

# HL.a Environmental Law

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# ESS HL.a.1 Introduction to The Environmental Law

# Learning Objectives

1. Describe how laws govern human behaviour and are enforced by social or governmental authority
2. Explain the purpose of environmental law in managing human use and impact on natural resources to promote sustainability
3. Discuss the role of environmental law in supporting environmental justice and the challenges posed by lobbying
4. Define environmental constitutionalism and its significance in embedding environmental rights and obligations in constitutions



# Starter: Brainstorm time

- Watch [the environmental law video](#)
- Brainstorm the following idea surrounding environmental law:
  - What is the goal?
  - What does environmental law cover? Applied to whom or what?
  - Why is it necessary to have environmental justice?
  - What is/are required to enforce or start a new policy under environmental law?
  - Is social justice the same as environmental justice?

# Sustainability

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graph TD; Sustainability[Sustainability] --> Social[Social]; Sustainability --> Environmental[Environmental]; Sustainability --> Economic[Economic]; Social --> Social1[Ensuring equity, justice, and human rights.]; Social --> Social2[Providing access to education, healthcare, and clean environments.]; Social --> Social3[Supporting cultural diversity and community well-being.]; Environmental --> Environmental1[Protecting ecosystems, biodiversity, and natural resources.]; Environmental --> Environmental2[Reducing pollution, emissions, and waste.]; Environmental --> Environmental3[Promoting renewable energy and sustainable land/water use.]; Economic --> Economic1[Promoting long-term economic growth without harming people or the planet.]; Economic --> Economic2[Encouraging green jobs, sustainable industries, and innovation.]; Economic --> Economic3[Balancing profit with social responsibility and environmental protection.];
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## Social

Ensuring equity, justice, and human rights.

Providing access to education, healthcare, and clean environments.

Supporting cultural diversity and community well-being.

## Environmental

Protecting ecosystems, biodiversity, and natural resources.

Reducing pollution, emissions, and waste.

Promoting renewable energy and sustainable land/water use.

## Economic

Promoting long-term economic growth without harming people or the planet.

Encouraging green jobs, sustainable industries, and innovation.

Balancing profit with social responsibility and environmental protection.

# 1. What is the goal?

- Protect natural resources and ecosystems.
- Prevent and mitigate pollution and environmental harm.
- Balance economic development with sustainability.
- Safeguard human health and wellbeing.
- Address climate change and biodiversity loss.
- Ensure intergenerational equity (protecting the environment for future generations).

# Environmental law

- Its primary purpose is to prevent and reduce the harmful effects of human actions on the environment.
- It is designed to address a wide range of issues, including:
  - Unsustainable use of natural capital
  - Air, water, and soil pollution
  - Land degradation
  - Deforestation
  - Climate change
  - Species extinction
- This is achieved by establishing rules and regulations that individuals, businesses, and governments are required to follow.
- These legal frameworks help limit environmental damage while encouraging sustainable development.
- Carrying capacity is the maximum population size that can be supported by a given environment without causing environmental degradation. Law helps preventing us from exceeding the tipping points

# Why do we need law?

- Strong laws, made and enforced by a government or social authority - essential for a well-functioning society.
  - ensure that everyone is treated fairly
  - that the powerful are held accountable,
  - that the rights of all people are protected.
- This creates a stable and peaceful environment where everyone can thrive
  - Everyone is accountable for their actions, regardless of their wealth or status.
  - Everyone has equal opportunities and is treated fairly under the law.
  - Everyone has access to justice, even if they cannot afford to hire a lawyer.
  - Human rights and the environment are protected
  - Corruption is low and violence is rare.

## 2. What does environmental law cover? Applied to whom or what?

- Governs the relationship between human activities and the natural environment.
- Applied to:
  - Governments (national, regional, local).
  - Corporations, businesses, and industries.
  - Individuals (citizens, consumers, landowners).
  - International actors (treaties, organizations, NGOs).
  - Natural entities (via “legal personhood” in some cases).

# Environmental law – areas

- Areas covered under environmental law may include the management of:
  - Natural resources (e.g., fisheries, forests, minerals)
  - Hazardous waste
  - Air quality
  - Water quality
  - Land or soils
  - Conservation of biodiversity, by producing a legal framework to determine the
  - Conservation status of species
  - Construction and development projects using environmental impact assessments.

# Environmental law – Who's involved?

- Environmental law can be grouped into two main categories:
  - Domestic environmental law
    - Focuses on national or regional environmental concerns.
  - International environmental law
    - Addresses global issues by guiding the behavior of countries, regions (territories), and organizations.

Includes agreements between many countries to work together to protect the environment.

