

# Law for the protection of the Atmosphere

## Ongoing work within the International Law Commission (ILC)

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with input from ILC's Special Rapporteur

Shinya Murase

## Background

- Recommendation from Saltsjöbaden V: “CLRTAP should invite the International Law Commission (ILC) to continue exploring the scope for a “Law of the Atmosphere, ” which would facilitate integrated action on climate change and tropospheric air pollution”
- The recommendation was picked up by the Commission and it gave support to the initiative taken by Professor Shinya Murase, who became special rapporteur.
- The draft guidelines are not intended to interfere with relevant political negotiations, including those on climate change, ozone depletion, and long-range transboundary air pollution

## Progress

- The work has since 2013/14 been part of the ILC agenda and four reports have been prepared (the latest will be discussed at ILC's next meeting)
- The work has involved in depth studies of how international environmental issues are handled from a legal perspective but also made definitions on subjects of relevance
- More information can be found at [http://legal.un.org/ilc/summaries/8\\_8.shtml](http://legal.un.org/ilc/summaries/8_8.shtml)

## Content

- Use of terms (Guideline 1);
- Scope of the guidelines (Guideline 2);
- Obligation to protect the atmosphere (Guideline 3);
- Environmental impact assessment (Guideline 4);
- Sustainable utilization of the atmosphere (Guideline 5);
- Equitable and reasonable utilization of the atmosphere (Guideline 6);
- Intentional large-scale modification of the atmosphere (Guideline 7);
- International cooperation (Guideline 8);
- Interrelationship among relevant rules (Guideline 9).
- Draft guidelines to be proposed by the Special Rapporteur in his Fifth Report in 2018 will include draft guidelines **on Implementation, Compliance and Dispute Settlement,**

## Long term objective (vision)

- ➔ The vision from the special rapporteur Shinya Murase is ...*a Law for the Protection of the Atmosphere, analogous to the Law for the Protection of the Sea*

## Ways forward

- The guidelines are expected to be adopted by ILC at the second reading in 2020 and then put forward to the General Assembly's legal committee which will most probably take note of the guidelines.
- The work at ILC will be finished by then.
- Since the guidelines are non-binding, there is no obvious way forward after that, but the intention is that they will serve as support for international negotiations, disputes etc.
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## Outcome from the workshop? (seen from the ILC perspective)

- ➔ Saltsjöbaden 6 endorses the draft guidelines provisionally adopted by the ILC, encouraging the ILC to continue its work with a view to its successful completion, and encourage States, relevant International Organizations and international courts and tribunals to consider them seriously, etc.

Thank you