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The status and importance of mountain protection in international law

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Abstract

These days, environmental issues sit near the top of the global agenda. World leaders actually treat them as a real priority now. Looking ahead, it's pretty clear that as time goes on, fights between countries will center more and more on the environment and who gets what from nature. Mountains are a big deal here. They play a unique and essential role in our ecosystem, but somehow, they don't get much attention. That's a problem, because their delicate balance makes them especially easy to damage or destroy. International law can help. If countries use these legal tools well, they can stop more harm and even start to fix what's already been broken. We've already seen some progress—European nations have taken some legal steps, and it's actually made a difference.

Keywords: International law, international environmental law, environmental protection, environmental treaties, mountains, mountain ecosystems

Introduction

International law grew out of agreements between states and international organizations. For a long time, that meant environmental issues didn't get much attention—people just didn't see them as a priority. But as the world changed, the need to protect the environment through international laws finally got the spotlight.

Now, there's a flood of new legal writing and regulations about environmental protection. In some areas, it's almost too much—there's so much law, it's hard to keep up. Sure, international law is supposed to be flexible and adapt to what's happening in the world. But sometimes, new rules just don't show up fast enough, especially when environmental problems start to feel urgent. And honestly, some issues hardly make it onto the agenda at all. Take

mountain ecosystems, for example. If you look at the main international legal documents, it's obvious—they're barely mentioned. That's a big deal, especially in Islamic countries, where mountains are everywhere and even get a special mention in the Quran.

Things started to shift with the Stockholm Conference in 1972. That event really kicked off the change in how international law treats ecosystems. People have already written plenty about how the conference got the world to pay attention to the environment. But what matters for this paper is how that meeting led directly to one of the most important treaties for protecting mountain areas: the Alpine Treaty. This wasn't just one of the first big agreements focused on mountain protection—it also inspired other countries to set up their own legal tools to safeguard these ecosystems.

Besides treaties, soft law shows up everywhere in international environmental law—it's honestly a lot more flexible and livelier than most other sources. Soft law has tackled mountain protection too, and since there's a ton of material out there, I'll just point out a few of the big ones.

Everyone gets those environmental issues matter now. That's not really up for debate anymore, especially since we've all seen what happens when people ignore the environment. These days, the consequences are right in front of us.

Mountains deserve special attention. They cover huge areas, and they play a huge role in the environment. Plus, most mountains don't neatly fit inside one country—they sprawl across borders, which means more than one state has to care about what happens to them. To really protect mountain ecosystems and avoid political fights, we have to look at them through the lens of international norms.

But it's not just about cross-border mountains. Even the ones that sit entirely inside a country—like the Zagros and Elbrus—matter just as much. Ecosystems don't care about borders. Anything that harms the environment in one country can mess with the whole system. So, environmental commitments apply to internal mountains too. International law, especially those soft law rules, isn't just for countries that signed specific treaties. In principle, these norms reach everyone.

When it comes to research in international law, there are three main approaches: descriptive, normative, and international law analysis. In this paper, I'm sticking to the first one—basically, laying out how international law works in practice and what impact its rules actually have.

So, here's how the paper breaks down: The first part defines what a mountain is, why these ecosystems are valuable, and what threatens them. The second part dives into how international law handles mountain protection.

1. Concepts, Importance of Mountains and Challenges

Mountains and mountainous areas—just saying those words, and most people know exactly what you mean. The idea feels obvious. Still, it's worth looking at one of the most well-known and widely accepted definitions, which I'll get to in a second.

¹ Seyyed Abbas Pourhashemi and Bahareh Arghand, (2013) International Environmental Law. (Tehran: Dadgester Publishing, 22.)

