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Framework Convention Concept

Note by the secretariat

Notion:

The concept of “framework convention” is relatively recent. A framework convention or agreement describes a type of legally binding treaty which establishes broader commitments for its parties and leaves the setting of specific targets either to subsequent more detailed agreements (usually called protocols) or to national legislation. In essence, a framework agreement serves as an umbrella document which lays down the principles, objectives and the rules of governance of the treaty regime.

Nature:

The nature of a framework convention reflects the decision of the parties to establish general obligations, create basic institutional arrangements, and provide procedures for the adoption of detailed obligations in subsequent protocols and/or leave room for stricter standards and implementation of the measures in national legislation.

Legal Effect:

A framework convention is a legally binding treaty of international law which is not different in its legal effect from other treaties. Although a framework convention does not contain concrete targets, it is not less legally binding than a protocol, which does contain time-bound targets and concrete obligations. Both the framework convention and protocol instruments are legally binding, as they are ratified by national parliaments, which are then required to adopt implementing legislation.

Areas of Application:

In international environmental law and indeed within UNECE Environment Conventions, the primary mode of lawmaking is through the framework convention/protocol approach. However, the use of the framework convention concept is not restricted only to this branch of international law. Framework conventions are suitable in other areas in which subsequent regulation by national legislation or the parties could be required.

Reasons for Elaboration:

Framework conventions elevate the political will for action and leave room for consensus on the details of the action itself for a later stage. They are effective in creating a coherent treaty regime based on a general overarching agreement. Thus, their advantage is that a consensus can be more easily achieved by the parties, as first they agree on general and basic principles which could guide, if the parties wish so, the possible further negotiation of detailed and targeted protocols to the treaty. As the issues in question are usually addressed through the development of national policies and strategies, framework conventions are inherently flexible; allowing governments the discretion of how to achieve the agreed objectives based on their countries' capabilities.