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Systemic Integration and the Convergence of International Environmental and Human Rights Law through Article 31(3)(c) of the Vienna Convention on the Law of Treaties

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Abstract. This article analyses how systemic integration reconciles fragmented norms in modern international law, focusing on the interplay between international environmental law and international human rights law. It addresses three key objectives: first, tracing the doctrinal evolution of systemic integration and clarifying the normative basis of Article 31(3)(c) VCLT; second, examining case law from international courts and human rights treaty bodies that applies this principle in environmental-human rights contexts; and third, identifying mechanisms through which environmental standards underpin claims of human rights violations and international responsibility for environmental harm. The study is based on Russian and international scholarly literature in international environmental law and human rights law and combines general methods of scientific inquiry (analysis, synthesis, induction and deduction) with specialised legal techniques, including doctrinal legal analysis, legal analogy and comparative legal research. The analysis reveals that escalating global environmental challenges have driven a fundamental convergence between environmental safeguards and fundamental rights protection. This structural interplay renders the selection of interpretive methods pivotal for operationalizing extant norms effectively. Article 31(3)(c) VCLT ensures systemic coherence across treaty regimes by requiring decision-makers to consider "relevant rules of international law applicable between the parties". The analysis shows that systemic integration transforms human rights standards into actionable grounds for environmental responsibility, creating cross-regime reinforcement between legal domains. At the same time, the research identifies significant limitations and risks, including normative incompatibilities between treaty regimes and the lack of a stable hierarchy between environmental and human rights obligations, which may constrain or distort the use of systemic integration in practice. The article offers a unified doctrinal and case-based framework for evaluating both the potential and limits of Article 31(3)(c) VCLT in climate- and environment-related human rights litigation.
Keywords. Systemic integration, treaty interpretation, legal harmonisation, international environmental law, human rights law, international responsibility.

1. Introduction

The term "harmonisation" in the doctrine of public international law possesses an independent developmental history, fundamentally distinct from its usage in domestic legislation or private international law. Whereas in the latter fields harmonisation is traditionally understood as a process of aligning legal norms within national legal systems, in public international law it is oriented towards bridging the gap between self-contained regimes and general international law [1, p. 12-15].

The concept of harmonisation in international law emerged in the late twentieth century in response to an intensifying process of differentiation among legal regimes, giving rise to normative conflicts and the erosion of systemic coherence [2, p. 52]. A pivotal moment in developing this theory came with the 2006 International Law Commission Report *Fragmentation of International Law*, prepared under Martti Koskenniemi's chairmanship. The report frames harmonisation not as mechanical codification but as a dynamic process of coordinating legal regimes through three mechanisms: 1) systemic integration in norm interpretation; 2) general principles of law serving as a conceptual bridge between specialised regimes; and 3) recognition of complementarity between *lex specialis* and *lex generalis* within a unified legal order.

The ILC Report thus marked a fundamental shift. Harmonisation moved beyond the idea of unification to become a methodological principle that preserves the autonomy of specialised regimes while ensuring their normative compatibility.Russian scholarly doctrine further develops this conceptual framework. Professor R. Sh. Davletgildeev defines harmonisation as a principle of interpretation pursuant to which norms from different branches of international law regulating the same social relations shall be interpreted in a manner that ensures their coherence and constructs a unified complex of mutually reinforcing obligations [3, p. 23].Consequently, harmonisation in international law functions simultaneously as both a process and an objective: a means of overcoming fragmentation through the functional coordination of legal regimes, thereby contributing to the sustainable development of the international legal system.

Systemic integration serves as the primary tool for this approach. It is a treaty interpretation method that situates individual treaties within the wider framework of international law. Its legal basis lies in Article 31(3)(c) VCLT, which mandates consideration of "any relevant rules of international law applicable in the relations between the parties".

2. Legal Basis of the Systemic Integration Principle

In Russian legal scholarship, Professor I.I. Lukashuk offers a foundational definition of systemic integration, describing it as the interpretation of a specific norm through the prism of other international law norms. It is a process that inherently situates individual rules within their broader normative environment [4, p. 607]. Complementing this doctrinal perspective, the International Law Commission's approach to Article 31(3)(c) VCLT builds on the premise that treaties themselves constitute creations of international law and thus cannot be properly understood or applied in isolation from the surrounding legal framework [5, p. 12]. Together, these viewpoints underscore the principle's role in maintaining normative coherence across specialised regimes.