These agreements, called **multilateral treaties**

provide a framework for countries to cooperate internationally on issues such as climate change, air pollution, and biodiversity conservation.

Example: [The United Nations Framework Convention on Climate Change \(UNFCCC\)](#) and the [United Nations Convention on Biodiversity](#)



### 3. Why is it necessary to have environmental justice?

- Pollution and climate impacts often affect marginalized groups disproportionately.
- Prevents “sacrifice zones” where low-income or minority communities bear environmental burdens.
- Ensures fair distribution of environmental benefits (clean air, water, green spaces).
- Protects human rights (health, housing, livelihood).
- Connects ecological sustainability with social equity.
- Builds trust and legitimacy in environmental governance

# The Miracle of the Commons

- Contrast of the tragedy of the commons
- Developed by Elinor Ostrom, a political scientist
- Believes that people can share resources sustainably

# 4. What is/are required to enforce or start a new policy under environmental law?

## **Scientific evidence**

- data on impacts, risks, and solutions.

## **Public participation**

- consultation, advocacy, and activism.

## **International cooperation**

- treaties and agreements for cross-border issues.

## **Legal frameworks**

- constitutions, statutes, regulations.

## **Political will**

- Support from governments and policymakers.

## **Institutions**

- courts, regulatory agencies, tribunals.

## **Accountability tools**

- fines, penalties, compliance audits, reporting.

## **Funding mechanisms**

- for enforcement, monitoring, and compensation.

# Environmental Law and Social Justice

## Blindfold

- The blindfold represents the fact that justice is blind to social status, wealth, race, gender, or any other personal characteristic. It is supposed to ensure that everyone is treated fairly under the law.

## Sword

- The sword represents the authority of the law and the power to punish those who break it. It also symbolises the willingness of the judicial system to defend the innocent and uphold justice.

## Scales

- The scales represent the weighing of evidence in a case. They symbolise the need for fairness and impartiality in the judicial system. The scales must be balanced for justice to be served.

## Together

- The three symbols of Lady Justice represent the core principles of the judicial system: impartiality, fairness, and authority. Lady Justice is a reminder that everyone is entitled to justice under the law.



# Environmental Laws

- At its first universal session in 2013, UNEP's Governing Body adopted [\*\*Decision 27/9, on Advancing Justice, Governance and Law for Environmental Sustainability.\*\*](#)
- **This decision is the first internationally negotiated document to establish the term 'environmental rule of law.'**
- It invited Governments and relevant organisations to reinforce international, regional and sub-regional cooperation to combat noncompliance with environmental laws

# 5. Is social justice the same as environmental justice?

- **Social justice:** fair treatment and equality in society (economic, racial, gender, legal, cultural dimensions).
- **Environmental justice:** fair treatment in environmental decision-making and burden-sharing (who benefits, who suffers from environmental harm).
- **Overlap:**
  - Both address inequality and rights.
  - Environmental justice is a **subset** of social justice, focusing on the environment's role in shaping fairness and equity.
- Example: A factory polluting near low-income neighborhoods is both a **social injustice** (inequality, health impacts) and an **environmental injustice** (unfair burden of pollution).

# Environmental Law

Ultimate goal: to live sustainably within the carrying capacity of planet Earth

- Local, regional and international level

covers everything:

- climate change policies to biodiversity loss to resource management (fish stocks, minerals).

applied to

- soil,
- air and
- water pollution

concerned about

- valuing the environment
- protecting the environment from damage and exploitation.

