

## **International Environmental Law 2022/23**

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### **Relevant Treaties and Soft Law**

(Ratification status August 2023 if not otherwise indicated)

#### *Historical Documents*

- **Rio Declaration** (1992), 31 ILM 874 (1992), signed 13 June 1992.
- **Agenda 21** (1992).

#### *Organisations/Programmes*

- **UNEP** (UN Environment Programme), since 1972, located in Nairobi.
- **UNEA** (UN Environmental Assembly), governing body of UNEP (since 2014).
- **UNECE** (UN Economic Commission for Europe), since 1947, located in Geneva.
- **IMO** (International Maritime Organisation), formerly IMCO (Inter-Governmental Maritime Consultative Organization), founded 1948, **175** Member States, located in London.
- **IAEA** (International Atomic Energy Agency), founded 1957, located in Vienna.

#### *Climate Protection and Ozone Layer*

- **Vienna Convention** for the Protection of the Ozone Layer (1985), 26 ILM 1529 (1987), BGBl. 1988 II 902, **198** Treaty Parties, in force since 22 September 1988, binding on Germany since 30 September 1988.
- **Montreal Protocol** on Substances that Deplete the Ozone Layer (1987), 26 ILM 1550 (1987), BGBl. 1988 II 1014, **198** Treaty Parties, in force since 1 January 1989, binding on Germany since 16 December 1988.
- **Rio Framework Convention** on Climate Change, UNFCCC (1992), ILM 849 (1992), BGBl. II 1993, 1783, **198** Treaty Parties (197 States and 1 regional economic integration organization), in force since 21 March 1994, binding on Germany since 9 December 1993.
- **Kyoto Protocol** (1997), 37 ILM 22 (1998), BGBl. 2002 II 966, **192** Treaty Parties excluding the US, in force since 16 February 2005, binding on Germany since 31 May 2002 (*phased out*).
- **Paris Climate Agreement** of 14 December 2015, **194** Treaty Parties (193 states plus the European Union) (197 signatories), signed by Germany on 22 April 2016. Threshold for entry into force at 55:55 (“double trigger”, Art. 21) reached on 5 October 2016, entry into force (also for Germany) on 4 November 2016.

#### *Species Protection and Biodiversity*

- **International Conventions for the Regulation of Whaling** (1946), 161 UNTS 72 (1953), BGBl. 1982 II, 558, **88** Treaty Parties, in force since 10 November 1948, binding on Germany since 2 July 1982.
- **Washington Convention** on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973), 12 ILM 1055 (1973), BGBl. 1975 II, 773, **184** Treaty Parties, in force since 1 July 1975, binding on Germany since 20 June 1976.

- **Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS)** (1979), 19 ILM 15 (1980), BGBl. 1984 II, 569, **133** Treaty Parties, in force since 1 November 1983, binding on Germany since 1 October 1984.
- **Rio Convention on Biological Diversity (CBD)** (1992), 31 ILM 818 (1992), BGBl. 1993 II, 1741, **196** Treaty Parties, in force since 29 December 1992, binding on Germany since 21 December 1993.
- **Cartagena Protocol on Biosafety** (2000), 39 ILM 1027 (2000), BGBl. 2003 II 1506, **173** Treaty Parties, in force since 11 September 2003, binding on Germany since 20 November 2003.
- **Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity** (2010), UN Doc. UNEP/CBD/COP/DEC/X/1, BGBl. 2015 I 2092, **140** Treaty Parties, in force since 12 October 2014, binding on Germany since 21 April 2016.

### *Water Conservation*

- **Convention on the Protection of the Rhine** (1999 – replaces earlier conventions), OJ EU L.289/31, BGBl. 2001 II 850, **6** Treaty Parties, binding on Germany since 1 January 2003.
- **Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes** (1992), 31 ILM 1312 (1992), BGBl. 1994 II 2334, **52** Treaty Parties, in force since 6 October 1996, binding on Germany since 30 January 1995.
- **UN Convention on the Law of the Sea (UNCLOS)** (1982), Part XII: Protection and Preservation of the Marine Environment (Art. 192 et seq.), 21 ILM 1261 (1982), BGBl. 1994 II 1798, **169** Treaty Parties, in force since 16 November 1994, binding on Germany since 14 October 1994.

### *Transboundary Waste Movement*

- **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** (1989), 28 ILM 657 (1989), BGBl. 1994 II 2704, **191** Treaty Parties, in force since 5 May 1992, binding on Germany since 21 April 1995.

