

STOCKHOLM 1972, RIO 1992, PARIS 2015...

ENVIRONMENTAL TREATIES

AIDAR YEGEUBAYEV

ENERGY AND NATURAL RESOURCES LAW | 23 JANUARY 2020



STOCKHOLM DECLARATION 1972

Declaration of the United Nations Conference
on the Human Environment adopted 16 June 1972

The very first document in international
environmental law to recognize the right to a
healthy environment.

UN 
environment
programme

**NATIONS ACCEPT
RESPONSIBILITY (!?)**

SEVEN PROCLAMATIONS

1. Stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment
2. Protection and improvement of the human environment is a major issue
3. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies
4. Developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment
5. The natural growth of population continuously presents problems for the preservation of the environment
6. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well being depend
7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level

THE CONFERENCE CALLS UPON GOVERNMENTS AND PEOPLES TO EXERT COMMON EFFORTS FOR THE PRESERVATION AND IMPROVEMENT OF THE HUMAN ENVIRONMENT, FOR THE BENEFIT OF ALL THE PEOPLE

PRINCIPLE 1

- ▶ Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

▶

PRINCIPLES 5 AND 6

- ▶ The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.
- ▶ The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of ill countries against pollution should be supported.

▶

PRINCIPLE 7 AND 9

- ▶ States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
- ▶ Environmental deficiencies generated by the conditions of underdevelopment and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

▶

PRINCIPLE 12

- ▶ Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

▶

PRINCIPLE 15

- ▶ Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect projects which are designed for colonialist and racist domination must be abandoned.

▶

PRINCIPLE 20

- ▶ Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially the developing countries. In this connection, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

▶

PRINCIPLE 23

- ▶ Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

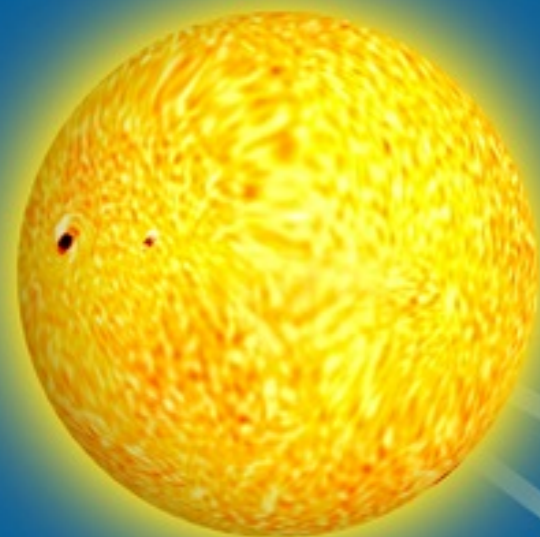
▶

PRINCIPLE 26

- ▶ Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons.

▶

Sun



atmosphere



Earth



atmosphere





EARTH SUMMIT IN RIO DE JANEIRO 1992

UNFCCC

United Nations Framework Convention on Climate Change

International Environmental Treaty signed in June 1992

**STABILIZE GREENHOUSE
GAS CONCENTRATIONS**

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

- ▶ prevent dangerous anthropogenic interference with the climate system
- ▶ non-binding limits on greenhouse gas emissions for individual countries and
- ▶ no enforcement mechanisms
- ▶ outlines how specific international treaties (called "protocols" or "Agreements") may be negotiated to specify further action towards the objective of the UNFCCC 197 country members

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

- ▶ Nations to establish national greenhouse gas inventories of greenhouse gas (GHG) emissions and removals, which were used to create the 1990 benchmark levels
- ▶ Article 3(1) of the Convention states that Parties should act to protect the climate system on the basis of "common but differentiated responsibilities and respective capabilities", and that developed country Parties should "take the lead" in addressing climate change.
- ▶ Article 4(7) states: The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and **poverty eradication** are the first and overriding priorities of the developing country Parties.
- ▶ Specific Target stabilizing GHG emissions at **1990** levels by the year **2000**

