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# Tackling Air Pollution through Legislation

17 November 2023, h. 11:15 – 12:45, Session Track: 4



**Valentina Ricca**  
Associate Legal Officer, UNEP Law Division  
Montevideo Coordination and Delivery Unit

## Session agenda

1 Welcome and Introduction to UNEP's work on air quality legislation

**Valentina Ricca,**  
Associate Legal Officer, Montevideo  
Coordination and Delivery Unit, Law  
Division, UNEP

2 Effective legislation as a key step towards fulfilling the human right to breathe clean air

**David Boyd,**  
UN Special Rapporteur on human rights  
and the environment

3 Legislation for robust and participatory air quality governance

**Eloise Scotford,**  
Author, UNEP Guide on Ambient Air  
Quality Legislation - Dean, Faculty of Law,  
University College London

4 National experiences in participatory governance.

- **Matthew Baird,** Executive Director, Asian Research Institution for Environmental Law (ARIEL)
- **Jundy Del Socorro,** Air Quality Management Section Chief, Environment Management Bureau, Department of Environment and Natural Resources, Philippines
- **Watchalawalee Kumboonreung,** Public interest environmental lawyer, Thailand
- **Syahrani Kadir,** Researcher, Indonesian Center for Environmental Law

Moderated by **Bert Fabien,** Coordinator,  
Secretariat of the EANET

5 Panel discussion



# Clean air and human rights

UN High Commissioner for Human Rights, 1<sup>st</sup> Global Conference on Air Pollution and Health (2018):  
*"there can be no doubt that all human beings are entitled to breathe clean air"*

- The **right to breathe clean air** as a vital component of the right to a healthy environment.
- Poor air quality has **implications for a wide range of human rights**, including the rights to life, health, water, food, housing and an adequate standard of living.
- Fulfilling the right to breathe clean air requires **action at all levels**.
- The right imposes **procedural and substantive obligations** on States: **public participation** in the assessment of proposed projects, policies and environmental decisions is one of them.
- Key steps to **implement** this right:
  - **assess sources** of air pollution;
  - make **information publicly available**;
  - establish air quality **legislation, regulations, standards and policies**;
  - **implement and enforce** standards.

UNGA (2019a). *Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Report of the Special Rapporteur*. 40th Session of the Human Rights Council, 25 February–22 March. A/HRC/40/55



# UNEP Air Quality Programme

- UNEP's mandate, UNEA Resolution 3/8: **Preventing and Reducing Air Pollution to Improve Air Quality Globally**
  - Encourage Member States to join/cooperate with specific action
  - Share knowledge at regional level
  - Strengthen inter-governmental cooperation



## Monitoring & Assessments



- Assessments on Policy action & integrated air and climate action
- Guidance developed on deployment & maintenance of affordable air quality monitoring networks
- Synergies with national action planning supported by CCAC

## Policy, Legislation & Technology Support



- National Governments*
  - Priority sector focus, national legislation & standards
- Local Governments*
  - Priority sector focus, clean air action planning
- Sectoral focus*
  - Combined interventions – technology (electrification) & infrastructure (NMT)

## Advocacy & Awareness Raising



- BreatheLife Campaign
- UNEP Clean Air Patron
- Scaling up local Air Quality Campaigns
- Int'l Day of Clean Air for blue skies
- Global Platform on Air Quality (jointly with WHO)

## International / Regional cooperation



- Regional Environment and Health Fora (with WHO)
- Asia Pacific Clean Air Partnership
- Europe Air Convention (CLRTAP)
- LAC ministerial Forum
- Regional Communities of Practice

# Montevideo Environmental Law Programme

Delivering for People and the Planet: Fifth Montevideo Programme  
for the Development and Periodic Review of Environmental Law



The Montevideo Environmental Law Programme is a 10-year intergovernmental programme designed to promote environmental rule of law, build related capacities, and contribute to the achievement of the environmental dimensions of the Sustainable Development Goals.

