the necessary expertise and resources to address these issues.

Addressing these challenges will require concerted efforts by all relevant stakeholders, including States, international organisations, civil society and the private sector. States need to strengthen international cooperation, develop more effective implementation mechanisms, increase investment in scientific research and environmental technology, and raise public awareness of environmental issues.

**CONCLUSION**:

This study concludes that international treaties and agreements are the cornerstone of global efforts to protect the environment. They not only provide a binding legal framework for states, but also reflect a moral commitment to present and future generations. This study has highlighted the progress made in the development of international environmental law, from the Stockholm Conference in 1972 to the Paris Agreement in 2015. However, it has also identified significant challenges to the effective implementation of these treaties, including political, economic, legal and social barriers. The key findings of the study are as follows:

Remarkable evolution of international environmental law: International environmental law has undergone a remarkable evolution in recent decades, as evidenced by the adoption of numerous international agreements covering a wide range of environmental issues.

The crucial role of environmental principles: Environmental principles, such as sustainable development, common but differentiated responsibilities and the precautionary principle, play a crucial role in guiding and interpreting international environmental law.

Challenges to the implementation of international treaties: These treaties face significant challenges, including lack of commitment by some states to their provisions, weak enforcement and monitoring mechanisms, conflicting interests among states, and lack of funding and environmental awareness.

In light of these findings, there is an urgent need for recommendations in the form of effective measures to enhance the effectiveness of international environmental law. These measures include:

1. Examine the impact of climate change on international environmental law and how this law can evolve to meet the new challenges posed by climate change.

2. Analysing the role of the international judiciary in the interpretation and application of international environmental law and examining the most prominent cases dealt with by international courts in this field.

3. Assessing the effectiveness of implementation and monitoring mechanisms in international environmental agreements and proposing ways to strengthen them.

4. Examine the role of civil society and the private sector in improving the implementation of international environmental law and identify best practices in this area.

Protecting the environment is a shared responsibility. By strengthening the effectiveness of international environmental law, we can help build a more sustainable and equitable future for present and future generations.

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