

1. Introduction

The dependence of human communities on environmental conditions is manifested in rules, regulations and standards, based on local experience, customs, observations and research. However, some environmental impacts exceed local communities, country boundaries, and experience with them has led to similar or conventional procedures for more effective adaptation and mitigation.

Phenomena that have significant environmental impacts on human communities can be of either natural or human origin. These effects can also impact more remote areas through natural or human activities. In the past, international agreements were created to prevent or to give remedy the harmful consequences.

However, there have been no large-scale environmental impacts that would have required more comprehensive consultations between countries in recent decades. The development of environmental monitoring systems, the results of scientific research on the natural environment, and the formation of international co-operation organizations have created the possibility of recognizing regional and then global environmental risks and common interests. At the same time, economic activities have reached such a level that some of their consequences can even change the state of the environment of the Earth.

2. Materials and Methods

In this paper the results are based on the secondary research. The data, processed in the research, were collected from several international public databases. The literature review focuses on different approaches from several international researchers.

3. Results

A de facto 'framework' of international environmental law and governance has widely been recognized [1–4]. However this recognition has not always existed. From the fourteenth century on the European continent, environmental co-operation developed cautiously through bilateral agreements (between England and Portugal, England and France, etc.) for the management of fishery resources. Several of those deals examined the access to some territories and rivers in Europe and North America during the seventeenth and eighteenth centuries. In addition to

THE CHARACTERISTICS OF INTERNATIONAL ENVIRONMENTAL AGREEMENTS

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Abstract: The world faces old and new problems that are more complicated than our currently capable multilateral and national institutions. To face these challenges, international co-operation is becoming ever more important.

An international environmental agreement is a kind of treaty that is binding in international law, allowing them to accomplish an environmental goal. Bilateral environmental agreement is defined as an agreement between two countries. If the agreement is signed between three or more nations it is called a Multilateral Environmental Agreement. These agreements, mainly drawn up by the United Nations, include issues, such as environmental policies, freshwater policies, hazardous waste and material policies, aquatic environment, wildlife conservation policies, noise pollution and nuclear safety.

International agreements set a number of objectives: Informal agreements may formulate action plans for sovereign states or international institutions; they may establish or alter international organizations or bodies; and legally binding agreements may demand that sovereign states change their actions.

Least developed countries face significant challenges in terms of mitigation and adaptation, which must be resolved by successful agreements. A state government may wish to abide by an agreement but lacks the power to do so. Some climate agreements build in frameworks for promoting implementation and enforcement through technology transfer, funding and technical support. Agreements can facilitate the process of forging a common vocabulary and a mutual knowledge of an issue. States have often taken steps within their own jurisdictions which foreshadow what they are prepared to agree internationally. The balance of power is increasingly shifting, giving rise to questions about the successful functioning of foreign regimes. This current multi-polarity also deepens cleavages over the nature of agreements. The financial crisis spurred consensus on institutional reform; adapting international architecture to better represent the dynamics of contemporary power. The emerging and developing economies have concluded agreements in the environmental problem field to promote mitigation and adaptation assistance to the least developed countries. This present paper analyzes the development, function and the problems of these agreements.

Keywords: multilateral, bilateral, international law, United Nations, environmental protection.

these specific resource and territorial agreements, it was only in the nineteenth century that the environment took on a decidedly multilateral dimension.

Nonetheless, bilateral efforts are frequently inadequate to handle endangered, non-exclusive, non-rival, public goods. In fact, most of the tools and main environmental concerns do not know boundaries. In 1857, the first multilateral agreement – which involved more than three countries – committed states bordering Lake Constance to handle the water pumping of the lake. During the nineteenth century, multilateral agreements gradually developed and began to address environmental issues more directly, such as the transport of hazardous substances or the protection of endangered species [5].

Following the incremental emergence of environmental agreements in the nineteenth and twentieth centuries, major environmental summits took place, in particular the 1972 Stockholm Summit, for the environment to assume its true global significance, and for environmental diplomacy to turn to the conservation of the world's natural resources rather than merely their management.

Other summits, held every ten years after the 1972 summit, set the stage for environmental diplomacy [6] provide an opportunity to take stock, formulate general concepts, embedded in official statements and establish international organizations, committed to the environment [7]. The 1972 Stockholm Summit, or United Nations Conference on Human Environment, was the first climate-focused multilateral summit. The summit has been one of the largest international

conferences ever held, thanks to the active participation of developed countries. In 1992 a second Summit, the United Nations Conference on Environment and Development, was held in Rio to reinforce the progress, achieved in Sweden. The summit reiterated the environmental-development linkages. The World Summit on Sustainable Development, which took place in Johannesburg in 2002, shifted partly from environmental goals, opening the door to non-state players.

While the 1972 United Nations Conference (UNCHE) is frequently viewed as having kick-started international environmental law [8], by 1950, states had signed over 250 IEAs. **Fig. 1**

shows the five-year moving average of signed original agreements, protocols and amendments, showing states, agreeing far more original bilateral environmental agreements (BEAs) than multilateral environmental agreements (MEAs), but changing them less regularly through protocols and amendments. Around the time of UNCHE, states negotiated several BEAs, and both MEAs and BEAs around the time of the 1992 UN Conference on Environment and Development.

