

Multilateral Diplomacy for Shaping the International Environmental Regime: Key Landmark Conferences and COP29 in Azerbaijan

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The development of the international environmental regime has been significantly influenced by multilateral diplomacy, with landmark conferences such as Stockholm (1972) and Rio de Janeiro (1992) establishing key norms and principles of international environmental law. The non-binding but impactful provisions of the Stockholm Declaration and Rio Declaration have been codified further in international environmental treaties that are characterized by a “framework approach” allowing for the use of general arrangements accompanied by dynamic implementation and adaptation through protocols and annexes. These treaties emphasize collective global responsibility while recognizing environmental protection as a common interest. Periodic Conferences of the Parties (COPs) under the UNFCCC exemplify the significance of multilateral diplomacy in advancing global environmental efforts. COP29, to be held in Azerbaijan in 2024, underscores the critical importance of such diplomacy in addressing pressing environmental challenges. This paper examines the role of multilateral diplomacy in shaping the international environmental regime and highlights the necessity of shared responsibility and collective efforts. It emphasizes the evolution of international environmental law and the importance of flexible, adaptive treaty frameworks in addressing global environmental problems.

Keywords: multilateral diplomacy, international environmental law, international treaties, legal obligations, shared responsibility, COP29, Azerbaijan



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Introduction

The development of the international environmental regime has been shaped significantly by the dynamics of multilateral diplomacy, particularly through landmark conferences such as those held in Stockholm in 1972 and Rio de Janeiro in 1992. These conferences resulted in the emergence of fundamental norms and principles of international environmental law. Despite the non-binding nature of the Stockholm Declaration on the Human Environment and the Rio Declaration on Environment and Development, they represent critical milestones in the evolution of international environmental law.

However, the main role in formalizing legally binding obligations for states belongs to international treaties, which provide a legal framework for consolidated actions in addressing global environmental challenges. A unique feature of multilateral environmental treaties is the so-called “framework approach”, providing a dynamic structure for implementation and flexibility for adaptation over time through additional protocols or annexes.

Moreover, multilateral environmental treaties provide a regime in which there is a common interest of all states regarding environmental protection. This reflects that breaches of these obligations can lead to environmental harm affecting multiple states or the international community.

Such an approach stresses the global community’s commitment to collective efforts to preserve the environment. Against this background, periodic conferences of all parties, which serve as main forums for negotiation, collaboration, and, to some extent, monitoring of undertaken measures, play a crucial role in shaping the international environmental regime and ensuring its responsiveness to emerging threats and challenges.

In this respect, one of the most significant events is the Conference of the Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC). COPs exemplify the enduring relevance of multilateral diplomacy in advancing global environmental protection efforts through equal dialogue among engaged stakeholders.

COP29 is scheduled to be held in Azerbaijan this year, 2024. As the host state, Azerbaijan sees this conference as a significant opportunity

to demonstrate its commitment to environmental sustainability and the transition to a green economy.

This article examines the role of multilateral diplomacy in fostering the development of the international environmental regime and analyses the legal peculiarities of multinational environmental treaties. The special focus of this article is to explain the necessity of shared responsibility to address pressing environmental challenges through collective efforts of the international community to safeguard the environment, and the critical importance of multilateral diplomacy in achieving this goal is emphasized.

Role of multilateral diplomacy in the development of international environmental law

International environmental law has gradually evolved as a fragmented and unsystematic legal regime consisting of various legal developments, including judicial decisions, the unilateral practices of states, and treaty-making processes, has given rise to fundamental norms and principles in environmental protection.¹ The pivotal role in this process belongs to multilateral diplomacy, which involves negotiations and cooperation among multiple states or international organizations² on issues of common interest. Since multilateral diplomacy is “aimed at resolving international problems, creating frameworks for cooperation, and establishing international norms and agreements”,³ the main concepts of international environmental law have emerged within diplomatic negotiations.

These events provide a platform for states to collaborate on pressing environmental issues, thereby fostering a sense of shared responsibility and promoting the exchange of knowledge, resources, and best practices, as well as facilitating monitoring of undertaken measures. Additionally, they serve as forums for raising awareness, mobilizing public support, and consolidating actions at both national and international levels to effectively address environmental challenges in a timely fashion.