KYOTO PROTOCOL 1997

- ▶ 1997 Kyoto Protocol is extension of 1992 UNFCCC that sets legally binding obligations for the developed countries for two commitment periods 1 period: 2008-2012 and second period 2013-2020.
- ▶ The Kyoto Protocol implemented the objective of the UNFCCC to reduce the onset of global warming by reducing greenhouse gas concentrations in the atmosphere to "*a level that would prevent dangerous anthropogenic interference with the climate system*"
- ▶ Kyoto Protocol admits:
 - A. there is global warming on Earth; and
 - B. it is extremely likely that CO₂ emissions are the reason

The Kyoto Protocol applies to the six greenhouse gases listed in Annex A:

- 1. Carbon dioxide (CO₂),**
- 2. Methane (CH₄),**
- 3. Nitrous oxide (N₂O),**
- 4. Hydrofluorocarbons (HFCs),**
- 5. Perfluorocarbons (PFCs), and**
- 6. Sulphur hexafluoride (SF₆).**

KYOTO PROTOCOL 1997

- ▶ acknowledges that individual countries have different capabilities in combating climate change
- ▶ puts the obligation to reduce current emissions on developed countries on the basis that they are historically responsible
- ▶ All 36 countries that fully participated in the first commitment period complied with the Protocol
- ▶ nine countries had to fund emission reductions in other countries because their national emissions were greater than targets
- ▶ Financial crisis of 2008 helped to reduce emissions
- ▶ Collapse of USSR reduced Eastern bloc countries emissions
- ▶ Global emissions increased **by 32%** from 1990 to 2010. Global warming as of 2012 is **0.78°C**.
- ▶ George Bush announced USA withdrawal in 2001