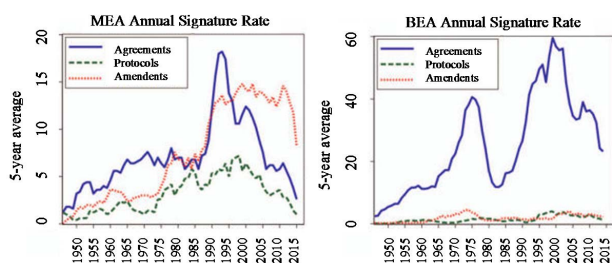


Fig. 1. Rates of Successfully Completed IEA Negotiations [11]

The total number of international environmental agreements (IEAs) is impressive: Since 1945, more than 2,000 environmental agreements and protocols have been signed [9]. Some of the oldest IEAs regulate fisheries, endangered species, agriculture and wetlands, but a growing proportion of IEAs now tackles habitat protection, energy generation, hazardous waste, and pollutant emissions [10]. Subjects have continued to diversify, with one third of IEAs now addressing animals, one third addressing emissions and energy, and the other third covering a number of other concerns (Fig. 2) [11].

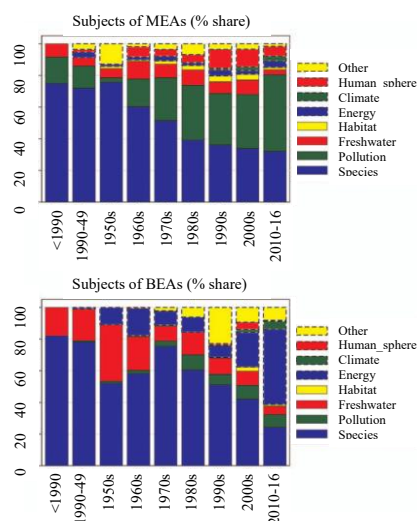


Fig. 2. Share of Subjects Covered by MEAs and BEAs [11]

These treaties have no single institutional affiliation (e. g., to UN Environment), because the institutionalization of environmental treaties in the international organizational landscape happened gradually. In certain cases, pre-existing international organizations preferred expanding their own areas of action rather than delegating that role to international environmental institutions [6].

Notwithstanding their distinct roots and institutional relations, environmental treaties form a family of treaties under which numerous agreements have survived those provisions [12]. They include provisions, representing the main guidelines, highlighted at environmental summits (sustainable development, value of development, collaborations, etc.), as well as a range of more basic concepts, such as the precautionary principle, the principle of informed advance agreement, and common yet differentiated responsibilities [6].

4. Discussion

Multilateral environmental agreements are a dominant force in international environmental law. These MEAs result in long-standing reciprocal commitments and cooperation, create structures that coordinate research, explore new environmental policy frontiers and address the intersection of environmental concerns with development, human rights and trade. As treaties, they constitute one of the most agreed sources of international legal obligation. According to international law, a State, which has consented to be bound by a MEA in effect, is obliged to comply with it. Nevertheless, the image of a binding MEA as an expression of its parties' approval is more complicated than it seems at first glance. Over the past few decades, these MEAs have formed a mode of operation that calls into question some of our understandings and assumptions about international legal obligations, particularly as they relate to treaty regimes. In the past three decades multilateral environmental agreements have proliferated rapidly. Indeed, measured by the number of MEAs, the time since World War II has been a remarkable success for multilateralism proponents [13], but the execution of these agreements has been less successful. Although several governments have been eager to join MEAs, evidence shows that they have not always completely fulfilled their legal responsibilities to adopt supranational agreements, i. e. by integrating treaties into domestic law, enacting legislation, and developing an effective monitoring and compliance infrastructure.

As long as there is no supranational government in place, instead of engaging in multilateral agreements, an individual country has an incentive to free ride. After all, several of the agreements aim to offer public benefits on a national or global scale. Environmental agreements have addressed a wide variety of priorities, ranging from forest protection and water management to transboundary pollution regulation. In conclusion we can state that there are two features of these international environmental agreements. The most important is that IEAs are surprisingly weak agreements: they do not generally include mechanisms for enforcement or monitoring. The lack of enforcement is only partly explained by the lack of enforcement by third parties in global politics; after all, the countries could sign treaties, where noncompliance is met by trade sanctions [14]. The other feature of IEAs is that many of them, including some of the most prominent, are generally seen as ineffective[15]. These two facts suggest that the paradox may be that so many countries are negotiating and signing weak agreements, rather than the number of agreements itself. Negotiating treaties is an expensive and laborious process; even more detrimental is the signing of treaties, which are either not ratified or ratified and then reneged on. We might call this the „Week Agreements Paradox.“

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Received date 18.03.2020

Accepted date 16.04.2020

Published date 30.04.2020

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