In this regard, the rule enshrined in Article 31(3)(c) must be applied in conjunction with the other elements of Article 31 as a whole, given that it operates within the broader interpretive framework set out in Articles 31 and 32 of the VCLT. This conclusion is supported by the ILC Commentary, which states that the three paragraphs of Article 31 are designed to operate as a “single combined operation” [6, p. 21-23]. Consequently, reference to external legal rules does not serve as a decisive factor in interpretation, but rather as a contextual element to be weighed alongside the other components of the provision.

An analysis of Article 31(3)(c) VCLT requires identifying two core elements: (i) the norms of international law that fall within its interpretive scope (i.e., those relevant for interpretation); and (ii) the actors to whom this interpretive obligation applies.The provision mandates that treaty interpretation must take into account "any relevant rules of international law applicable in the relations between the parties". Within this context, the term “rules” refers to legally binding prescriptions arising from customary and treaty international law, as opposed to norms derived from non-binding “soft law” instruments, which, despite their norm-shaping function, lack direct obligatory force.Foreign and domestic scholarship exhibit divergent approaches to defining the scope of norms applicable within the framework of systemic integration. For instance, M.E. Villiger, former judge of the European Court of Human Rights (ECtHR), argues that relevant rules under Article 31(3)(c) VCLT must be legally binding on the parties at the time of interpretation and stem from sources listed in Article 38 ICJ Statute [7, p. 433]. By contrast, Professors O. Dörr and K. Schmalenbach, authors of the VCLT Commentary, take a broader view, allowing "soft law" instruments including unilateral acts of international organisations [8, p. 606-610].

The most restrictive approach to determining the applicable law is advocated by Professor G.I. Tunkin. As a member of the International Law Commission from 1957 to 1966, he criticised the expansive understanding of systemic integration, proposing to replace the term “rules” with “principles”, thereby narrowing the range of international law sources that may be consulted during the interpretive process [9, p. 345-346].

Equally important is the determination of the criterion of relevance for external norms, which dictates whether a specific rule qualifies as “relevant” in this context. One of the leading international scholars of systemic integration, Professor C. McLachlan of the University of Cambridge, emphasises the dialectical

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relationship between a norm and the legal system that gives it life [10, p. 281]. In other words, an external norm will bear significance if it was designed to address the same or analogous factual, legal, or technical problems; that is, when the external norm and the treaty provision under interpretation share a common purpose and/or subject matter. It follows that an external norm may also be pertinent to the current application of the treaty provision being interpreted, rather than merely to the treaty rule in its original formulation. This distinction is particularly salient in the context of more open-ended, evolutionary regimes.

The ILC Fragmentation Report identifies two core presumptions underlying modern systemic integration theory: positive and negative [5, p. 14]. The positive presumption holds that general principles of international law govern matters left unaddressed (expressly or implicitly) by the treaty itself. The negative presumption posits that, by assuming treaty obligations, parties do not intend to contravene widely recognised principles of international law or pre-existing treaty commitments owed to third States. Thus, guided by the analytical findings developed by the International Law Commission, the approach advanced by M.E. Villiger appears most appropriate. Accordingly, the reference should be confined to norms derived from the classical sources of international law: customary rules, treaty provisions, and general principles.A central controversy in construing Article 31(3)(c) VCLT revolves around the phrase "applicable in the relations between the parties." The core debate centres on its subject scope: whether it encompasses all parties to the treaty at issue (narrow approach) or merely those engaged in a concrete dispute over that treaty (broad approach).This issue gains acute relevance within sprawling multilateral treaty frameworks. Here, opting for one approach over the other can profoundly shape the contours of systemic integration. Under the narrow view, Article 31(3)(c) VCLT confines interpretive recourse to rules binding all parties to the treaty in question. Permissible aids thus narrow to norms from parallel global multilateral regimes with identical membership, plus customary international law and general principles.In *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)*, the ICJ explicitly invoked Article 31(3)(c) VCLT. It recognised that a bilateral treaty between disputing parties informs the interpretation of a multilateral treaty, here the 1986 Convention on Mutual Assistance in Criminal Matters [11, p. 215]. This judgment illustrates the Court's flexible use of systemic integration.