² sahar Zari, The System of International Responsibility of States for Environmental Damage, Senior Thesis, Law School, Islamic Azad University, Tehran Branch, Center 103, 2011,

³ Farhad Dabiri, Seyed Abbas Pourhashemi and Fakhralzahi Rosta, "A Study of the Principles and Concepts of International Environmental Law with a View to the Development of the Environment", Environmental Science and Technology, 11, 3 (2009)

⁴ For example, N.K.: verse 31 of Surah Anbiya, verses 6 and 7 of Surah An-Naba, and verse 10 of Surah Luqman.

⁵ . Philippe Sands, Principles of International Environmental Law , 2 nd ed. (Cambridge Publication, 2003).

⁶ Seyed Abbas Pourhashemi, Environmental Diplomacy and Its Impact on International Relations and World Peace, (Tehran: Kharsandi Publications, 2017), and Ali Mashhadi, The Right to a Healthy Environment: The Iranian-French Model, (Tehran: Mizan Publications, 2013).

⁷ Convention on the Protection of the Alps

1.1. Definition and Importance

Webster's New World Dictionary says a mountain is a land mass that rises clearly above its surroundings and stands higher than a hill. Mountains stretch across every continent, and, believe it or not, they cover about a quarter of the planet's surface. A lot of them formed because of volcanic activity. When these mountains first took shape, thick and thin layers of lava piled up on their slopes.

Give it some time, and that lava breaks down into volcanic soil. This soil is packed with minerals—perfect for plants and trees. Thanks to this, mountains often end up covered in dense forests, which become home to all sorts of animals and plants.

Mountains do more than just look pretty. Think of them as giant water towers. Cold air rises, cools, and condenses at higher elevations, which means more rain falls on these regions. That's why mountains often get more rainfall than the lowlands around them. Sometimes, there's so much rain it creates rivers—some that only flow part of the year, others that run year-round.

Most of the world's major rivers start in the mountains. These rivers aren't just streams of water—they're lifelines. People rely on them for farming, electricity, industry, and, above all, drinking water. Take the Indus River, for example. It begins in the Himalayas and supports around 130 million Pakistani farmers who grow rice and other crops along its banks. And it's not just Pakistan—Bangladesh and India also depend on the Indus for their agriculture.

The Himalayas, in general, have helped create a huge agricultural network. Over in Central America, the Atacama region owes nearly all its economic growth to small rivers that rise in the Andes. In Europe, the Alps give birth to famous rivers like the Rhine and the Danube. In East Africa, the Mara River—northern Tanzania's only permanent water source for so many species—starts in the Rift Valley.

So, you get the picture: mountains are the starting point for most of the world's rivers. More than half the global population relies on these rivers for food, power, industry, and, most crucially, water to drink.

But mountains aren't just practical—they're beautiful. People flock to them for the views and the chance to explore. Some mountains hold valuable metals like gold, cadmium, and zinc. And millions of people actually live-in mountain regions. Take Kyrgyzstan, Kazakhstan, Tajikistan, and the Carpathians in Europe—together, these places are home to about sixteen million people.

⁸ Mansoor Ayram, Hojat Salimi Turkmani, and Mohammad Mousizadeh, "The Place of Soft Laws in the Legal Regime of Climate Change from the Perspective of Legal Positivism," *Legal Research*, 22, 53 (2023).

⁹ Fernando Tson, *Philosophy of International Law*, translated by Mohsen Mohabi (Tehran: Shahr Danesh Publications, 25, 2015).

¹⁰ Webster's Dictionary

¹¹ Merriam-Webster. (n.d.). Retrieved from <https://www.merriam-webster.com/dictionary/mountain>, last accessed on January 22, 2023

¹² Rabi' Badi'i, *Detailed Geography of Iran* (Tehran: Aqbal Publishing House, 1999, 67).

