LEGAL BASIS BRIEF

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1 The Convention on Planetary Hydrological Security and Cryosphere Stability (CPHSCS)

Document status: Policy and legal rationale for a proposed international legal instrument

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Initiative originator: The 0.01% Solutions–Green Web–Cryosphere Convention Initiative Team, acting on behalf of civil society

Legal status of CPHSCS: Proposed; not yet negotiated, adopted, opened for signature, or ratified as an international treaty

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2 Executive Summary

The Convention on Planetary Hydrological Security and Cryosphere Stability (CPHSCS) is proposed as a dedicated international legal framework for strengthening the protection, conservation, monitoring, and sustainable management of the cryosphere and its essential relationship with the planetary hydrological cycle.

The initiative responds to a governance challenge: glaciers, ice sheets, seasonal snow, permafrost, sea ice, and other components of the cryosphere influence water availability, ecosystem stability, sea level, climate processes, and the livelihoods of populations across national boundaries. Their deterioration can generate consequences that extend well beyond the regions where the changes originate. These consequences are particularly significant for mountain-dependent and dryland communities, downstream populations, Indigenous Peoples, pastoralists, and future generations.

International law already provides important foundations for addressing these issues. The United Nations Charter establishes a framework for international cooperation. The United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the United Nations Convention to Combat Desertification (UNCCD), international water law, the Ramsar Convention on Wetlands, and other instruments address relevant aspects of climate, ecosystems, land, water, and environmental protection. Scientific programmes and United Nations General Assembly resolutions have also elevated the importance of cryospheric research and international cooperation.

However, these existing instruments have different mandates, geographical and material scopes, institutional arrangements, and implementation mechanisms. Their combined operation does not, by itself, establish a single comprehensive treaty framework specifically organized around cryosphere stability and planetary hydrological security.

CPHSCS is therefore proposed to explore whether a dedicated legal instrument could improve coordination, clarify responsibilities, strengthen scientific cooperation, support national action, mobilize finance, and establish long-term monitoring and accountability arrangements without duplicating or undermining existing obligations.

The proposed pathway draws particular procedural lessons from United Nations General Assembly Resolution 47/188 of 22 December 1992, which established an Intergovernmental Negotiating Committee to elaborate the UNCCD. It also draws on the General Assembly's recognition of glacier preservation and cryospheric science through Resolutions 77/158 and 78/321. These precedents demonstrate that scientific concern and political recognition can support further institutional action. They do not, however, constitute an existing mandate to negotiate CPHSCS.

The central policy proposition is that **planetary hydrological security and cryosphere stability should be considered together within a coherent, science-based, cooperative, and intergenerational framework of international environmental governance**.

The immediate objective is not to claim that a convention has already been authorized or that a legal vacuum exists. It is to establish a defensible basis for scientific assessment, legal analysis, diplomatic consultation, and consideration by States of a formal negotiating process.

3 Purpose, Scope, and Intended Use

3.1 Purpose

This Legal Basis Brief establishes the preliminary legal, institutional, scientific, and policy rationale for developing CPHSCS. It identifies relevant international instruments and precedents, assesses the potential added value of a dedicated convention, and outlines a possible pathway through which the initiative could progress from civil-society advocacy to an intergovernmental process.

The brief is intended to support engagement with governments, international organizations, scientific institutions, universities, Indigenous Peoples and local communities, civil-society organizations, and other stakeholders interested in cryosphere stability, hydrological security, land restoration, and international environmental governance.

3.2 Scope

The proposed Convention would address the cryosphere as an interconnected component of the Earth system, with particular attention to its relationships with:

- the planetary hydrological cycle and freshwater availability;
- climate regulation and the changing distribution of frozen water;
- mountain, polar, permafrost, and post-glacial ecosystems;
- downstream water security and transboundary hydrological relationships;
- land degradation, drought, desertification, and ecological restoration;
- scientific observation, data interoperability, risk assessment, and early warning;
- national planning, international cooperation, capacity-building, and finance;
- the participation of affected communities and the interests of future generations.

The precise legal definitions, geographical scope, substantive obligations, institutional structure, and relationship with existing treaties would require further scientific and legal examination and, ultimately, intergovernmental negotiation.

3.3 Legal status and limitations

CPHSCS is a proposed instrument. This (brief) does not represent a negotiated treaty text, an official United Nations document, a decision of UNCCD COP17, or an endorsement by any government or international organization unless such endorsement is separately documented.

Presentation of the initiative in connection with an international conference does not, by itself, place it on the conference's formal agenda or make it an adopted conference outcome.

The brief is a policy and legal rationale rather than a substitute for a formal legal opinion. Its proposals should be reviewed against the authentic texts of relevant treaties, resolutions, institutional mandates, and applicable rules of international law before being used in formal diplomatic submissions.

4 The Policy and Legal Problem: Cryosphere Stability and Hydrological Security

4.1 The cryosphere as an interconnected Earth-system component

The cryosphere comprises parts of the Earth system where water exists in frozen form, including glaciers, ice sheets, seasonal snow, sea ice, lake and river ice, and permafrost. These components differ in their physical characteristics, ecological functions, geographical distribution, and legal context. They should therefore not be treated as a single uniform resource.

Nevertheless, their relationships with climate, water, ecosystems, and human societies create a strong rationale for integrated assessment and cooperation.