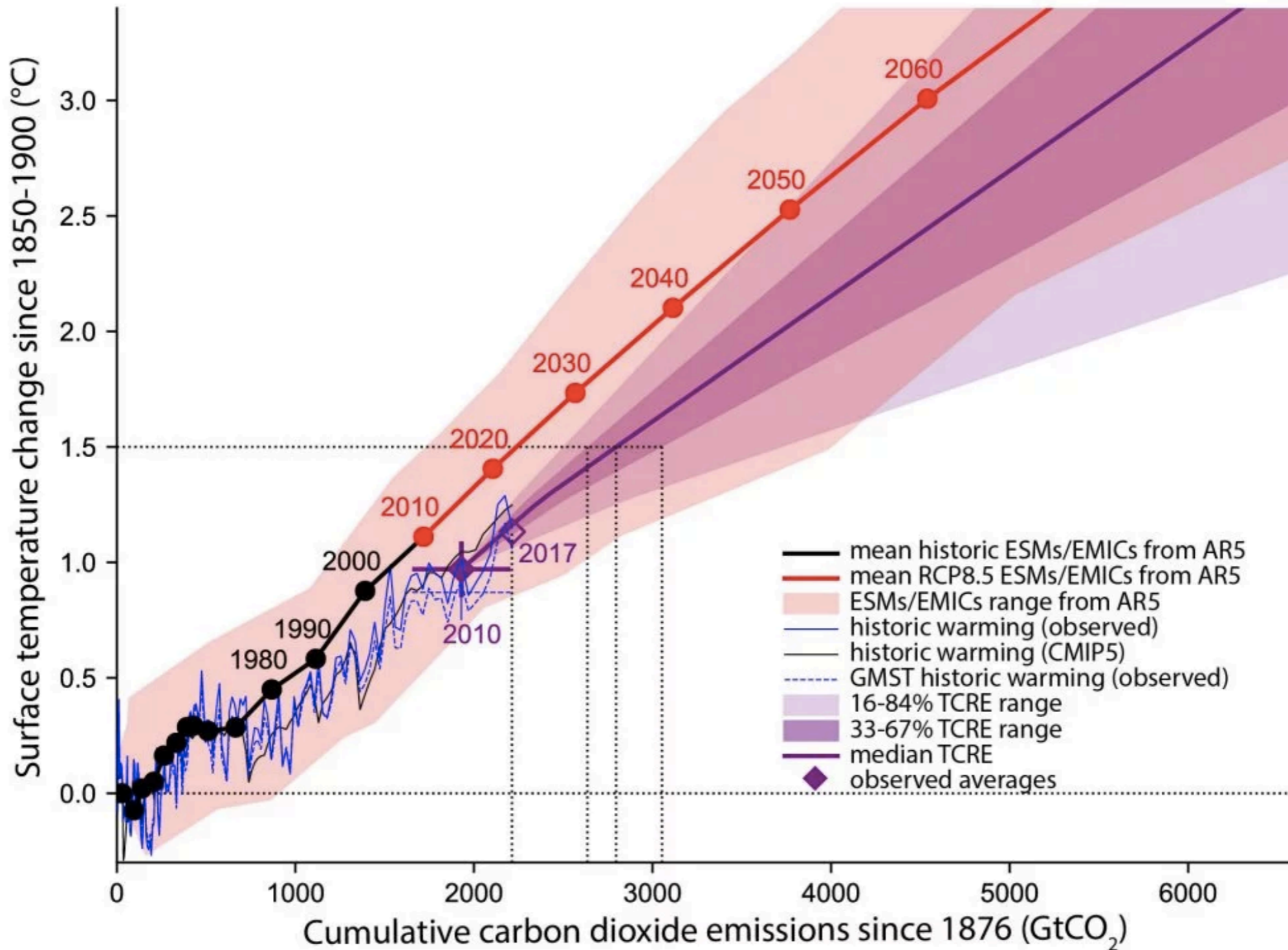
KYOTO PROTOCOL 1997

- ▶ Doha Amendment - Second commitment period (2013-2020) agreed in 2012 includes 37 countries with binding targets
- ▶ As of January 2020, 136 countries accepted Doha Amendment. 144 needed for legal force. Only 7 ratified so far.
- ▶ Australia, the European Union (and its 28 member states), Belarus, Iceland, [Kazakhstan](#), Liechtenstein, Norway, Switzerland and Ukraine
- ▶ Belarus, Kazakhstan, and Ukraine have stated that they may withdraw from the Kyoto Protocol or not put into legal force the Amendment with second round targets
- ▶ Kazakhstan: Date of signature: 12 March 1999. Date of ratification 19 June 2009.
- ▶ Kazakhstan agreed to pledge for the reduction of greenhouse gas emissions by 2020 by 7% below 1990 target (389 mln t.) i.e. 95 mln t. of CO2 emissions

IPCC – UN INTERGOVERNMENTAL BODY FROM 1988

- ▶ The Intergovernmental Panel on Climate Change (IPCC) have produced a range of projections for 21 Century of what the future increase in global temperature might be
 - Working Group I (WGI): The Physical Science Basis.
 - Working Group II (WGII): Impacts, Adaptation and Vulnerability
 - Working Group III (WGIII): Mitigation of Climate Change
- ▶ IPCC reports cover the "scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change. Projected increase in global mean temperature over the 21st century of between **1.1** and **6.4** °
- ▶ Special Report on Global Warming of 1.5 °C in October 2018.
- ▶ 2 °C temperature increase would exacerbate extreme weather, rising sea levels and diminishing Arctic sea ice, coral bleaching, and loss of ecosystems, among other impacts.
- ▶ To meet 1,5 °C target - global net human-caused emissions of carbon dioxide (CO₂) would need to fall by about 45 percent from 2010 levels by 2030, reaching 'net zero' around 2050.
- ▶ Estimates of 400–800 GtCO₂ (gigatonnes of CO₂) for the *remaining* budget are given (580 GtCO₂ and 420 GtCO₂ for a 50% and 66% probability of limiting warming to 1.5°C