1.2. Challenges and threats

Mountains really take a beating from all sides. Their steep slopes and high altitudes make them fragile to begin with, and when people start moving in or using the land, things can go downhill fast. Farming is a big one—more people in mountain regions, plus climate change, have pushed a lot of traditional farmers to keep working these tricky landscapes. That causes all sorts of headaches for wildlife and for the folks trying to make a living downstream. Mountain forests keep shrinking too. People clear them for crops or livestock, sometimes just to gain a bit more space. But when the forests go, the problems pile up: soil washes away, floods get worse, rivers overflow, and pollution creeps in—especially from chemicals.

Mining is another huge problem. Digging for minerals and precious metals in mountain regions has trashed the environment, mostly by polluting mountain rivers. Since these rivers often cross borders, countries start blaming each other for the mess. Fights break out over whose mines are poisoning whose water. People even dump waste in the mountains—sometimes really dangerous stuff. Take the highlands of Kazakhstan, where nuclear waste has ended up. The big worry here is that toxic garbage will poison rivers right at their source.

Tourism isn't all sunshine either. Even the most remote peaks get visitors now, and while tourism brings in money, it takes a toll. Forests get cut to make way for hotels and resorts. These buildings don't just ruin the view—they pollute the water too, since a lot of hotel waste ends up in rivers. The constant flow of tourist's chips away at glaciers and leaves the whole ecosystem weaker. Then come avalanches, landslides, all sorts of disasters. In the end, tourism can wreck a mountain as surely as a bulldozer. And then there's war. Mountain regions have seen plenty of fighting—places like Kashmir, Kurdistan, Afghanistan. Explosions tear up the land, destroy the soil, and wipe out plants. When the plants go, so do the animals that depend on them, pushing some species closer to extinction. You look at all these pressures, and it's clear: mountain ecosystems don't have it easy. People, pollution, war, and even well-meaning tourists leave their mark—and too often, the mountains pay the price.

2. Protection of Mountains in International Law by Treaties

Traditionally, Article 38 of the International Court of Justice Statute lays out the main sources of international law: international treaties (both general and specific), international custom, and general principles of law recognized by nations. On top of those, case law and doctrine also play a supporting role. So, if we want to understand where the international legal system stands on mountains, we need to look at each of these sources one by one.

¹³ *Ibid.*

¹⁴ Yuka Makino, Sara Manuelli, and Lindsey Hook. "Accelerating the movement for mountain peoples and policies." *Science* 365, 6458 (2019): 1084-1086.

¹⁵ Atacama

¹⁶ Mara

¹⁷ Mountain Partnership Secretariat. Open-ending Scientific Committee for the International Year of

Sustainable Mountain Development. 2022. Rome. Available at: <https://www.fao.org/mountain-partnership/internationalyear2022/oesc/en/>, last accessed on June 6, 2022.

¹⁸ Rosalaura Romeo, Flavia Grita, Fabio Parisi, and Lauro Russo. Vulnerability of mountain peoples to Agriculture Org., (2020) 118 . & Food . food insecurity: updated data and analysis of drivers

A lot of environmental issues—including mountain protection—fall under international environmental law, and many rely on what's known as "soft law." That's why it's essential to look closely at these soft law documents to really pin down where mountains fit into international law.

Digging deeper, it's clear that the field of mountain protection doesn't just belong to international environmental law. The whole field is still pretty young and, honestly, suffers from a lack of solid legal sources. When it comes to mountains, we're mostly dealing with international custom and case law.

Still, if you look at the bigger picture, you'll find the building blocks for mountain protection scattered across custom and case law. But because this topic is so broad—and because it'd take a lot of space to properly analyze each source—this paper won't cover all of them. Instead, the main focus is on multilateral treaties that specifically and clearly address mountain protection.

Some of these treaties even spell out general principles of environmental law in their text, which is worth pointing out.

To keep things organized, I'll look at these treaties in the order they were signed. Finally, I'll wrap up this section with a look at soft law instruments that cover similar ideas and have gained wider acceptance around the world.