1 G. Hernandez, *International Law*, (Oxford: Oxford University Press, 2019), p. 496.

2 P. Taylor, AJR, Groom, *International Institutions at work*, (St. Martin's; First Edition (January 1, 1988), p. 180.

3 G.Berridge, A. James, *A Dictionary of Diplomacy*, (Palgrave Macmillan, 2003), p. 86.

Furthermore, considering that holding individuals and businesses internationally accountable for environmental harm poses significant challenges to international environmental law, inviting them as active participants to global summits and conferences becomes crucial for fostering a wider dialogue, promoting transparency, and encouraging voluntary commitments to address environmental concerns. Empowering non-state actors to take ownership of their environmental impacts through active participation in multilateral initiatives can contribute to the ongoing process of gradual movement from corporate social responsibility towards the international legal accountability of private persons and multinational corporations.

Finally, the adoption of legal arrangements on environmental issues during world summits and conferences plays a crucial role in establishing a more robust and systematic framework for cooperation. These decisions serve as important benchmarks for progress and provide concrete goals and targets for governments, international organizations, businesses, and individuals in the area of environmental protection.

Thus, multilateral diplomacy, typically reflected through global conferences and summits, has significantly contributed to the development of the regime of international environmental protection. In this respect, two landmark conferences, held in Stockholm in 1972 and Rio de Janeiro in 1992, marked the beginning of the era of international environmental law.

Both conferences resulted in the adoption of historic declarations: the Stockholm Declaration on the Human Environment and the Rio Declaration on Environment and Development. Although these declarations are considered so-called “soft law” and, thus, do not entail legal obligations for states, they nonetheless serve as crucial milestones in the development of norms and principles of international environmental law. Hence, the 1972 Stockholm Declaration⁴ envisages several non-binding yet profoundly impactful provisions that have been codified further in international treaties:

- the recognition of the linkage between environmental protection and human rights (Principle 1);

4 United Nations, “Stockholm Declaration and Action Plan for the Human Environment”, available at: <https://documents.un.org/doc/undoc/gen/n17/300/05/pdf/n1730005.pdf?token=t5iO2OwItg5zfbzyZd&fe=true> (accessed: March 21, 2024).

- the need to safeguard the environment for future generations (Principle 2);
- the acknowledgement that, while States have the sovereign right to exploit their resources, they have a “responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction” (Principle 21).⁵

The Stockholm Conference was also significant due to its Action Plan, which contained three main categories: “(a) Global Environmental Assessment Programme; (b) Environmental management activities; (c) International measures to support assessment and management activities carried out at the national and international levels”.⁶ This plan also played a pivotal role in the establishment of the United Nations Environment Programme (UNEP), a subsidiary body under the UN General Assembly. As the leading global authority on the environment, UNEP today cooperates with governments, NGOs, businesses, and UN entities to address humanity’s most pressing environmental challenges – from restoring the ozone layer to protecting the world’s seas and promoting a green, inclusive economy.⁷

A transition to a more holistic approach to the regime of environmental protection was made by the 1992 Rio Conference on Environment and Development. The Rio Conference and its final document, the Rio Declaration,⁸ emphasized advancing the core principle of sustainable development. This principle stresses the indisputable linkage between environmental protection and economic, as well as social, development, advocating for the adoption of effective policies.

⁵ G. Hernandez, *International Law*, (Oxford: Oxford University Press, 2019), p. 498; See also: J.N. Moore, and S. Mahmoudi (eds), *The Stockholm Declaration and Law of the Marine Environment*, (Nijhoff, 2003), p.53.

⁶ The United Nations, United Nations Conference on the Human Environment, 5-16 June 1972, Stockholm, Available at: <https://www.un.org/en/conferences/environment/stockholm1972> (Accessed: May 30, 2024).

⁷ The United Nations Environment Programme, Available at: <https://www.unep.org/who-we-are/about-us> (Accessed: March 23, 2024).

⁸ United Nations, “Rio Declaration on Environment and Development”, Annex I of the Report of the United Nations Conference on Environment and Development, UN Doc A/CONF.151/26 (Vol I), August 12, 1992, Available at: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf (accessed: March 21, 2024).