Yet the broad approach to Article 31(3)(c) VCLT, despite its apparent universality, reveals notable methodological and functional limitations. First, its use hinges on an ongoing dispute over treaty terms, making it case-bound by nature. That said, the VCLT's interpretive rules serve a wider purpose: they equip States and other international actors to clarify treaty meanings on their own and meet obligations faithfully, even absent any live controversy.

Second, applying the broad approach to a multilateral treaty, particularly one embodying erga omnes partes obligations, may give rise to normative inconsistency and undermine the principle of uniformity in the interpretation and implementation of obligations by individual treaty parties. This contradicts the very logic of systemic integration, which is designed to ensure the coherence and predictability of the international legal order.

Both doctrinally sound and methodologically preferable is Professor U. Linderfalk's position advocating the narrow approach to "parties" under Article 31(3)(c) VCLT [12, pp. 343–364]. Textual analysis of the provision, its place within the VCLT framework, and the Convention's object and purpose all constitute elements of interpretation under Article 31(1) VCLT and clearly support applying the narrow approach to determine the scope of "parties".

3. Scope of Article 31(3)(c) in VCLT Interpretation

Having identified the core elements of the principle of systemic integration, the present analysis proceeds to examine Article 31(3)(c) of the VCLT as a tool for harmonizing fragmented special regimes within international law.

Historical analysis demonstrates that the methodology of systemic integration has been organically incorporated into the practice of international judicial and quasi-judicial bodies. Systemic interpretation has gained widespread recognition in the jurisprudence of international human rights mechanisms, albeit with marked variations in the explicit invocation of Article 31(3)(c) VCLT.

The European Court of Human Rights (ECtHR) routinely employs this method, invoking Article 31(3)(c) VCLT expressly at times and implicitly at others. In *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, for example, the ECtHR incorporated the Paris Agreement and related environmental instruments as pertinent aids to interpreting Articles 2 and 8 ECHR, relying on equity norms from the UNFCCC and Paris Agreement [13]. This approach facilitated a normative convergence between climate treaty regimes and human rights jurisprudence.

The Inter-American Court of Human Rights (IACtHR) has pursued a comparable path. In Advisory Opinion OC-23/17, the IACtHR construed the American Convention on Human Rights in conjunction with environmental treaties and customary international law, thereby acknowledging an autonomous right to a healthy environment [14]. Subsequently, in Advisory Opinion OC-32/25, the Court derived a jus cogens norm prohibiting irreversible climate and environmental harm, grounding its reasoning in general principles of law, including the precautionary principle, the polluter-pays principle, intergenerational equity, and fundamental human rights [15].The African human rights system employs methodologically comparable approaches to the interpretation of international legal norms, or their functional equivalents [16, p. 587].By contrast, universal UN mechanisms have adopted a more conservative stance. Nevertheless, a substantial number of UN treaty bodies recognize the principle of systemic integration as a core component of their hermeneutic toolkit. In its General Comment No. 36, the Human Rights Committee expressly recognized the connection between human rights and environmental degradation, affirming that "States' obligations under international environmental law must inform the content of Article 6 of the Covenant" [17]. The Committee on Economic, Social and Cultural Rights highlighted the inadequacy of climate commitments under the Paris Agreement to prevent severe climate impacts, recommending that States revise their nationally determined contributions to ensure alignment with their human rights obligations [18].As Associate Professor Sara T. of Radboud University Nijmegen observes, the only UN body to have explicitly invoked Article 31(3)(c) is the Committee on the Rights of the Child in *N.E.R.A. v. Chile* [19, p. 161].

Consequently, international human rights law (IHRL) and international environmental law (IEL) continuously exert mutual influence on each other, with the degree of this influence varying based on particular historical, socio-economic, political, and technological circumstances [20, p. 31]. Current trends indicate a twofold dynamic: the "ecologisation" of international relations on one side [21, p. 133], and the reshaping of States' international environmental and climate duties under IHRL norms on the other. In other words, systemic integration of human rights standards may shape the interpretation of, and potentially modify the scope of, obligations set forth in international environmental and climate agreements.