For each issue, environmental law requires

- in-depth scientific knowledge
- good understanding of the social and political

# ESS HL.a.2 Transboundary Environmental Agreements



# Learning Objectives

1. Understands the advantages and limitation of international law that provides an essential framework

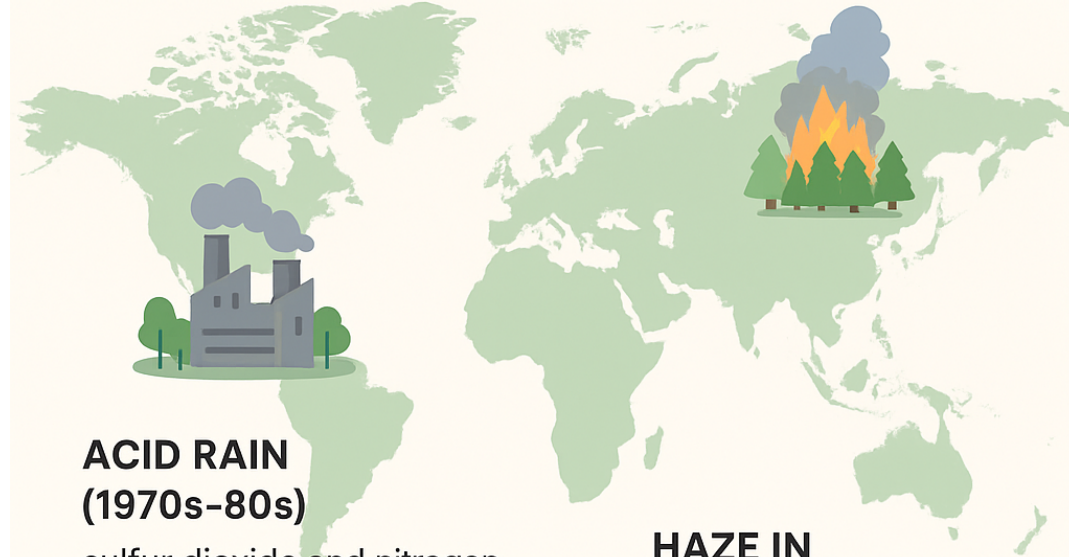
What is transboundary pollution?

Pollution produced in a country that crosses borders (through air, water, or soil) and causes environmental harm in other countries.



## **CHERNOBYL DISASTER (1986)**

radioactive fallout spread  
across Europe



## **ACID RAIN (1970s-80s)**

sulfur dioxide and nitrogen  
oxides from industrial regions  
in one country damaging  
forests and lakes in another

## **HAZE IN SOUTHEAST ASIA**

caused by forest fires  
in Indonesia, affecting  
Singapore, Malaysia,  
and beyond



## **RIVERS LIKE THE MEKONG OR DANUBE**

pollution flows downstream,  
impacting multiple nations

# Transboundary agreement

is an international treaty or arrangement between two or more countries to manage and protect shared natural resources or address environmental problems that cross national borders.

## CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION (1979)



Addresses air pollutants like sulfur dioxide and nitrogen oxides in Europe/North America

## HELSINKI CONVENTION (1992)



Protects and manages transboundary watercourses and lakes

## BASEL CONVENTION (1989)



Controls transboundary movement of hazardous wastes

## PARIS AGREEMENT (2015)



Global treaty addressing climate change, with cross-border effects

# Effectiveness of Environmental Laws

- Varies between countries
- A UN report in 2019 summarised the variation of the effectiveness of international law as follows
  - As of 2017, 176 countries have environmental framework laws, 150 countries have enshrined environmental protection or the right to a healthy environment in their constitutions, and 164 countries have created cabinet-level bodies responsible for environmental protection, according to the first-ever global assessment of environmental rule of law.
  - **Weak enforcement however is a global trend exacerbating environmental threats.**
  - The backlash against implementation efforts includes harassment, arbitrary detention, and murders of environmental defenders
- May also be due to the lack of clarity in the written law
- Defenders are met with threats and violence – some were murdered
  - Done by those with financial interests

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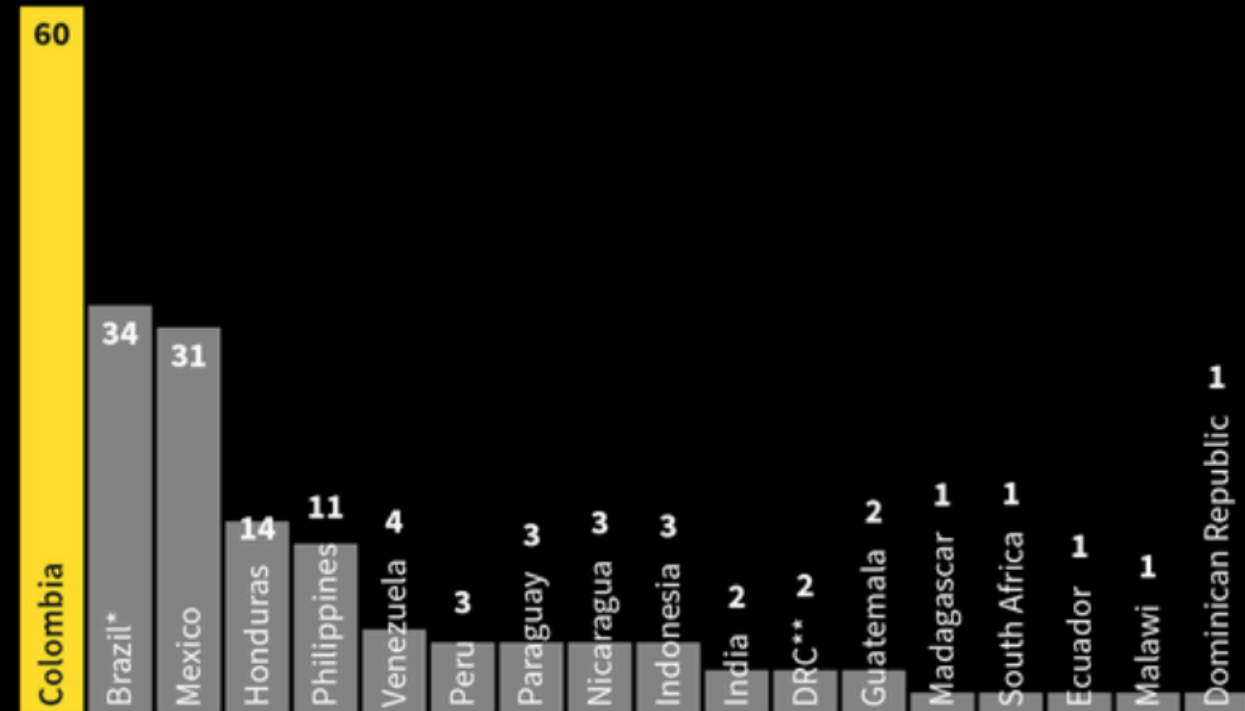
177