The Rio Declaration was accompanied by an ambitious agenda known as Agenda 21, which encompassed a list of valuable recommendations aimed at establishing a collaborative framework within the international environmental regime.⁹ These recommendations addressed various programme areas and objectives across different sectors, including mechanisms for technology transfer from developed to developing nations, the alleviation of poverty through sustainable development, and support for national strategies, along with policies to achieve these goals.¹⁰

Moreover, within the framework of this conference, two significant international treaties were adopted: the 1992 Framework Convention on Climate Change (UNFCCC) and the 1992 Convention on Biological Diversity (CBD).

Following the Rio 1992 conference, two subsequent conferences were held: the 2002 Johannesburg World Summit on Sustainable Development and the 2012 UN Conference on Sustainable Development (Rio+20). Rather than focusing on institution-building or legislative efforts, these conferences mainly aimed at advancing the objectives outlined in the Rio 1992 agreements.¹¹

“Framework approach” of multilateral environmental treaties

International treaties are instrumental in establishing legally binding obligations for states within the international environmental regime. Notably, international environmental treaties are characterized by a legal peculiarity named a “framework approach”;¹² that is, in comparison with classical international treaties, they allow the use of general principles and institutional arrangements, thereby providing a more dynamic and flexible regime for implementation.

Thus, framework treaties typically come with accompanying protocols or annexes that offer more specific standards of protection and sometimes even legally binding provisions. A renowned example of

9 Ibid.

10 G. Hernandez, *International Law*, (Oxford: Oxford University Press, 2019), p. 501.

11 Ibid.

12 See: C. Redgwell, “Multilateral Environmental Treaty-Making” (2000) in V. Gowlland-Debbas (ed), *Multilateral Treaty-Making: The Current Status of Challenges to and Reforms Needed in the International Legislative Process* (Nijhoff, 2000), pp.89-107.

such a framework convention is the 1992 United Nations Framework Convention on Climate Change (UNFCCC), which serves as the basis for subsequent agreements such as the 1997 Kyoto Protocol and the 2015 Paris Agreement.¹³

Another specific feature of international environmental treaties, also linked with multilateral diplomacy, is the non-reciprocal nature of the obligations arising from them. This refers to situations where the obligations imposed by a treaty on one state party are not directly contingent upon or equivalent to the obligations imposed on the other party or parties. In the context of environmental treaties, this non-reciprocity can manifest in the concept of “common but differentiated responsibilities”. This principle acknowledges that, although all states are responsible for addressing global issues such as environmental protection, their responsibilities are not the same due to differing capacities and historical contributions to the problem.

For instance, Article 3(1) of the UNFCCC acknowledges the principle of common but differentiated responsibilities among states concerning climate change.¹⁴ A further example is Article 6 of the 1992 Convention on Biological Diversity, which obliges states to introduce “as far as possible and as appropriate general measures for the conservation and sustainable use of biological diversity”. Article 17 of this treaty prescribes the exchange of information, “from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries”.¹⁵

One more distinguishing feature of multilateral environmental treaties lies in the consequences of a breach of obligations under these documents. That is, a violation of responsibilities could result in environmental harm to multiple states or the international community. This can be observed, for instance, in the above-mentioned Convention on Biological Diversity, which explicitly recognizes “the common

13 G. Hernandez, *International Law*, (Oxford: Oxford University Press, 2019), p. 502.

14 United Nations Climate Change, Framework Convention on Climate Change (1992), Available at: <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change> (Accessed: March 11, 2024).

15 United Nations, Convention on Biological Diversity, June 5, 1992, available at: <https://www.un.org/en/observances/biological-diversity-day/convention> (Accessed: April 10, 2024).

concern of humankind” in preserving such diversity.¹⁶

It can be argued that such an approach stems from the obligations *erga omnes partes*, i.e. obligations owed by a state “toward the international community as a whole”.¹⁷ These obligations are binding on all states, regardless of whether they are parties to a specific treaty or agreement. Consequently, a state could invoke the issue of responsibility under international law, even if it is not directly affected.¹⁸

It is noteworthy that this approach has further developed in international judicial practice, specifically in the landmark ICJ judgment in Whaling in the Antarctic (*Australia v Japan; New Zealand intervening*).¹⁹ Thus, Australia effectively initiated legal proceedings concerning Japan’s Antarctic whaling practices, alleging a breach of its obligations under the Whaling Convention, despite not being faced with any direct harm. This development signifies a crucial milestone in the ongoing evolution of the international environmental regime and highlights the global community’s commitment to environmental protection.