TEMPERATURE CHANGES FROM 1850–1900 VERSUS CUMULATIVE CO2 EMISSIONS SINCE 1ST JANUARY 1876



PARIS AGREEMENT

21st yearly session of the Conference of the Parties (COP)
to the 1992 UNFCCC

2015 United Nations Climate Change Conference



PARIS AGREEMENT

- ▶ Global agreement on the reduction of climate change and key result was to set a goal of limiting global warming to "**well below 2 °C**" Celsius compared to pre-industrial levels
- ▶ enters into force when joined by at least 55 countries which together represent at least 55 percent of global greenhouse gas emissions
- ▶ On 22 April 2016 (Earth Day), 174 countries signed and began adopting it within their own legal systems (through ratification, acceptance, approval, or accession)

PARIS AGREEMENT

- ▶ zero net anthropogenic greenhouse gas emissions to be reached during the second half of the 21st century
- ▶ the parties will also "pursue efforts to" limit the temperature increase to 1.5 °C
- ▶ 1.5 °C goal will require **zero** emissions sometime between 2030 and 2050
- ▶ Kazakhstan:

Date of signature 02 August 2016

Date of ratification 06 December 2016

▶



Kazakhstan MFA Idrissov signing the Paris Agreement in UN quarters in New York

PARIS AGREEMENT | KAZAKHSTAN

- ▶ Period: 1 January 2021 – 31 December 2030

Intended Nationally Determined Contribution

- ▶ Unconditional target: **15% reduction** in GHG emissions by 31 December 2030 compared to 1990
- ▶ Conditional target: **25% reduction** in GHG emissions by 31 December 2030 compared to 1990, subject to:
 1. additional international investments;
 2. access to low carbon technologies transfer mechanism;
 3. green climate funds; and
 4. flexible mechanism for country with economy in transition.

PARIS AGREEMENT | KAZAKHSTAN | LEGISLATURE

- ▶ Kazakhstan adopted the laws "On energy saving and energy efficiency", "On Supporting the Use of Renewable Energy Sources" aiming at greater use of renewable energy sources.
- ▶ In order to emphasize its commitment to low carbon growth, Kazakhstan has adopted a Concept on transition to a «Green» Economy.
- ▶ government programs on waste management, modernisation of housing and communal services, development of sustainable transport, conservation of ecosystems and enhancement of forest cover were adopted.
- ▶ The laws on extended responsibility of entrepreneurs and greening of vehicles are being formulated.
- ▶ At the same time the aim of the government's economic policy of Kazakhstan is faster growth of GDP per capita to reach the current level of development of the countries of the OECD by 2030.



PARIS AGREEMENT | EUROPE, USA, CHINA

- ▶ EU's nationally determined contribution (NDC) under the Paris Agreement is to reduce greenhouse gas emissions by at least 40% by 2030 compared to 1990.
- ▶ Paris Agreement requires a full coal phase out in the EU by 2030.
- ▶ German Government to phase out of coal and nuclear by 2038 and agreed to pay about EUR45bln
- ▶ France intends to phase out coal by 2022 - before Italy and Ireland by 2025
- ▶ Microsoft to become carbon negative by 2030
- ▶ Trump administration served withdrawal notice to UN in November 2019
- ▶ China is building new coal plants
- ▶ Lack of sanctions and binding targets in the Paris agreement

DAVOS, 21 JANUARY 2020



GRETA THUNBERG

“LISTEN TO SCIENCE!”

<https://www.youtube.com/watch?v=wLW4Tk8Pwdg>



DONALD TRUMP

ATTACKS “PROPHETS OF DOOM”

<https://www.independent.co.uk/news/business/news/davos-2020-news-live-trump-greta-thunberg-speech-latest-climate-change-wef-switzerland-a9293896.html>

CNN COMPARISON

<https://edition.cnn.com/videos/business/2020/01/21/trump-greta-thunberg-climate-davos-lon-orig.cnn-business/video/playlists/stories-worth-watching/>