Glaciers and seasonal snow contribute to the timing and distribution of runoff in many mountain regions. Ice-sheet loss contributes to global sea-level rise. Permafrost thaw can alter landscapes, hydrology, infrastructure stability, and the release of greenhouse gases. Changes in snow cover and ice conditions can affect ecosystems, water availability, and the livelihoods of communities that depend on seasonally predictable conditions.

These processes can interact with drought, land degradation, biodiversity loss, and changes in water demand. The effects are not identical in every region: some river basins may experience increased runoff in the short term, while others face declining dry-season flows or greater uncertainty over time. Legal and policy responses must therefore be grounded in regional evidence and basin-specific assessment rather than assuming a uniform hydrological outcome.

4.2 The relationship between cryosphere stability and planetary hydrological security

For the purposes of the proposed initiative, *planetary hydrological security* refers to the long-term capacity of natural systems, institutions, and societies to sustain the water-related conditions necessary for human well-being, ecosystem integrity, and intergenerational resilience.

This is a proposed policy concept, not a universally agreed legal definition.

Hydrological security cannot be reduced to the quantity of water available at a particular location or time. It also concerns seasonal reliability, water quality, ecosystem functions, the distribution of risks, the resilience of watersheds, and the capacity of societies to anticipate and respond to change.

Cryosphere stability is relevant because frozen-water systems influence the timing, storage, movement, and release of water in many parts of the world. Their deterioration can change the hydrological conditions upon which communities, ecosystems, agriculture, energy systems, and cities depend.

The policy rationale for CPHSCS is therefore to connect the protection and observation of the cryosphere with the wider management of hydrological risk, ecological resilience, and sustainable development.

4.3 The potential governance gap

The principal issue is not that international law contains no provisions relevant to the cryosphere. Rather, relevant rules and institutions are distributed across several legal regimes, scientific programmes, and sectoral arrangements.

Existing instruments can address climate impacts, biodiversity, wetlands, transboundary water cooperation, environmental assessment, and land degradation. Yet these functions are not necessarily organized around a common international framework dedicated to cryosphere stability and its hydrological implications.

A dedicated convention could be considered where further analysis demonstrates that existing mechanisms do not adequately provide for one or more of the following:

1) A coherent set of principles and obligations specifically addressing cryosphere stability and its hydrological significance.
2) Regular assessment of cryosphere-related risks and their connections with water security, ecosystems, and human well-being.
3) Coordinated monitoring, information exchange, and interoperable scientific data.
4) Cooperation among countries sharing connected cryosphere, watershed, or downstream risks.
5) Support for countries and communities with limited scientific, technical, or financial capacity.
6) Long-term planning that considers cumulative change and the interests of future generations.
7) A dedicated institutional process for reviewing implementation, identifying emerging risks, and recommending cooperative action.

These are candidate functions to be evaluated, not established findings that every existing institution has failed to perform them.

4.4 Preliminary comparison with existing legal instruments

Instrument	Principal scope	Potential relevance to CPHSCS	Issue for further assessment
UNFCCC (1992)	International cooperation on climate change and the stabilization of greenhouse gas concentrations	Addresses a principal driver of cryosphere change and provides an established climate-governance framework	Whether additional cryosphere-specific obligations, assessments, or institutional coordination would add value
Convention on Biological Diversity (CBD, 1992)	Conservation of biological diversity, sustainable use, and fair and equitable benefit-sharing	Relevant to cryosphere-dependent biodiversity, mountain ecosystems, and post-glacial ecological change	How ecological protection could be connected more systematically with hydrological functions
UNCCD (1994)	Combating desertification, land	Provides an important	How cryosphere-related risks could be

	degradation, and drought, particularly in affected drylands	institutional entry point for linking land restoration and drought resilience with upstream hydrological processes	integrated without expanding or duplicating the Convention's mandate
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992 Water Convention)	Protection and sustainable management of transboundary waters	Relevant to shared waters, catchment management, and cooperation among riparian States	Whether a separate cryosphere framework could complement basin-based cooperation
Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)	Principles governing the non-navigational uses of international watercourses	Relevant to equitable and reasonable utilization, cooperation, and protection of international watercourses	How cryosphere changes could be incorporated into cooperative assessment and planning
Ramsar Convention on Wetlands (1971)	Conservation and wise use of wetlands	Relevant to wetlands, including those affected by glacier- and snow-fed hydrological regimes	How changes in upstream frozen-water systems could be addressed alongside wetland protection
Antarctic Treaty System	Peaceful use, scientific cooperation, and governance of Antarctica under its constituent instruments	Provides a specialized precedent for international cooperation in a cryosphere-rich region	Its distinctive geographical scope and legal arrangements limit direct transfer to a global convention

The Water Convention's scope includes transboundary surface waters and groundwaters and can encompass the wider catchment area. It would therefore be inaccurate to characterize international water law as addressing only water after it enters a river or lake. The more defensible distinction is that water treaties and a proposed cryosphere convention would have different primary organizing purposes, even where their subject matter overlaps.

Policy conclusion: CPHSCS should be developed as a potentially complementary framework. Its added value must be demonstrated through a systematic legal-gap analysis, not asserted solely on the basis that no single existing treaty bears the same title.

5 Foundational Legal Authority and the United Nations Framework

5.1 The United Nations Charter

The United Nations Charter provides the institutional foundation for international cooperation on matters of common concern.