2.1. African Convention on the Conservation of Nature and Natural Resources

The convention, wrapped up in 1968, took on a broad range of environmental problems. Back then, people didn't really think about mountain issues the way we do now, so the treaty skips over any specific rules for protecting mountains. There's just an appendix at the end with a list of protected areas, and a few mountains get a mention there.

Still, this was the first big treaty from the Al-Zamawari period that even touched on mountain concerns. In its own way, it set the stage for later agreements that dug deeper into mountain protection.

2.2. ASEAN Convention on the Conservation of Nature and Natural Resources

Back in 1985, Brunei, Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Vietnam, and Thailand signed this treaty in Kuala Lumpur. Honestly, it only touches on a handful of environmental issues, and it does so in pretty vague terms. If you're looking for strong rules about mountain protection, you won't find them here. The only place mountains show up is in a list at the end, where the treaty mentions a few as protected areas.

¹⁹ United Nations General Assembly. Transforming Our World: the 2030 Agenda for Sustainable Development. Seventieth Session. A/RES/70/1. Available at: <https://undocs.org/A/RES/70/1>, last accessed on June 23, 2022.

²⁰ United Nations Conference on Sustainable Development. The Future We Want. UN Doc. A/RES/66/288, 53. Available at: <https://sustainabledevelopment.un.org/rio20/futurewewant>, last accessed on June 11, 2022.

²¹ Mohammad Fili, International Commitments of States in Forest Management with Emphasis on the Phenomenon of Fire, Master's Thesis in International Law, Madras University of Education, 54, 2019.

²² United Nations General Assembly. Resolution Adopted by the General Assembly on 16 December 2021 International Year of Sustainable Mountain Development, 2022. Seventy-sixth Session. A/RES/76/129.

Available at <https://undocs.org/A/RES/76/129>, last accessed on March 21, 2022.

²³ Ibid.

When you dig into how this treaty is put together, it's hard not to notice how much it resembles an earlier African treaty. You can really see the influence. It's like the African Environmental Treaty set the stage and nudged countries in Southeast Asia to start thinking more seriously about protecting different environments—including mountains.

2.3. Alpine Treaty

The Alps stand out as Western Europe's most famous mountains, rising between two and three thousand meters and stretching across countries like Switzerland, Italy, France, Germany, Austria, Liechtenstein, and Slovenia. Back in 1991, these countries teamed up—along with the Economic Commission for Europe, later called the European Economic Community—and signed the Alpine Treaty. It actually kicked in four years later, in 1995.

Now, including the European Union, the treaty has nine members. Monaco joined in too, so it's not just the original signatories anymore. What's interesting is that this was the EU's first multilateral treaty. Its rules are broad—almost universal—and it's become a model for other agreements.

Everyone who signed on agreed to work together to protect the Alps and figure out the best ways to use them. The treaty covers a lot: protecting natural landscapes, preserving animal and plant diversity, setting rules for mountain agriculture, managing tourism, planning how to use mountain land, keeping ecosystems clean, and making sure countries don't fight over the mountains.

The 1991 Alpine Treaty spells out what each country has to do in nine main sections, and the 1994 Protocols add more detail to those commitments. The main rules set out broad promises to protect the Alps, but the protocols fill in the specifics. Article 2 gets into the nitty-gritty: countries have to stop cross-border damage, make polluters pay, and cooperate both nationally and internationally, always keeping the interests of all members in mind. For example, if a factory pollutes the Alps, it's on them to fix the mess and restore things to how they were.

That same article also says countries need to follow an ecosystem approach in specific areas. Articles 3 and 4 push members to work together on scientific research, assessments, and sharing technical and legal info to actually meet the treaty's goals.

2.4. Framework Agreement on the Development of the Carpathian Basin and the Protection of the Carpathian Basin (Indigenous Peoples of the Region)

The Carpathian Basin stretches across the Czech Republic, Moldova, Ukraine, Hungary, Romania, and Slovakia.