### *Hazardous Substances*

- **Stockholm Convention on Persistent Organic Pollutants** (2001) (**POP-Convention**), 40 ILM 532 (2001), BGBl. 2002 II 803, **186** Treaty Parties, in force since 17 May 2004, binding on Germany since 25 April 2002.

### *Protection of Soil and Forests*

- **International Tropical Timber Agreement** (2006), U.N.T. 2797 Doc. TD/TIMBER.3/12, BGBl. 2009 II 231, **75** Treaty Parties, in force since 7 December 2011, binding on Germany since 17 December 2009; replaces Tropical Timber Agreement (1994) that ceased to be in force on 31 December 2006.
- **UN Convention to Combat Desertification** (1994), 33 ILM 1328 (1994), BGBl. 1997 II 1468, **197** Treaty Parties, in force since 26 December 1996, binding on Germany since 10 July 1997.

*Procedural Obligations*

- **Aarhus Convention** on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998), 38 ILM 517 (1999), BGBl. 2006 II 1251, **47** Treaty Parties, in force since 30 October 2001, binding on Germany since 15 January 2007.
- **Espoo Convention** on Environmental Impact Assessment in a Transboundary Context (1991), 30 ILM 802 (1991), BGBl. 2002 II, 1407, **45** Treaty Parties, in force since 10 September 1997, binding on Germany since 8 August 2002.

*State Responsibility and Liability*

- International Law Commission, *Draft Articles on Prevention of Transboundary Harm from Hazardous Activities*, with commentaries, UN GAOR 56th Sess., Supp. No. 10, A/56/10, 2001 (ILC YB 2001 vol II, 148-170).
- International Law Commission, ‘Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, with commentaries’ (61 UN GAOR, UN Doc. A/61/10 (2006), pp. 106-182; ILC YB 2006, vol. II, Part Two, pp. 59-90).
- Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment / “**Lugano-Convention**” (21 June 1993), not in force.

*Protection of the Environment in Armed Conflict*

- **Geneva Protocol** for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925), 94 U.N.T. 65, RGBl. 1929 II 173, **146** Treaty Parties, binding on Germany since 25 April 1929.
- Articles 35(3), Art. 55 and 57 of **Additional Protocol I** to the Geneva Conventions of 12 August 1949 (of 8 June 1977), ILM 1391 (1977), BGBl. 1990 II 1550, **174** Treaty Parties, entry into force on 7 December 1978, binding on Germany since 14 August 1991.
- Articles 15 and 16 of **Additional Protocol II** to the Geneva Conventions of 12 August 1949 (1977), 16 ILM 1442 (of 8 June 1977), BGBl. 1990 II 1550, **169** Treaty Parties, entry into force on 7 December 1978, binding on Germany since 14 August 1991.
- International Law Commission, *Draft principles on protection of the environment in relation to armed conflicts*, with commentaries, UN GAOR 73th Sess., Supp. No. 10, A/77/10, 2022 (ILC YB 2022, vol. II, Part Two, 96-187).

*Weapons of Mass Destruction and Nuclear, Biological, and Chemical Contamination*

- Treaty on the Non-Proliferation of Nuclear Weapons (1968), 7 ILM 8809 (1968), BGBl. 1974 II 785, **190** Treaty Parties, entry into force on 5 March 1970, binding on Germany since 2 May 1975.
- Biological Weapons Convention (1972), ILM 309 (1972), BGBl. 1983 II 132, **183** Treaty Parties, entry into force on 26 March 1975, binding on Germany since 22 June 1981.
- Chemical Weapons Convention (1992), 32 ILM. 800, BGBl. 1994 II 806, **193** Treaty Parties, entry into force on 29 April 1997, binding on Germany since 12 August 1994.
- Treaty on the Prohibition of Nuclear Weapons (2017), UN Reg. No. 56487, **68** Treaty Parties, entry into force on 22 Januar 2021, Germany is not a signatory.
- UN Comprehensive Nuclear-Test-Ban Treaty (1996), UN Doc. A/50/1027, BGBl. 1998 II 1210, **178** Treaty Parties, not yet in force, ratified by Germany on 20 August 1998.

*Environment and Human Rights*

- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“**Protocol of San Salvador**”) (1988), OAS Doc. OAS/Ser.L/V/I.4 rev. 13, **16** Treaty Parties, entry into force on 16 November 1999, not binding on Germany.

*Trade and Environment*

- Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) (1994), 1867 UNTS 493, WTO Doc LT/UR/A-1A/12, BGBl. 1994 I 1438, **164** Treaty Parties (= WTO members), entry into force on 1 January 1995, binding on Germany since 1 January 1995.