Article 1 identifies international cooperation in solving international problems and promoting respect for human rights as purposes of the United Nations. Article 10 authorizes the General Assembly to discuss matters within the scope of the Charter and, subject to applicable Charter provisions, make recommendations. Article 13 provides for studies and recommendations relating to international cooperation and the progressive development and codification of international law. Article 22 permits the General Assembly to establish subsidiary organs necessary for the performance of its functions.

Official materials: https://www.un.org/en/about-us/un-charter/full-text

These provisions provide a relevant basis for States to raise cryosphere stability and planetary hydrological security within United Nations deliberations and to consider appropriate studies, recommendations, and institutional processes.

They should not, however, be interpreted as automatically creating substantive treaty obligations concerning the cryosphere or as predetermining the legal form of a future convention. The establishment of a negotiating committee, the adoption of a treaty, and the creation of treaty institutions would require the relevant decisions and procedures.

5.2 The development of international environmental law

The proposed initiative builds on the development of multilateral environmental agreements through which States have addressed interconnected global problems requiring sustained cooperation.

The Rio Earth Summit of 1992 contributed to the development of major international frameworks on climate change, biodiversity, and desertification. Since then, international environmental governance has expanded through treaties, protocols, decisions of treaty conferences, scientific assessments, and cooperative programmes.

This experience demonstrates that international law can develop in response to emerging scientific understanding and recognized policy needs. It does not establish that every new environmental concern requires a separate treaty. The appropriate legal response depends on the scale of the problem, the adequacy of existing instruments, the feasibility of implementation, and the willingness of States to negotiate.

CPHSCS should therefore be assessed against two complementary tests:

- Necessity: Is a dedicated convention required to address functions or obligations that cannot be adequately achieved through existing instruments and their coordinated implementation?
- Added value: Would a convention create practical improvements in cooperation, accountability, scientific coordination, finance, or protection that justify the administrative and financial costs of a new international institution?

5.3 Relationship with other international obligations

The proposed Convention should be designed consistently with the obligations of States under international law. Its eventual text would need to clarify its relationship with

existing treaties, including provisions governing cooperation, information exchange, environmental protection, transboundary waters, and biodiversity.

The objective should be complementarity, coherence, and avoidance of unnecessary duplication. Where overlapping mandates exist, the design process should consider institutional coordination, shared scientific assessments, compatible reporting arrangements, and opportunities for joint activities.

The Convention should not be presumed to modify the rights or obligations of States under other treaties. Any such effect would require explicit legal consideration and agreement under the applicable rules of international law.

The International Court of Justice's Advisory Opinion of 23 July 2025 on Obligations of States in Respect of Climate Change is an important additional authority for the legal analysis. The Court considered obligations arising under climate treaties, customary international law, the law of the sea, and relevant human-rights law. The opinion should be examined for its treatment of prevention, due diligence, cooperation, and State responsibility where relevant to climate-related harm. It does not decide whether CPHSCS is necessary or require States to negotiate it; its relevance is interpretive and must be assessed proposition by proposition against the opinion itself.

Official ICJ case materials: https://www.icj-cij.org/case/187

6 Procedural Precedent: UN General Assembly Resolution 47/188 and the UNCCD

6.1 Establishment of the negotiating committee

United Nations General Assembly Resolution 47/188, adopted on 22 December 1992, established an Intergovernmental Negotiating Committee for the elaboration of an international convention to combat desertification, particularly in countries experiencing serious drought or desertification.

The resolution followed the 1992 United Nations Conference on Environment and Development and responded to a recommendation that the General Assembly establish a negotiating process. It envisaged completion of the convention by June 1994, provided for participation by States, requested an ad hoc secretariat, established a multidisciplinary expert panel, and addressed funding for the negotiating process and the participation of affected developing countries.

Official materials: https://digitallibrary.un.org/record/159177

This is a particularly relevant precedent because it illustrates how a global environmental concern can progress from political recognition to a structured intergovernmental negotiation supported by scientific, technical, legal, and financial arrangements.

6.2 Adoption and entry into force of the UNCCD

The UNCCD was adopted in 1994 following the work of the negotiating committee and entered into force in 1996. Its development demonstrates that a dedicated environmental convention can establish a continuing legal and institutional framework for an issue that requires international cooperation and long-term implementation.

Official materials: https://www.unccd.int/convention/overview

The precedent is useful in several respects:

- States can establish a negotiating process through a formal intergovernmental decision.
- A negotiating committee can be supported by a secretariat and multidisciplinary expertise.
- Negotiations can address the participation of developing countries and the resources required for meaningful engagement.
- The resulting convention can establish its own institutions, obligations, and implementation mechanisms.
- Adoption of a treaty and its entry into force are distinct legal stages.

6.3 Lessons for CPHSCS

The UNCCD precedent supports consideration of a similar procedural option for CPHSCS. It does not establish an automatic entitlement to a new negotiating committee, nor does it guarantee the same duration, institutional structure, or outcome.

A possible pathway would be for one or more United Nations Member States to initiate consultations, seek support for an appropriate General Assembly resolution, and propose the establishment of an intergovernmental process to examine and, if authorized, negotiate a dedicated convention.