²⁴ Mountain Partnership Secretariat. Highlighting Sustainable Food Systems in Mountains for the UN Food Systems Summit 2021. Available at <https://www.fao.org/mountain-partnership/publications/publicationdetail/en/c/1397049/>, last accessed on March 21, 2022.

²⁵ Roberto Romeo, Sara Manuelli, Michelle Geringer, and V. Barchiesi. Mountain farming systems & (Food . Seeds for the future: Sustainable agricultural practices for resilient mountain livelihoods

Agriculture Org., 2021) 93.

²⁶ Fadlallah Mousavi, The Evolution of Sources of International Environmental Law (Tehran: Mizan Publishing House, 48, 2012).

Back in 2003, these countries signed the Framework Agreement on the Development of the Carpathian Basin and the Protection of the Carpathian Basin, focusing on the region's indigenous peoples. The agreement kicked in three years later, in 2006. Right from the start, the preamble points to the Alpine Convention as its inspiration and model.

So, what does the Convention aim for? It's all about protecting the Carpathian Mountains, boosting the regional economy, improving life for indigenous communities, helping local economies grow, preserving natural resources, and safeguarding the cultural heritage found here.

To make these goals real, Article 2 spells out some key principles everyone needs to follow: the precautionary principle, prevention, polluter-pays, public participation, and cross-border cooperation. Article 4 doubles down on these, pushing countries to stick to these ideas and actually put them into action, especially where it matters most.

Article 4 lays out the specifics: protect biodiversity, preserve natural landscapes, use water wisely, keep river systems healthy, encourage sustainable farming, and build up infrastructure to avoid unnecessary setbacks.

Flip ahead to Article 10—this one tells countries to step up and support cleaner technology, especially in mountain industries. It's about protecting both the mountains and the people who live there, and handling the fallout from industrial activity.

Then you've got Articles 14 to 16, which set up two important bodies: the Conference of the Parties and the Secretariat. The Conference meets every year, tweaks the treaty if needed, and adopts new protocols. The Secretariat collects and shares reports from all the countries involved.

But maybe the most interesting part is Article 20. If any disputes pop up over what the treaty means or how to apply it, countries have to settle things according to international law. It's a clear path for resolving disagreements, built right in.

2.5. Framework Agreement on Environmental Protection for the Development of Humanity in Central Asia

Back in 2006, leaders from Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan met in Ashgabat, Turkmenistan, and hammered out this agreement. The main idea, right from the start, was pretty clear: protect Central Asia's unique environment and use its resources wisely. They wanted to help people living there now—and future generations too—by working together on strong environmental policies and lining up their laws so everyone's aiming for the same goals. It's about meeting basic needs, making life better, and building a safer future.

²⁷ The purpose is to refer to those soft documents that have been approved and ratified by a large number of states, in terms of quantity.

²⁸ African Convention on the Conservation of Nature and Natural Resources

²⁹ Asean Agreement on the Conservation of Nature and Natural Resources

³⁰ European Economic Community

³¹ ALP Media Information Service, available at <http://www.alpmedia.net>, last accessed on August 29, 2024.

³² Framework Convention on the Protection and Sustainable Development of the Carpathians.

³³ The Framework Convention for the Protection of the environment for sustainable development in Central Asia

Article 12 zooms in on the mountains. The first part says the countries will team up—whether through big regional plans or smaller, more targeted partnerships—to stop mountain ecosystems from falling apart. Then, in the next bit, it lays out a few concrete steps: work together on projects that fit each mountain area's needs, get local people involved in restoring these ecosystems, and build solid regional networks focused on protecting and improving mountain environments.

3. Protection of Mountains through Non-binding Instruments (Soft Laws)

Soft law plays a big role in international environmental law, especially when you're trying to figure out just how committed countries are to protecting mountains. If you really want to get into the details—like how much international law actually pays attention to mountain protection—you have to look at soft law. But there's a ton of soft law out there, and honestly, going through all of it would take way more space than this paper allows. So, I'll stick to the main one that pretty much everyone recognizes: Agenda 21.