Finally, an advantageous aspect of the framework approach of multilateral environmental treaties is their capacity to adjust to changing scientific, technical, and other information. This flexibility is frequently achieved through periodic conferences of all parties (known as COPs)²⁰ that serve as crucial tools of multilateral diplomacy. They play a pivotal role in shaping the international environmental regime and ensuring that it remains responsive to emerging challenges and developments in the field.

COP29 in Azerbaijan: Fostering multilateral cooperation in addressing environmental challenges

The Conference of the Parties (COP) of the UNFCCC is one of the above-mentioned significant events that addresses global climate concerns. Each year, state parties to UNFCCC meet “to measure progress

16 *Ibid.*

17 Barcelona Traction Heat, Light, and Power Co. (*Belgium v Spain*), Second Phase, ICJ Reports, 1970, p.3, para 33.

18 Obligation to Prosecute or Extradite (*Belgium v Senegal*), Judgement, ICJ Reports, 2012.

19 Whaling in the Antarctic (*Australia v Japan; New Zealand intervening*), Judgement, ICJ Reports 2014.

20 G. Hernandez, *International Law*, (Oxford: Oxford University Press, 2019), p. 502.

and negotiate multilateral responses to climate change”. COPs have established significant benchmarks on a global scale for addressing climate change, setting standards, and promoting initiatives such as reducing carbon emissions, expediting the transition to sustainable energy sources, and aiding nations in adapting to and strengthening resilience against escalating climate challenges. These conferences play an important role in bringing together governments and diverse stakeholders, including businesses, civil society, and individuals, to collectively confront the urgent climate crisis.²¹

The convening of the COP29 conference stands out as the paramount event of 2024 for Azerbaijan, marking a significant milestone in the nation’s progression towards a green economy.

The first COP took place in Berlin, Germany, in 1995. The 28th COP convened in Dubai, United Arab Emirates, in 2023. During this gathering, the inaugural Global Stocktake occurred, enabling participating states to evaluate advancements made towards the objectives outlined in the Paris Agreement and to devise future strategies.²²

The upcoming COP29 is scheduled to take place on November 11–22, 2024, in Baku, Azerbaijan. This highlights the continued importance of these international forums in fostering cooperation and united action towards addressing environmental challenges.

The convening of the COP29 conference stands out as the paramount event of 2024 for Azerbaijan, marking a significant milestone in the nation’s progression towards a green economy. Aligning with this strategic direction, Azerbaijan’s President Ilham Aliyev issued an order declaring 2024 “Green World Solidarity Year” in Azerbaijan.²³

Considering the tremendous importance of multilateral diplomacy in addressing environmental concerns, Azerbaijan seeks to foster global discussions on the ecological agenda, and advocate for sustainable development approaches. In this respect, President Aliyev mentioned that Azerbaijan will emphasize its status as an oil and gas nation while also highlighting to the international community its dedication to green

21 United Nations, UN Climate Change Conferences, Available at: <https://www.un.org/en/climatechange/un-climate-conferences> (Accessed: April 11, 2024).

22 *Ibid.*

23 Official website of the President of the Republic of Azerbaijan, *Decree of the President of the Republic of Azerbaijan on the declaration of 2024 as the “Year of Solidarity for the Green World” in the Republic of Azerbaijan*, December 25, 2023, Available at: <https://president.az/az/articles/view/62737> (Accessed: April 12, 2024).

energy endeavours. “This commitment reflects a tangible reality, and the international community will once again witness our unwavering dedication to advancing the cause of green energy”.²⁴

It is worth noting that the initiative “Azerbaijan 2030: National Priorities for Socio-Economic Development”,²⁵ approved by President Aliyev on February 2, 2021, lays down a strategic framework for renewable energy policies. Among its key priorities is a focus on promoting a clean environment and fostering green growth, thus signalling Azerbaijan’s proactive approach towards transitioning to a green economy and aligning its efforts with international standards for greenhouse gas emissions.