The resolution would need to determine the committee's mandate, participation, working methods, timetable, secretariat support, expert input, and financing. The scope and objectives of CPHSCS should be sufficiently clear before States are asked to authorize negotiations.

The earlier UNFCCC negotiating process, associated with General Assembly Resolution 45/212, provides an additional historical example of intergovernmental negotiations leading to a global climate convention. Together, these precedents demonstrate that more than one procedural model is available.

Legal assessment: Resolution 47/188 is a strong procedural model for consideration. It is not a precedent that already authorizes CPHSCS or guarantees that the proposed Convention will be negotiated or adopted.

7 Political and Institutional Foundation: General Assembly Resolutions 77/158 and 78/321

7.1 Resolution 77/158: International Year of Glaciers' Preservation

On 14 December 2022, the General Assembly adopted Resolution 77/158, entitled International Year of Glaciers' Preservation, 2025. The resolution proclaimed 2025 as the International Year of Glaciers' Preservation and established 21 March as World Day for Glaciers.

Official materials: https://digitallibrary.un.org/record/3998543

The resolution is significant because it demonstrates formal recognition by the General Assembly of glacier preservation as an issue requiring international attention, scientific engagement, public awareness, and cooperation.

However, the resolution does not establish a dedicated global treaty regime for glaciers or authorize negotiations for CPHSCS. Its significance for the initiative is political and institutional: it provides an existing United Nations framework through which the importance of glacier preservation and related scientific work can be communicated.

7.2 Resolution 78/321: Decade of Action for Cryospheric Sciences, 2025–2034

On 13 August 2024, the General Assembly adopted Resolution 78/321, entitled Decade of Action for Cryospheric Sciences, 2025–2034. The resolution recognizes the importance of cryospheric science for the Sustainable Development Goals and the International Decade for Action, "Water for Sustainable Development", 2018–2028. It also refers to relevant scientific assessments, including the Intergovernmental Panel on Climate Change's Sixth Assessment Report and its special report on the ocean and cryosphere in a changing climate.

Official materials: https://digitallibrary.un.org/record/4060788/files/A_RES_78_321-EN.pdf

The decade provides an important opportunity to strengthen observations, scientific collaboration, research capacity, knowledge exchange, and the communication of cryosphere-related risks. For CPHSCS, the key policy opportunity is to examine how scientific cooperation can inform legal design, national planning, risk assessment, and long-term institutional arrangements.

The resolution is a basis for scientific and policy engagement, not a legal mandate for a new convention.

7.3 Significance of the two resolutions taken together

Resolutions 77/158 and 78/321 establish complementary forms of international recognition:

- Resolution 77/158 emphasizes glacier preservation and public awareness.
- Resolution 78/321 emphasizes sustained cryospheric scientific cooperation over a decade.
- CPHSCS proposes to examine whether these scientific and political developments could be complemented by a dedicated legal framework.

This relationship should be expressed as a proposed progression from recognition and research toward consideration of additional governance arrangements, rather than as a claim that the General Assembly has already directed States to negotiate CPHSCS.

7.4 UNEA-7 Resolution 7/10: Preservation of Glaciers and the Broader Cryosphere

On 12 December 2025, the United Nations Environment Assembly adopted Resolution 7/10, entitled "Preservation of glaciers and the broader cryosphere, in particular in mountain regions" (UNEP/EA.7/Res.10). The resolution recalls General Assembly Resolutions 77/158 and 78/321 and recognizes connections among cryosphere loss, climate change, biodiversity loss, desertification, sea-level rise, disaster risk reduction, water-related challenges, and the well-being of affected communities. It also acknowledges the role of Indigenous Peoples, local communities, relevant stakeholders, and nomadic pastoralists.

The resolution encourages Member States to take urgent action, including through national legislation and implementation of relevant multilateral environmental agreements to which they are parties. It is therefore a directly relevant and recent intergovernmental policy authority for the proposed initiative. Its legal effect must nevertheless be stated precisely: it is an Environment Assembly resolution, not a treaty, and it does not establish CPHSCS, authorize negotiations for it, or endorse this civil-society initiative. Its significance is that it strengthens the policy case for considering coordinated action and provides an authoritative point of reference for further legal-gap analysis.

Official materials:

https://documents.un.org/api/symbol/access?l=en&s=UNEP%2FEA.7%2FRes.10&t=pdf

7.5 Dushanbe Glaciers Declaration (2025): Political Momentum

The Dushanbe Glaciers Declaration emerged from the High-Level International Conference on Glaciers' Preservation held in Dushanbe, Tajikistan, on 29–31 May 2025. It expresses political commitments and calls for cooperation concerning glaciers, cryosphere science, water resources, ecosystems, and communities. UNEA-7 Resolution 7/10 expressly welcomed the conference and the adoption of the Declaration and the Dushanbe Glaciers Appeal.

The Declaration should be treated as evidence of political momentum and shared concern, not as a binding treaty or proof of universal State consent to particular legal obligations. For CPHSCS, it supports continued consultation and may help identify areas of political convergence; it does not establish that governments have endorsed the proposed Convention or agreed to negotiate it.