Agenda 21, signed by representatives from around 178 countries back in 1992 after the Rio Earth Summit, covers a lot of ground on

mountain protection—even though it's not legally binding. You'll see more about its major points in a bit.

The action plan calls for all sorts of steps to protect mountains: safeguarding water resources, biodiversity, and forests; stopping the worst effects of climate change in these areas; and managing mountain tourism responsibly. Chapter 38 of Agenda 21 zeroes in on mountains specifically.

Governments agreed to raise awareness among people living in mountain regions, get them better information, and support them in protecting their environment. The idea was to help these communities stop and reverse the destruction happening in their own backyards. They also decided to look for other solutions, like providing alternative places to live for indigenous people, so they wouldn't need to keep relying so heavily on the local resources.

On top of that, the plan encouraged countries to draft special agreements for mountain regions whenever needed.

Take the Carpathian Mountain Range Protection Treaty, for example. Its preamble highlights how important mountains are and commits the signatories to act in line with Chapter 13 of Agenda 21. Over time, Agenda 21 has inspired a flood of non-binding documents about mountain protection. Most of these follow the same kind of structure and ideas.

³⁴ Fadlallah Mousavi, *The Evolution of Sources of International Environmental Law* (Tehran: Mizan Publishing House, 65, 2012).

³⁵ Charter for the Protection of the Pyrenees

³⁶ African Mountains and Highlands Declaration

³⁷ Kathmandu Declaration

³⁸ Cusco

³⁹ <https://www.ethnobiology.net/what-we-do/core-programs/global-coalition-2/cusco-declaration/>

Just to name a few: the Declaration on the Protection of the Pyrenees between France and Spain from 1995; the Declaration on Mountains and Highlands of Africa in 1997; the Kathmandu Mountain Declaration from that same year—which, besides environmental protection, also stresses respect for indigenous cultures—and the 2001 Cusco Declaration, which focuses on the life cycles of mountain ecosystems. They all build on the same foundation, aiming to protect these unique environments and the people who call them home.

Conclusion

Since the Alpine Convention came together in 1991 and Section 13 of the Guidelines got adopted, we've seen 21 non-binding agreements pop up. Honestly, that's a pretty good sign that the international community gets how important it is to find a balance between economic progress and protecting the environment. But here's the thing—just having these documents isn't enough. We really need to build out the literature in international law around this and, more importantly, start putting the existing agreements into action.

This need feels even more urgent for Islamic countries. The Quran itself highlights the importance of mountains—look at verse 19 of Surah Al-Hijr or verse 16 of Surah An-Nahl. These verses make it clear that mountains matter, and Islamic organizations should really start focusing on this, taking a cue from what other countries have done.

Right now, the Alpine Protection Treaty stands out as the most advanced legal system for mountain protection. It's become the model for both regional and international efforts in this area. You can see its influence in recent agreements aimed at other mountain regions. For example, there's a draft treaty for the Altai Mountains (which cross Mongolia, Kazakhstan, China, and Russia) and another for the Kuzco Mountains (on the borders of Armenia, Azerbaijan, Georgia, and Russia). Still, because the Alpine Protection Treaty focuses on just one region, its reach is limited. There's still a lot of work to do when it comes to protecting mountains and their fragile ecosystems at a global level.

Soft law might help move things forward. The development of international custom in environmental law doesn't happen often, and even when it does, it usually falls short because of the real challenges with enforcing and interpreting these norms. Still, you can't just dismiss the role of custom entirely.

In the end, if we want to protect mountain ecosystems from the threats they face, the best approach is to create multilateral treaties that focus specifically on mountains and related issues. We need to learn from the success of the Alpine Protection Convention. Countries should aim to both restore mountain environments and look after their national interests, because mountain issues almost never stop at borders. If we ignore the cross-border nature of these problems, we're just asking for political and legal headaches down the road.

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