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Recension on

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Summarized by Amir Hossein Nik Nejad – Ph.D. student of the University of Szeged – Faculty of Law.

By Abbas Poorhashemi (President of the Canadian Institute for International Law Expertise)

Nowadays environmental Law is playing a pivotal role in both domestic and global legal literature. According to recent surveys, economic development can cause detrimental damage to the environment due to the development of the industry. Therefore, communities must take a serious decision to control all types of pollution to conserve a better environment and finally have a better global village. It can be seen clearly that compared to the last centuries despite all efforts and binding legal instruments, global warming, climate change, desertification, and deforestation have not only decreased but also increased dramatically. This essay seeks to analyze how to implement international environmental law.

First of all, the author of this essay illustrates the definition of international environmental law, which is one of the youngest leaves of public international law, including both binding and non-binding legal elements, some basic principles of international law, and the characteristic of international environmental Law. Non-binding (soft law) contains resolutions, agendas, actions plan, and rules to guide governments excluding any limitations which are derived from the Stockholm declaration of 1972, the UN charter of Nature-1982, and the Johannesburg declaration of 2002. Furthermore, besides dispute settlement, the main activity of the soft law approach is to identify problems and find a better solution to implement national law.

Second of all, as I have mentioned above in the next parts of this essay, the author tries to talk about binding law (Hard Law) concerning article 38 of the statute of the international courts of justice -1945. Additionally, in international environmental, the resolution issued by the conference of the Parties (COP) are also could be recognized as a hard law.

The third chapter of the basic principles of this article is in connection with the Basic Principle of International Environmental Law. These principles are a cornerstone of environmental law and international communities. The principle will be started from sovereignty (The responsibility Rio Declaration – 1992 UNEP). This principle ensures that any activity with special jurisdiction should not be caused to damage the environment apart from inside and outside the territory of national jurisdiction. Nevertheless, international cooperation can be mentioned as another principle of international Law. Due to the nature of the transboundary ness of environmental issues, it is very essential to protect the environment by global cooperation based on *Erga Omnes* and good faith that is rooted in customary law. Furthermore, the precautionary principle is the duty of governments to protect the environment. In addition, principles of notification and convention are considered as final principles of this article. In this regard, the principle of notification dates back to the international court of justice -1947 which is about awareness of government in an emergency situation. There is an obligation that government must identify the impact of environmental activities and acknowledge other states. Besides, the prevention principle is based on irreparable damages as well.

The fourth stage of this essay is about Basic concepts of international Environmental Law based on sustainable development which means “meeting current needs without forgetting the needs of future generations (Commission 1987)”. since human activities are most detrimental to the environment. As a result, it has been argued that the people of this generation have a pivotal role to preserve the planet earth for the next generations.

Finally, the final chapter of this essay is based on the characteristics of international environmental law and narrowed the essay with a short conclusion. In my opinion, the most important part of this essay is the conclusion. Although environmental law has been developed, there are still several obstacles. Besides that, there is a huge dispute between developed and developing countries in obeying environmental rules which can be considered another problem. Lack of knowledge on environmental issues and expensive environmental protection especially in poor countries shall be considered as another barrier as well. As a result, for solving this problematic dilemma, considering the criminal aspect of environmental violation towards humanity by means of “crime against future generation” is progress for future development of international environmental law and sustainable development.

Nevertheless, the existence of NGOs’ can be an appropriate tool to overcome these obstacles, therefore their role is positive as they are supported by local people and international communities. In this regard, there is also an immediate need for long-term planning for sustainable development, exchange of technology, increasing human knowledge, especially in rural areas, and development of technical capability and science. Besides, internationalization methods must be adopted for environmental protection under the umbrella of basic principles and international environmental law. As a result, substantive and conceptual development can be assumed as one of the great fruitful solutions to environmental issues. Moreover, international environmental law under the shadow of institutionalization, which means the establishment and development of international organizations and institutions for purpose of environmental protection, can be helpful as another solution. For example, public participation in environmental decision-making processes and the right to have information about the environment, and access to justice can be very crucial as well. The United Nations programs must be also reformed with more power and authority that can be effective for environmental protection and international organizations.

Generally, the article provides a simple explanation of environmental law with a considerable notice of endangered environment especially warning notice for future generations, and highly narrowed with the criminalization of environmental violation. Therefore, this article is strongly recommended to those who are interested in international environmental law, industrial managers, global environmental actors, United Nations staff members of environmental sectors, and those who are responsible for the future environment.