Official materials: https://wmo.int/files/dushanbe-glaciers-declaration-may-2025

7.6 7.6 World Day for Glaciers and the continuing international process

Resolution 77/158 proclaimed 21 March each year as World Day for Glaciers, beginning in 2025. The official name is "World Day for Glaciers"; it should not be renamed "World Cryosphere Day" in this brief. The observance is relevant to sustained public awareness, education, and cooperation, but it does not independently create binding legal obligations. Together with the International Year of Glaciers' Preservation, the Decade of Action for Cryospheric Sciences, the Dushanbe Declaration, and UNEA-7 Resolution 7/10, it forms a sequence of complementary scientific, public-awareness, and intergovernmental

developments. These developments support further consideration of legal options without predetermining the outcome.

Official materials: https://www.un.org/en/observances/world-day-glaciers

8 Conservation Policy and the IUCN World Conservation Congress

The International Union for Conservation of Nature (IUCN) provides a further policy reference through its 2025 World Conservation Congress.

IUCN Members approved Motion 017, For a protection of glaciers and post-glacial ecosystems. The motion calls for greater protection of glaciers and post-glacial ecosystems and encourages long-term monitoring, knowledge sharing, and awareness-raising.

Official materials: https://iucncongress2025.org/node/3359

The motion is relevant because it links glacier protection with ecological processes, scientific monitoring, and the need for sustained conservation measures. It supports the broader proposition that glacier and post-glacial environments deserve more systematic attention in conservation policy.

Its legal significance must be described accurately. An IUCN motion is not an international treaty, a General Assembly resolution, or a binding decision of States. It represents an institutional conservation-policy position and can inform advocacy, research, and policy development.

For CPHSCS, the motion provides a relevant civil-society and conservation reference point. It can support dialogue about whether the protection of glaciers and post-glacial ecosystems should be connected more explicitly with hydrological security, international cooperation, and long-term governance.

9 Scientific Foundation and Knowledge Infrastructure

9.1 A long-established scientific field

Cryospheric research is not a newly emerging field. Glacier observation and glaciological research extend back well over a century, while modern scientific institutions and international programmes have developed methods for measuring glacier mass balance, observing permafrost, monitoring snow and ice, assessing sea-level contributions, and investigating cryosphere–climate–water interactions.

Relevant scientific institutions and programmes include:

- the International Association of Cryospheric Sciences;
- the World Glacier Monitoring Service;
- the International Permafrost Association;
- the World Meteorological Organization and its relevant observing and coordination activities;
- the Global Cryosphere Watch;
- the World Climate Research Programme's Climate and Cryosphere activities;
- the Intergovernmental Panel on Climate Change and its assessment reports; and
- national hydrological, meteorological, geological, and environmental monitoring institutions.

Their mandates and institutional status differ. They should not be treated as a single governance body or assumed to have authority to establish international legal obligations. Collectively, however, they provide a substantial knowledge base for understanding cryosphere change and its implications.

9.2 From scientific evidence to legal design

The IPCC Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC), published in 2019, is a key scientific assessment relevant to this analysis. It should be cited as scientific evidence concerning observed and projected changes, impacts, risks, and adaptation options—not as a legal instrument or a recommendation that a particular treaty must be created. Its findings should be used alongside newer assessments where appropriate, with attention to the date, geographical coverage, and uncertainty of each finding.

Official IPCC report: https://www.ipcc.ch/srocc/download/

A proposed convention should not be based on a predetermined legal conclusion that science alone requires one particular treaty model. Instead, scientific evidence should be used to identify the risks, functions, and cooperation needs that any legal instrument would need to address.

A structured science-to-policy process could include:

1. Establishing the present state of knowledge on glaciers, snow, permafrost, ice sheets, and other relevant cryospheric components.
2. Assessing regional and transboundary hydrological implications, including uncertainties and differences among basins.
3. Identifying gaps in long-term observations, data access, monitoring coverage, and research capacity.

4. Evaluating how cryosphere changes interact with drought, land degradation, ecosystems, infrastructure, and human well-being.
5. Identifying feasible prevention, adaptation, conservation, restoration, and risk-management measures.
6. Translating findings into potential legal principles, cooperation duties, reporting requirements, and implementation options.
7. Establishing a mechanism for periodic scientific review so that the future instrument can respond to evolving evidence.

This approach would help ensure that CPHSCS is scientifically grounded, legally proportionate, and practically implementable.

9.3 Scientific independence and institutional boundaries

The scientific process should remain independent from the political decision to negotiate a convention. A scientific or technical committee established for the initiative should evaluate evidence, uncertainties, possible institutional designs, and implementation options. It should not be required to predetermine that a treaty is the only acceptable outcome.

Its work should distinguish among established findings, emerging evidence, contested interpretations, and policy recommendations. It should also identify where further research is required.

A future convention could establish its own scientific advisory body, but the exact relationship with existing international scientific institutions would need to be negotiated and designed to avoid unnecessary duplication.

10 The Existing International Framework and CPHSCS's Potential Added Value

10.1 Complementarity rather than replacement

CPHSCS is proposed to complement existing international law and institutions. It should not seek to replace the UNFCCC, CBD, UNCCD, international water conventions, Ramsar Convention, or other relevant instruments.

The following table identifies potential areas of complementarity. These are proposed functions for assessment, not conclusions that the existing instruments lack all relevant provisions.