What explains this phenomenon? It is widely held that IHRL norms, by their inherently "open-textured" nature, are drafted to adapt harmoniously to evolving circumstances [22, p. 24]. Consequently, they are intrinsically amenable to interpretive techniques designed to ascertain their precise content in specific contexts [23, p. 106]. Indeed, any allegation of a human rights violation necessarily entails determining the scope and adequacy of a State's compliance with its obligations under the classic triad of respect, protection, and fulfilment. State obligations concerning environmental harm are no exception. Irrespective of whether these constitute obligations of conduct or of result, States must adhere to an established standard. In certain contexts, this creates a normative space for the integration of IEL.

The case of *Billy and Others v. Australia* offers a vivid demonstration of this thesis, representing the first successful climate communication adjudicated by a UN human rights body [24]. Indigenous residents from the low-lying Torres Strait Islands, classified as a high-risk climate zone, advanced the claim. They argued that Australia's deficient mitigation and adaptation measures breached Articles 2, 6, 17, and 27 of the ICCPR.

Substantively, however, the contention did not turn on the general applicability of Article 31(3)(c) VCLT to human rights interpretation. Instead, it focused on the conditions governing its targeted deployment. The pivotal discord concerned the methodology for gauging the relevance of external rules in construing ICCPR provisions.Australia primarily insisted on a formal test based on matching treaty objectives. In their view, climate agreements and human rights treaties pursue fundamentally different aims, so the former cannot illuminate the latter. The complainants took the opposite tack. They pushed a practical approach, stressing how external rules actually matter for securing rights under real-world conditions.

Additionally, the nature of the interpretive influence of climate obligations was contested: should they be regarded as a minimum standard of conduct required for ICCPR compliance, or is their role merely ancillary, serving only to clarify the content of human rights norms? Australia contended that the complainants' position exceeded the mere interpretation of ICCPR rights and effectively demanded an assessment of compliance with the Paris Agreement – a matter falling outside the Human Rights Committee's competence. The complainants countered by pointing to a substantive nexus, arguing that Paris Agreement obligations establish a threshold level of State conduct below which ICCPR standards cannot be met. They maintained that a breach of international climate norms in life-threatening circumstances may concurrently constitute a violation of Article 6 of the Covenant.

Ultimately, the debate hinges on the admissibility of interpreting climate obligations as minimum requirements when delineating the content of ICCPR norms. It is widely acknowledged that the standards of conduct prescribed by IEL are relatively low [25, p. 622; 26, p. 176-183]. This suggests that international environmental standards could potentially serve as a minimum threshold in specific human rights contexts under particular factual circumstances – for instance, where a State's breach of international hazardous waste management requirements poses a direct threat to life.

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Nevertheless, adopting this approach poses notable risks to the human rights regime. One concern is that drawing on lax environmental norms might erode established human rights standards. Another is the potential for uneven application of human rights duties among States, encouraging selective hermeneutics. For example, in *Portillo Cáceres et al. v. Paraguay*, an environmental pollution case, the Human Rights Committee noted Paraguay's ratification of the Stockholm Convention on Persistent Organic Pollutants and linked this to the State's duty to take appropriate measures to eliminate public health conditions that could threaten the right to life [27]. However, not all States are parties to this treaty, thereby calling into question the very objective of systemic integration.

In this regard, the doctrinal position advanced by Professor M. Rachavitz is persuasive [16, p. 557-588]. The author emphasises a governing principle of systemic integration: the role of an external norm is strictly auxiliary, serving to clarify human rights standards rather than supplant them. This approach necessitates careful consideration of the contextual differences between the normative systems at issue. Systemic integration must operate with due sensitivity to the specific objectives, functions, and purposes of other treaty provisions, which aligns with the centrality of context under Article 31 of the VCLT.

Although the Paris Agreement acknowledges the nexus between climate action and human rights protection, its core focus remains on addressing collective climate challenges through mitigation and adaptation mechanisms. In contrast, ICCPR norms are grounded in the fundamental principles and values of the human rights paradigm, notably the primacy of the individual, as opposed to an ecological holistic approach.