As the host of COP29, Azerbaijan aims to prove its strong commitment to addressing global environmental challenges and driving the agenda for sustainable development. “We must break for good the stop-start of COP agreements so there is follow-through from one to the next”, said

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Mukhtar Babayev, Azerbaijan’s minister for ecology and natural resources and the president-designate of COP29. Against this background, he emphasized the initiation of “The COP Presidencies Troika”,²⁶ heralding Azerbaijan’s pivotal role as the conduit for decision-making and implementation between the leadership transitions from the 28th summit in the UAE to the 30th summit in Brazil next year. This

ongoing mechanism aims to transform global summits from mere venues for grand announcements into platforms fostering continuity through diligent monitoring and implementation processes.²⁷

24 Official website of the President of the Republic of Azerbaijan, *Ilham Aliyev chaired meeting regarding hosting of COP29 in Azerbaijan next year*, December 15, 2023, Available at: <https://president.az/en/articles/view/62562> (Accessed: April 12, 2024).

25 Official website of the President of the Republic of Azerbaijan, *Order of the President of the Republic of Azerbaijan on approval of “Azerbaijan 2030: National Priorities for Socio-Economic Development”*, February 2, 2021, Available at: <https://president.az/en/articles/view/50474> (Accessed: April 12, 2024).

26 COP28 UAE, “COP28 launches ‘The COP Presidencies Troika’ in partnership with the COP29 and COP30 Presidencies-a groundbreaking initiative to support ‘Mission 1.5°C’ by maintaining momentum, locking in continuity, and anchoring implementation”, March 12, 2024, Available at: <https://www.cop28.com/en/news/2024/02/COP28-launches-The-COP-Presidencies-Troika> (Accessed: March 19, 2024).

27 The Guardian, “As Cop29 president, I will build bridges between the diverging north and south to keep 1.5C in reach”, Available at: <https://www.theguardian.com/commentisfree/2024/mar/12/cop29-bridges-diverging-north-and-south-15c-in-reach> (Accessed: April 13, 2024).

Thus, by facilitating dialogue and negotiation, COP29 targets, *inter alia*, the development of comprehensive agreements and strategies for sustainable development. In fact, through robust monitoring and implementation mechanisms, multilateral diplomacy ensures accountability and progress towards collective environmental goals, thus promoting a more resilient and structured international environmental regime.

Conclusion

The evolution of international environmental law has been marked by a journey from fragmentation to a more robust, but still unsystematic, legal regime. Through the efforts of multilateral diplomacy, particularly evident in landmark conferences such as Stockholm 1972 and Rio de Janeiro 1992, significant results have been achieved in establishing fundamental norms and principles for international environmental protection.

Moreover, global conferences and summits have emerged as crucial platforms for facilitating dialogue and fostering collaboration among states and various stakeholders, as well as mobilizing collective efforts towards a more systematic and effective international environmental regime. By engaging not only governments but also private entities and individuals, these forums promote a sense of shared responsibility and encourage commitments to environmental protection.

Meanwhile, international treaties play a crucial role in formalizing legal obligations for states, thus ensuring the continuity of environmental protection efforts across borders and over time. The distinct “framework approach” adopted by multilateral environmental treaties provides a dynamic structure for implementation that is characterized by general principles and flexible mechanisms for adjustment.

These framework treaties, exemplified by agreements such as the UNFCCC, establish broad principles while allowing for the development of more specific and legally binding standards through accompanying protocols or annexes. This flexibility enables adaptation to changing circumstances and scientific knowledge, thus ensuring the relevance and effectiveness of environmental agreements.

In addition, the multilateral treaty approach allows for differentiation in obligations among states based on their capacities and circumstances,

representing *ipso facto* (“by the fact itself”) the principle of common but differentiated responsibilities.

Finally, the “framework approach” of multilateral environmental treaties facilitates adaptation to emerging challenges through periodic COPs. The COP of the UNFCCC stands as a pivotal event in the global effort to address climate change. These annual meetings serve as crucial platforms for measuring progress, negotiating multilateral responses, and setting benchmarks at a global scale.

As Azerbaijan prepares to host COP29 in 2024, the state’s commitment to advancing environmental sustainability and green development is underscored. Hosting COP29 presents Azerbaijan with a unique opportunity to prove its dedication to addressing global environmental challenges and driving sustainable development.

To sum up, COP29 represents a milestone in Azerbaijan’s efforts towards shaping the international environmental regime and underscores the importance of multilateral diplomacy in fostering collective action and progress towards more resilient and structured global environmental protection. By promoting comprehensive agreements and strategies for sustainable development, COP29 aims to pave the way for a green and more sustainable future for generations to come.