Existing framework	Established contribution	Potential CPHSCS contribution
United Nations Charter	General framework for international cooperation and United Nations institutional action	Provide a possible treaty-development pathway within the established United Nations system
UNFCCC	International cooperation on climate change, mitigation, adaptation, and related climate policy	Consider specific cooperation, monitoring, and planning arrangements concerning cryosphere stability and hydrological consequences
CBD	Conservation and sustainable use of biodiversity and related international cooperation	Strengthen consideration of cryosphere-dependent and post-glacial ecosystems alongside hydrological functions
UNCCD	Land degradation, desertification, drought, and sustainable land management	Connect cryosphere-related hydrological change with drought resilience, land restoration, and dryland policy where scientifically appropriate
1992 Water Convention	Protection and sustainable management of transboundary waters	Complement basin cooperation through cryosphere-related monitoring, risk assessment, and information exchange
1997 Watercourses Convention	Principles governing international watercourses, including equitable and reasonable utilization and cooperation	Consider how upstream cryosphere change can be reflected in cooperative planning and assessment
Ramsar Convention	Conservation and wise use of wetlands	Support understanding of links between cryosphere change, freshwater regimes, and wetland resilience
Antarctic Treaty System	Specialized international governance and scientific cooperation concerning Antarctica under its constituent instruments	Provide lessons in sustained scientific cooperation while recognizing the distinct legal and geographical circumstances of Antarctica

10.2 Potential areas of added value

Subject to legal-gap analysis and intergovernmental consideration, CPHSCS could explore six areas of added value.

First, integrated hydrological framing. The Convention could connect cryosphere stability with the wider hydrological cycle, including upstream and downstream relationships, while recognizing regional differences and scientific uncertainty.

Second, coordinated observation and assessment. It could provide a framework for improving data interoperability, monitoring continuity, common assessment methods, and access to relevant information.

Third, cooperation and national planning. It could establish expectations for national assessments, strategies, risk management, and cooperation among States affected by shared hydrological systems.

Fourth, long-term resilience. It could consider obligations or guidance for anticipating cumulative change, protecting vulnerable ecosystems, and addressing risks to future generations.

Fifth, capacity-building and equitable participation. It could support developing countries and affected communities through scientific collaboration, training, technology cooperation, and appropriately designed financial arrangements.

Sixth, institutional coordination. It could establish a continuing process for reviewing implementation, identifying emerging issues, and cooperating with existing treaty bodies and scientific institutions.

Whether each function requires a new treaty, or could be achieved more efficiently through existing institutions, should be determined through comparative legal and institutional analysis.

Before recommending a new convention, the comparative assessment should expressly evaluate at least four options: (a) improving implementation and coordination under existing instruments; (b) developing a voluntary declaration, guidelines, or cooperation framework; (c) considering a protocol or specialized arrangement under an appropriate existing framework, where legally and institutionally feasible; and (d) pursuing a new convention. Each option should be assessed against the same criteria: legal necessity, additional value, compatibility with existing obligations, feasibility, financing, institutional burden, and likely State support. A new convention should be recommended only if the evidence demonstrates a sufficiently distinct function that the alternatives cannot adequately deliver.

11 Proposed Institutional Architecture

A future CPHSCS convention could draw lessons from established multilateral environmental agreements. Its institutional structure should be determined by the functions that States agree are necessary, rather than copying existing arrangements without adaptation.

Proposed body or mechanism	Potential function	Principal design consideration
Conference of the Parties (COP)	Review implementation, adopt decisions within the treaty's authority, and guide collective work	Clearly defined powers, decision-making rules, and relationship with other institutions
Secretariat	Support meetings, reporting, coordination, knowledge exchange, and administration	Mandate, location, staffing, budget, and relationship with an existing host institution
Scientific and Technical Advisory Body	Provide independent scientific assessment, identify uncertainties, and advise on monitoring and policy options	Scientific independence, regional balance, transparent selection, and avoidance of duplicated mandates
Implementation and Review Mechanism	Review national reports, identify implementation barriers, and facilitate cooperation and capacity-building	Facilitative and transparent procedures, appropriate safeguards, and clearly defined authority
Financial Mechanism	Support agreed activities, capacity-building, monitoring, research, and implementation	Predictable resources, equitable access, eligibility rules, accountability, and coordination with existing funds
National Focal Points or Competent Authorities	Coordinate national implementation, reporting, and engagement with relevant institutions	Clear responsibilities, national flexibility, and links with water, climate, land, science, and disaster-risk institutions
Data and Observation Cooperation Network	Promote interoperability, data exchange, monitoring standards, and access to relevant scientific information	Data quality, sovereignty, privacy where applicable, intellectual property, and the terms of scientific cooperation
Participation and Knowledge Mechanism	Enable meaningful engagement by affected communities, Indigenous Peoples, relevant knowledge holders, youth, and civil society	Free, prior and informed consent where applicable, knowledge protection, representation, and appropriate procedural safeguards

The table describes possible institutional options, not bodies that have already been established.

11.1 Financial arrangements

The financing architecture should be proportionate to the functions assigned to the Convention. Potential options include assessed contributions, voluntary contributions, dedicated trust funds, project-based financing, and cooperation with existing international financial mechanisms.

The negotiating process itself may require separate funding to enable developing countries to participate effectively. Resolution 47/188 is relevant because it addressed both the resources needed for negotiations and support for affected developing countries.

A financial mechanism should not be proposed without an initial assessment of expected costs, eligible activities, governance, safeguards, and possible sources of finance.