Consequently, it would be methodologically unsound to treat Paris Agreement norms as a self-sufficient minimum threshold. Article 31(3)(c) is not designed for the mechanical transposition of external legal standards; rather, it functions as a tool to clarify meaning and ensure systemic coherence by referencing relevant international law in conjunction with the general rule of treaty interpretation codified in Article 31(1) of the VCLT.

Conversely, there is a substantial body of case law demonstrating the active use of IHRL norms to interpret and implement international environmental obligations. Critics of this approach, however, point to structural limitations in employing human rights mechanisms for environmental ends, arguing that human rights litigation is inherently anthropocentric, focusing on individual welfare and failing to reflect the intrinsic value of nature.

This critique, however, is not insurmountable. Following D. Shelton, it is reasonable to conclude that there is no fundamental conflict between protecting human interests and safeguarding environmental interests [28, p. 358-402]. Humans are not isolated fragments of the universe but interconnected and interdependent participants in a single ecosystem. Consequently, protecting human environmental interests organically contributes to preserving the environment as an integrated system. This approach creates an opportunity to transpose stricter standards developed in human rights law into the framework of international environmental obligations, potentially enhancing their implementation mechanisms.Contemporary adjudicative practice evidences an objective convergence of IEL and IHRL into a cohesive, multi-layered protection framework. Within this framework, a human rights violation serves as both a procedural and substantive basis for establishing a breach of international environmental obligations and for determining State liability for reparation of harm caused, including transboundary damage.

In Advisory Opinion OC-23/17, the IACtHR established the principle that the State's duty to prevent significant environmental harm constitutes an integral component of its human rights obligations. The judgment confirms that procedural and evidentiary mechanisms developed within human rights jurisprudence can be utilised both to establish a breach of international environmental obligations and to determine the scope of a State's duty to provide reparation.

This principle was further elaborated in *Community of La Oroya v. Peru, where the IACtHR* articulated a relaxed standard of proof, reducing the evidentiary burden on claimants in environmental disputes [29]. The Court held that the absence of a strictly established direct causal link between a specific pollution source and a claimant's particular illness does not preclude a finding of a violation of the right to health. It is sufficient to demonstrate that the State permitted pollution levels posing a significant risk to human health and that the claimant was factually exposed to such contamination, thereby endangering their health.

Human rights mechanisms have also proven exceptionally effective in addressing liability for transboundary environmental harm. In *Portillo Cáceres and Others v. Paraguay*, the UN Human Rights Committee affirmed that States owe a duty of due diligence concerning transboundary environmental harm [30, p. 735-752]. The Committee recognised that violations of the rights to life and to respect for family life, caused by transboundary environmental pollution, constitute valid evidence of a State's breach of its international environmental obligations.Of particular significance is the position of the Committee on the Rights of the Child, which has affirmed the extraterritorial scope of international environmental obligations [31; 32]. The Committee ruled that States bear responsibility for harmful effects resulting from pollutant emissions, both on children within their territory and on minors beyond their national borders.Beyond interpreting standards of conduct, Article 31(3)(c) of the VCLT may also be employed to clarify specialised terminology in human rights treaties. Concepts such as "environmental pollution" or "natural environment", utilised in human rights instruments, are amenable to interpretive development through IEL norms. For instance, the very definition of "pollution" varies by context and is articulated across numerous international environmental agreements, thereby enabling a more precise substantive meaning when applying human rights norms.Judicial practice reveals a clear trend toward fusing distinct legal regimes into a cohesive protective architecture, underscoring the intrinsic link between environmental stewardship and core human rights safeguards. The International Court of Justice's Advisory Opinion of 2025 on Obligations of States in respect of Climate Change stands as a landmark in advancing systemic integration across international law [33]. Of central importance is the Court's finding on the dual legal nature of climate obligations: as *erga omnes* obligations under customary law and *erga omnes partes* under treaty law. This characterisation elevates the climate regime beyond discrete agreements, anchoring it in universal principles of intergenerational justice. Furthermore, following the doctrinal evolution shaped by national courts, regional human rights bodies, and treaty committees, the Court recognised an independent human right to a clean, healthy, and sustainable environment, emphasising its inextricable link to the realisation of other fundamental rights.A defining moment in embedding international environmental rights within human rights frameworks emerges from the African Commission on Human and Peoples' Rights jurisprudence in *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria* [34]. There, the Commission fleshed out the collective right to a satisfactory, development-friendly environment under Article 24 of the African Charter on Human and Peoples' Rights. It did so by reading this provision alongside guarantees of life, health, housing, and political participation.