**Legal responses to air pollution** is one of the priority areas under the Montevideo Programme.

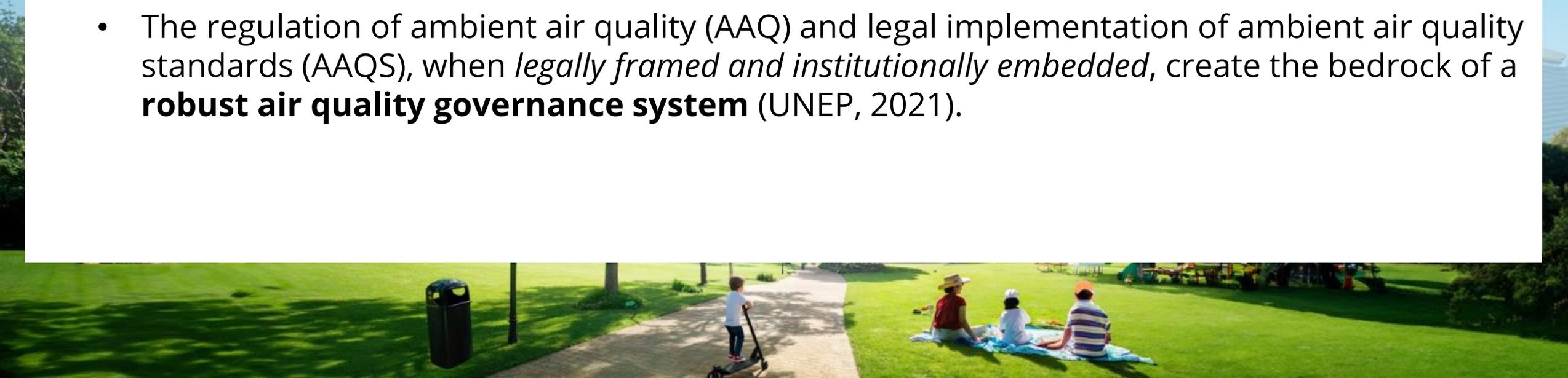


Law and Environment Assistance Platform



# Why focus on air quality legislation?

- UNEP's Actions on Air Quality report highlights **law as one of the key responses to the air pollution crisis.**
- Legislative processes are well adapted to the **collective, cross-sectoral, evolving problem of air pollution.**
- **Enforceability** of ambient air quality standards, and of administrative processes for delivering them
- The regulation of ambient air quality (AAQ) and legal implementation of ambient air quality standards (AAQS), when *legally framed and institutionally embedded*, create the bedrock of a **robust air quality governance system** (UNEP, 2021).



# Global Assessment of Air Pollution Legislation

## Air Pollution Series

### Regulating Air Quality

The first global assessment of air pollution legislation



- Assesses national air quality legislation in 194 States and the European Union (EU) against a model of robust air quality governance developed as part of the research.
- AAQS, when *legally framed and institutionally embedded*, create the bedrock of a **robust air quality governance system**
- Addresses whether national legal measures exist for determining whether air quality standards are being met and what legal consequences exist for failure to meet them.

# Robust system of air quality governance



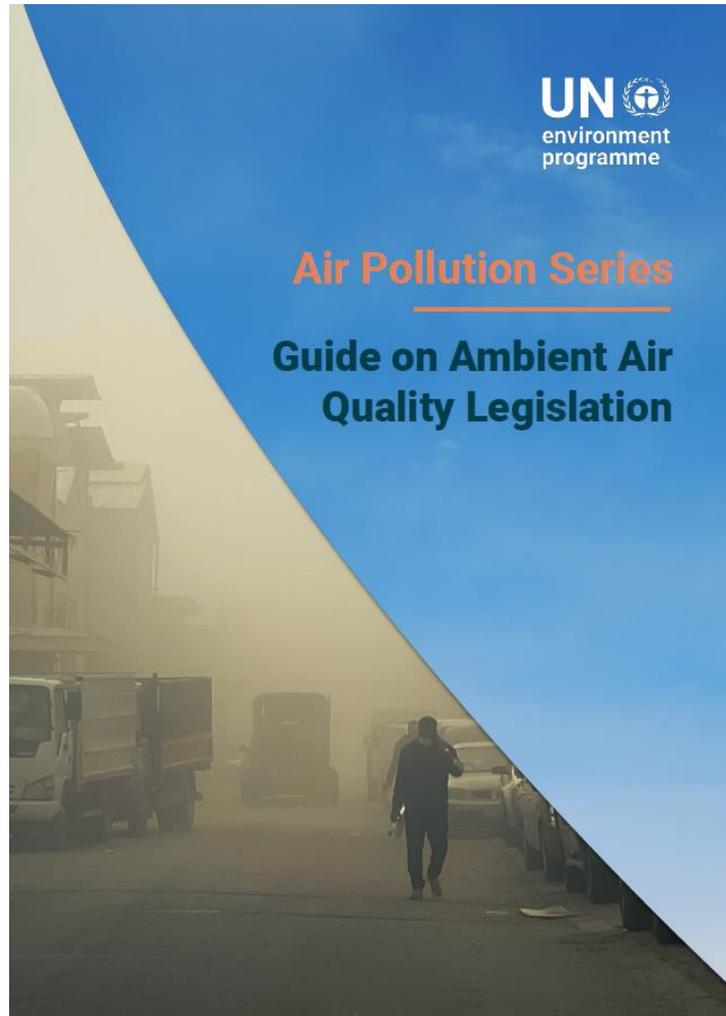
■ Legislative requirements for air quality governance

■ High-level policy/law informing AQS

■ Delivering AQS through law & policy

■ Clear review process

# Guide on Ambient Air Quality Legislation



- Translates key findings of the GAAPL into concrete questions and considerations for law-makers.
- Targeted at countries seeking to develop or improve ambient air quality legislation.
- Aims to promote robust national systems of air quality governance that prioritize public health outcomes and respect that all humans share the same need to breathe air of adequate quality.

**Regulatory alignment across wide-ranging policy areas is critical to achieving AAQS in practice**



**Thank you!**



## Contact us:

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