11.2 Implementation and accountability

Any future treaty should distinguish between legally binding obligations, reporting procedures, technical standards, recommendations, and voluntary cooperation.

The implementation mechanism should be designed to support compliance with the treaty as negotiated. Its mandate should be clear, transparent, and consistent with the sovereign equality of States and the Convention's agreed procedures.

The proposed framework should not assume that every form of non-compliance requires punitive action. Facilitation, technical assistance, early identification of difficulties, and cooperative resolution may be important elements, depending on the obligations ultimately agreed by States.

12 Proposed Pathway from Civil-Society Initiative to Intergovernmental Negotiation

The proposed pathway should distinguish civil-society advocacy from formal intergovernmental authorization.

Stage	Proposed action	Expected output	Legal or procedural qualification
1. Concept development	Consolidate the CPHSCS concept, preliminary legal analysis, scientific rationale, and policy objectives	A coherent proposal suitable for international consultation	The initiative remains a civil-society proposal
2. Scientific and legal assessment	Establish an independent process to assess evidence, existing obligations, governance gaps, and institutional options	Scientific assessment and comparative legal-gap report	The assessment should evaluate alternatives rather than presuppose a treaty outcome
3. International consultation	Engage States, scientific institutions, international organizations, affected communities, and civil society	Documented recommendations and areas of agreement or disagreement	Consultation does not constitute formal authorization to negotiate
4. State-level consideration	Seek one or more Member States willing to sponsor or support a formal proposal	State-sponsored initiative or draft resolution	Sponsorship and diplomatic support must be confirmed by the relevant State or States
5. United Nations consideration	Submit a draft resolution through the appropriate General Assembly procedures	Consideration of a proposed negotiating mandate	The General Assembly would decide whether and how to proceed within its authority
6. Intergovernmental negotiating process	If authorized, establish a negotiating committee or other suitable process	Negotiating mandate, programme of work, participation rules, and draft text	The process and mandate would be determined by the relevant intergovernmental decision
7. Drafting and negotiation	Negotiate objectives, definitions, principles, obligations, institutions, finance, implementation, and relationship with existing treaties	Agreed draft treaty text	Substantive provisions remain subject to negotiation among participating States
8. Adoption	Convene the competent	Adopted convention	Adoption does not

	diplomatic or intergovernmental forum to adopt the agreed text	text	necessarily mean that the treaty is already binding on every State
9. Signature and consent to be bound	Open the convention for signature, ratification, acceptance, approval, or accession, as provided in its final clauses	State signatures and instruments of consent to be bound	The precise procedure depends on the treaty's final provisions and applicable international law
10. Entry into force and implementation	Apply the treaty after its entry-into-force conditions are met and establish the agreed institutions	Operational treaty framework	Entry into force depends on the threshold and conditions specified in the convention

12.1 The role of civil society

The 0.01% Solutions–Green Web–Cryosphere Convention Initiative Team can contribute by developing the concept, convening scientific and policy dialogue, preparing draft materials, documenting stakeholder input, and encouraging States to consider the proposal.

Civil society can help place an issue before international institutions, but it cannot independently establish an intergovernmental negotiating committee, authorize States to negotiate, or create treaty obligations. Those steps require action by the competent intergovernmental authorities and participating States.

The initiative should therefore make its status explicit in all communications and avoid implying that the United Nations, UNCCD, COP17 Presidency, or any government has formally endorsed CPHSCS without documentary evidence.

12.2 The role of Mongolia and other interested States

Mongolia could consider whether to support further discussion of CPHSCS in appropriate national and international forums. Such a role would require an affirmative decision by the competent Mongolian authorities.

Potential contributions could include facilitating scientific dialogue, convening interested States, supporting a comparative legal study, or considering a draft General Assembly resolution. These are possible policy options, not existing government commitments.

Other interested States could participate as co-sponsors, members of a consultation group, scientific partners, or supporters of a formal negotiating proposal, depending on the pathway adopted.

12.3 Timetable

The UNCCD negotiating process shows that a convention can be negotiated over a period of approximately eighteen months when a clear mandate, political support, and sufficient resources are available. That historical duration should not be presented as a reliable forecast for CPHSCS.

The timetable would depend on the scope of the proposed instrument, the degree of agreement among States, the availability of scientific and legal assessments, participation and financing arrangements, and the complexity of negotiations.

A realistic CPHSCS roadmap should therefore use indicative phases and decision points rather than promising adoption by a predetermined date.

13 Legal and Policy Questions Requiring Further Examination

Before a formal negotiating proposal is submitted, the following matters should be assessed.

13.1 Definition and scope

The proposed Convention must define the cryosphere and identify which components and processes fall within its scope. It should explain how planetary hydrological security relates to water security, ecosystem integrity, climate processes, and sustainable development.

The definitions must be scientifically credible, legally workable, and sufficiently precise to support implementation.

13.2 Evidence of the governance gap

A comparative study should examine existing treaties, decisions of treaty bodies, scientific programmes, monitoring networks, and national legal frameworks. It should identify specific functions that remain insufficiently coordinated or inadequately supported.

The analysis should distinguish a gap in legal authority from a gap in implementation, finance, data access, coordination, or national capacity. These problems may require different solutions.