Through this lens, the African Charter underwent a clear "ecologisation," weaving in core tenets of international environmental law such as robust environmental governance, pollution control, and mandatory independent impact assessments directly into its architecture. These elements, in turn, crystallized as binding benchmarks for measuring State adherence to human rights obligations.

Within the SERAC framework, the African Commission laid out a clear doctrine on State responsibility for environmental rights. States must do more than just avoid directly causing harm. They also have positive duties to stop non-State actors from destructive activities, particularly transnational corporations. This mirrors how Article 31(3)(c) VCLT works in practice. External environmental norms don't replace the African Charter's provisions. Instead, they help clarify what those human rights obligations actually require of States. Consequently, the African human rights system has developed the potential to translate international environmental norms into a coherent set of supplementary human rights duties for States, while simultaneously preserving the autonomy of the respective treaty regimes.

The contemporary phase of the African regional system's evolution marks a transition from addressing foundational environmental concerns to establishing a holistic, climate-oriented human rights paradigm. Within this framework, Article 24 of the African Charter serves as the pivotal nexus between IEL and IHRL. The Pan African Lawyers Union (PALU) request for an advisory opinion from the African Court on Human and Peoples' Rights calls for reappraising peoples' environmental rights under a contemporary climate lens. This involves aligning them with key agreements like the UNFCCC and Paris Agreement, while building on precedents from other international courts and quasi-judicial bodies [35]. The anticipated advisory opinion of the African Court holds the potential to become a functional African counterpart to the IACtHR's Advisory Opinion OC-23/17 on the relationship between climate change and human rights, by establishing review standards for States' duties to prevent climate harm, including its transboundary dimension.The African Charter stands out by blending individual and collective rights, allowing climate duties to be viewed through dual human rights perspectives. One angle treats them as vital protections for essentials like life, health, food access, and food security. The other casts them as tools to realize standards connected to development rights, environmental policy independence, and equitable energy shifts.

In this context, Article 31(3)(c) of the VCLT operates not merely as an abstract methodological guide, but as a vital legal mechanism for "translating" universal climate standards into the normative language of the regional African Charter, thereby ensuring the preservation of the human rights paradigm's primacy while accounting for the post-colonial specificities of natural resource governance on the African continent.

4. Conclusion

The foregoing analysis establishes that Article 31(3)(c) of the VCLT offers substantial methodological utility for enhancing systemic consistency in international law, despite uneven patterns in its judicial application.

Norms of international environmental law exercise an interpretive function that is intrinsically context-dependent, necessitating their integration with the full array of factors under Article 31 VCLT. A fundamental distinction persists between these domains of law: environmental standards neither override the material obligations of human rights treaties nor prescribe minimum thresholds for rights protection. Instead, they elucidate the nature, extent, and vigour of State duties in

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concrete scenarios. Article 31(3)(c) VCLT thus functions not as a conduit for wholesale importation of extraneous rules, but as an instrument for refining treaty meaning and preserving the internal harmony of the international legal order.

Incorporating environmental norms into human rights interpretation yields reciprocal enrichment for both regimes. That notwithstanding, such convergence harbours structural hazards: erosion of human rights standards through recourse to laxer environmental benchmarks; supplanting of ecocentric conservation imperatives by anthropocentric priorities; and differentiated levels of protection arising from disparate State participation in environmental accords.

The effective application of systemic integration necessitates maximum methodological transparency, rigorous justification of the relevance of invoked norms, and a precise delineation of the boundaries of their interpretive impact. Judicial and treaty-monitoring bodies invoking Article 31(3)(c) VCLT bear a special duty to articulate their reasoning with precision. They must clearly show how external rules shed light on treaty terms without displacing their core meaning. Only by complying with these requirements can systemic integration fulfil its potential not merely as an instrument of theoretical coherence, but as a driver of the sustainable evolution of international law.

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