DEFENDERS LOST THEIR LIVES LAST YEAR

36%

of defender killings  
in 2022 were of  
Indigenous peoples

## DEATHS BY COUNTRY 2022



\*Global Witness' main source of data from Brazil is the Pastoral Land Commission (CPT) which uses a different methodology for documenting killings. The CPT monitors rural conflicts affecting small-scale farmers, landless communities, Indigenous peoples and traditional communities, as well as rural trade unionists, many of which overlap with Global Witness' definition of land and environmental defenders.

\*\* Democratic Republic of Congo.



# Transboundary Environmental Issues and Regional Agreements

1. Read more about the issues on these websites.

Obstacles to a regional solution:



Overview of ASEAN environment, Transboundary Haze Pollution Agreement and public health:



Effectiveness of transboundary haze pollution in handling of smoke haze cases in South-East Asia:



2. Now answer the following questions:

- Why would international agreement be needed in these cases?
- What are the limitations of involving international parties at these meetings?
- To what extent has the agreement been successful?

# Essay Question [9]

## Evaluate the transboundary agreement in ASEAN in managing haze

*Your essay should have this format:*

- Introduction
  - Definition of key concepts
  - Explanation or description of issue(s)
  - Links to the ESS knowledge i.e perspectives, sustainability, systems
  - Examples of links
  - Thesis statement
- Body paragraphs
  - Positive and negative POV
  - Explain the argument + description using case studies, statistics and science
  - Concluding paragraph
- Conclusion
  - Holistic opinion
  - Future direction



# Strengths and Limitations of Environmental Law

- Strengths:
  - Protection of natural resources: By safeguarding ecosystems such as forests, wetlands, and oceans, environmental laws help maintain biodiversity and ecological balance, ensuring the sustainability of Earth's systems.
  - Promotion of sustainable practices: Laws can encourage responsible use of resources through measures like water conservation, sustainable farming, and investment in renewable energy. This reduces the harmful impact of human activities on the environment.
  - Pollution control: By setting clear limits on pollutants—including greenhouse gas emissions—laws can regulate industrial, agricultural, and technological practices, thereby reducing environmental degradation.
  - Accountability for polluters: Fines, penalties, and legal consequences for non-compliance discourage harmful practices and encourage businesses and individuals to adopt more sustainable behaviors.
- Limitations:
  - Narrow scope: Many laws target specific issues, such as air or water pollution, but may fail to address interconnected global problems like climate change or biodiversity loss.
  - Interconnected systems and global challenges: Because ecosystems cross borders, local or national laws may be insufficient to deal with global-scale issues that require international cooperation.
  - Conflicting interests: Economic development, food, water, and energy security often take precedence, making it harder to enact or enforce strong environmental protections.
  - Enforcement difficulties: Monitoring and policing activities such as poaching or the illegal wildlife trade is challenging, especially in remote or large areas. Identifying offenders can also be difficult.
  - Jurisdictional limitations: Environmental problems are often global, but laws typically function at local or national levels, making international collaboration essential yet complex.
  - Short-term political cycles: Frequent changes in leadership and shifting political priorities can disrupt environmental policies. Issues requiring long-term solutions, such as climate change, may not receive the sustained attention or urgency they demand. Political will is therefore vital for meaningful progress, but often inconsistent.

# ESS HL.a.3 International Environmental Law

# Learning Objectives

1. Outline how international environmental law works
2. Describe the role of the UN in the environmental law
3. Explain the term "personhood" in environmental law context