13.3 Principles and obligations

Potential principles for consideration include precaution where appropriate, prevention of significant harm in accordance with applicable international law, cooperation, access to relevant information, scientific integrity, equity, respect for relevant rights, and intergenerational responsibility.

The eventual treaty would need to specify which principles are included, how they are expressed, and whether they create binding obligations, guide interpretation, or inform voluntary cooperation.

13.4 National implementation

The Convention should be assessed for its implications for national laws, institutional responsibilities, monitoring capacity, reporting, and public expenditure.

Requirements should be proportionate and flexible enough to accommodate different national circumstances while maintaining the integrity of any agreed obligations.

13.5 Finance and capacity

The feasibility assessment should estimate the costs of scientific monitoring, institutional operations, reporting, technical assistance, and implementation. It should also consider how countries with limited capacity could participate effectively.

13.6 Participation, knowledge, and rights

The proposed framework should consider meaningful participation by Indigenous Peoples, local communities, relevant knowledge holders, youth, and other affected groups.

The design should address representation, consent where applicable, knowledge protection, data governance, and safeguards against the appropriation or inappropriate disclosure of traditional knowledge.

13.7 Institutional coordination

The Convention should identify opportunities for cooperation with existing international organizations and treaty bodies. It should assess whether joint work programmes, coordinated assessments, shared reporting, or formal cooperation arrangements could achieve its objectives without unnecessary duplication.

13.8 Legal form and adoption procedure

A formal legal opinion should examine the most appropriate route for developing and adopting CPHSCS, including the possible role of the General Assembly, a diplomatic conference, or another competent intergovernmental process.

The adoption procedure should not be predetermined solely by analogy with the UNCCD. It should be selected according to the proposed instrument’s objectives, participating States’ preferences, and applicable international law.

14 Recommended Immediate Actions

The following actions would strengthen the initiative's legal and institutional readiness.

Action 1 — Finalize the concept note. Define the proposed Convention's objectives, scope, intended functions, relationship with existing instruments, and preliminary institutional options.

Action 2 — Commission a comparative legal-gap assessment. Examine relevant treaty provisions, decisions, scientific mandates, national frameworks, and existing coordination mechanisms. Identify concrete functions that a dedicated convention could add.

Action 3 — Establish an independent scientific assessment process. Review the state of knowledge, regional differences, monitoring gaps, hydrological implications, uncertainties, and potential implementation measures.

Action 4 — Develop a preliminary treaty architecture. Prepare options for principles, substantive obligations, institutional arrangements, reporting, finance, capacity-building, participation, and review. Keep these options open to revision.

Action 5 — Convene international consultations. Seek input from interested States, scientists, international organizations, universities, affected communities, and civil society. Record differing views and identify areas requiring additional research.

Action 6 — Prepare a State-facing policy submission. Present the governance problem, evidence, legal-gap findings, possible alternatives, expected costs, and proposed next steps in a form suitable for consideration by competent national authorities.

Action 7 — Explore a draft General Assembly resolution. If the legal assessment and consultations justify it, work with interested States to consider a resolution requesting further study or establishing an intergovernmental negotiating process.

Action 8 — Maintain accurate status communication. Describe CPHSCS consistently as a proposed international legal instrument until States have formally authorized and completed the relevant legal process.

15 Conclusion

The proposed Convention on Planetary Hydrological Security and Cryosphere Stability is grounded in a legitimate policy concern: the cryosphere and the hydrological systems connected to it are undergoing changes with consequences for ecosystems, water availability, human well-being, and long-term resilience.

The United Nations Charter provides an established framework for international cooperation. General Assembly Resolutions 47/188, 77/158, and 78/321 provide distinct procedural and policy precedents: the first demonstrates how States can authorize negotiations for an environmental convention; the latter two demonstrate international recognition of glacier preservation and cryospheric science. Existing environmental and water treaties provide substantive foundations and institutional partners with which any new instrument would need to work.

Taken together, these precedents establish a credible basis for further examination of CPHSCS. They do not establish that a treaty is legally required, that a negotiating mandate already exists, or that the proposed institutional model has been endorsed by the international community.

The next task is to demonstrate, through independent science, comparative legal analysis, and consultation with States and affected communities, whether a dedicated convention would deliver sufficient added value to justify its creation.

If that assessment supports proceeding, the UNCCD experience offers a useful procedural model for moving from a defined international concern to a State-authorized negotiating process. The ultimate legal form, obligations, institutional arrangements, and adoption procedure must remain matters for States to determine through the appropriate intergovernmental process.

The central proposition is therefore one of purposeful legal development: build on existing international law, address demonstrable gaps, connect scientific evidence with practical cooperation, and consider a dedicated treaty where it can deliver measurable and lasting value.

Restoring Land. Restoring Hope. By Restoring Water.

The work begins with evidence, cooperation, and a clear legal pathway.

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Note: The cited materials establish the existence and general relevance of the referenced instruments, decisions, and institutional procedures. They do not, by themselves, establish that CPHSCS has been endorsed by the United Nations, mandated by a United Nations resolution, or accepted by any government. A formal submission should verify operative provisions, official document symbols, adoption and entry-into-force dates, current treaty status, and subsequent decisions directly against authentic sources. The legal applicability of each instrument should be assessed in context, including its parties, scope, and relevant provisions.

THE 0.01% SOLUTIONS–GREEN WEB–CRYOSPHERE CONVENTION INITIATIVE TEAM