



# International and Regional Legal Instruments

Multilateral Environmental Legal  
Instruments (MEAs)

# International and Regional Environmental Instruments

- More than 500 Multilateral Environmental Agreements (MEAs).
- Negotiated with Global coverage others have Regional scope.
- Environmental Agreements can be binding when they are acceded to or ratified by States after signature or can be non-binding also referred to as “Soft law instruments”.

# International and Regional Environmental Legal Instruments

- The legally binding instruments include Multilateral Environmental Instruments that can be Global, Regional, Sub-regional Agreements or bilateral agreements.
- Non binding instruments include declarations, environmental action plans, principles, guidelines, codes of conduct, recommendations.

# International and Regional Environmental Instruments

- The objectives of environmental instruments range from developing standards, identifying general commitments, to signifying principles. They also establish rules; procedures; and set up institutional arrangements; and have also been used to set up funds.

# International and Regional Environmental Legal Instruments

- The MEAs can be divided in five main clusters namely:-
- Biodiversity related conventions,
- The atmosphere conventions; the land conventions
- The chemical and hazardous waste conventions, international watercourses and the regional seas related conventions.

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- The MEAs address issues relating to conservation, natural resource management, risk management, environmental quality control, sustainable development and international co-operation.

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- The foundation of many agreements and treaties are:
- Scientific findings
- Evaluation of policy options
- Prioritization of issues
- Reflection of Stakeholder's view
- Agreed terms among policy makers

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- The instruments were developed to address or promote:-
- Pollution control; natural resource conservation and use; protection of cultural and aesthetic value; over exploitation of natural resources; environmental activities that pose a danger to human health; increasing agricultural and industrial production; increasing population including urban migration; activities of environmental pressure groups.

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- Application at the national level by domesticating MEAS may be by monist or a dualist approach
- Implementation at the national level is either by action taken by each party or collective action by parties. Each party may adopt policies, or legislation or setting up or strengthening institutions or taking up administrative action like preparation of action plans, designating sites, or appointing focal points.

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- Effectiveness of Conventions is ensured by providing institutions to implement the Conventions like the regular meeting of the parties and convention secretariats; requirements for reporting to verify compliance; financial mechanisms to ensure that activities can be undertaken to fund measures to implement the Convention;

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- Compliance and Enforcement of MEAs is important, Some Conventions have own mechanism including Non-compliance mechanisms to ensure compliance and to deal with violations including trans-boundary environmental crimes illegal-(logging, fishing, trading in wildlife products, in ozone depleting substances, in hazardous waste).
- UNEP guidelines were adopted and are now being promoted to enhance compliance with MEAs and to build capacity for compliance & enforcement of Conventions.

# Examples of Non binding Instruments

Treaties adopted before 1972	Natural resource wildlife/marine	1900, 1940-1970
Stockholm and Rio Declaration & UNGA Resolutions	Principles	1972, 1992
	Resolutions	1945 to date
Agenda 21 & WSSD Plan of Implementation	Plan of Action	1992, 2002
GPA/LBA	Action Plan	1995

# Examples of Binding MEAs

Convention on Biological Diversity, CITES, CMS	Protect species and habitats / sustainable use of resources	1992, Cartagena Protocol on Biosafety
UN Framework Convention on Climate Change	human activities Greenhouse gases	1992 Kyoto Protocol
Vienna Convention on the Ozone Layer	Protect the Ozone Layer for human health purposes	1985 Montreal Protocol ,1997

# Examples of binding MEAs

Pops, Hazardous waste, PIC	Protect human health from Chemical effects	2001, 1989, 1999
International watercourses, Law of the Sea Convention	Regulate international watercourses and oceans	1997 1982, 1994
Desertification Wetlands, Heritage	Combat desertification, wetlands/herita	1994, 1971, 1972

# Examples of Regional Instruments in the SADC region

IMO Conventions, MARPOL, Oil preparedness..	Rules for Combating pollution	1970 -2000
LUSAKA AGREEMENT Bamako Conv	Co-operative enforcement for protection of wildlife	1994, 1991
11 REGIONAL SEAS Conventions	Rules to protect the marine and coastal areas	1985-2004

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- The goodwill of States is expected to ensure compliance, no sanction can be undertaken to compel States to comply if they choose not to.
- Treaties however have mechanisms to assist parties these include dispute settlement mechanisms that are usually provided for in bilateral and Multilateral Environmental Agreements and Non compliance procedures.

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- Post Rio MEAS do incorporate **sustainable development principles** these include:-
- Inter-generational equity, intra-generational equity, precautionary principles, polluter pays principle (to internalise costs and to cover costs for restoration), common but differentiated responsibility principles; etc.
- They also balance economic, social and environmental concerns.

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Thank you