

## INTERNATIONAL ENVIRONMENTAL LAW - INTRODUCTION

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## ENVIRONMENTAL PROBLEMS

- Genetic loss (diminishing and extinction of populations of different species of plants and animals, loss of their habitats)
- Deforestation and desertification (loss of vegetation)
- Strong growth of human population (diminishing natural resources)
- Global warming, climate change, increase of the sea level
- Ozone layer depletion (destruction)
- Pollution of all environmental compounds (air, water, soil)
- Loss of cultural heritage
- Impairment of bonds (relations) enabling regeneration of biosphere.

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## DEVELOPMENT OF THE TREATY LAW

- One of the earliest conventions was dealing with regulation of fishing in Rhine river in 1886.
- 1902 Convention for the protection of birds useful to agriculture.
- 1931 Convention for the regulation of whaling
- 1933 London Convention relative to preservation of fauna and flora in their natural state
- 1937 International agreement for the regulation of whaling
- 1940 the Convention on nature protection and wild-life preservation on Western Hemisphere
- and others

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## DEVELOPMENT OF THE TREATY LAW

- 1954 London convention protecting sea against crude oil pollution
- The work on the Law of the Sea was launched in 1958.
- 1960s - the effort to regulate the use of nuclear energy

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## STOCKHOLM CONFERENCE 1972

The **Conference on the Human Environment** adopted three non-binding instruments:

- Resolution on institutional and financial arrangements
- Declaration containing 26 principles
- Action Plan containing 109 recommendations.

The environmental protection was declared as the universal interest of all nations of the world

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## STOCKHOLM CONFERENCE 1972

- Principle 21 affirmed the responsibility of states to ensure that activities within their jurisdiction or control do not cause damage in another state or beyond national jurisdiction
- Principle 22 required states to cooperate in developing international environmental law.
- Principle 6 requires states to stop activities resulting in excessive environmental pollution, to halt the discharge of toxic and other substances which cause serious or irreversible damage to the ecosystems and prevent pollution of the seas.
- Other principles declared the right to adequate conditions of life and the right of future generations to natural resources and etc.

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## DEVELOPMENT AFTER STOCKHOLM CONFERENCE

- **UNEP – United Nations Environment Programme**
- 1982 - The International Whaling Commission put the Moratorium on commercial whaling
- 1982, after 10 years of work the UNCLOS UN Convention on the Law of the sea was passed.
- 1970s - Treaties on the nature protection
- 1979 - Geneva Convention addressing the long-range transport of air pollution followed by Vienna Convention on the protection of Ozone Layer and its Montreal Protocol
- 1989 - Basel Convention on the movement of hazardous waste
- 1991 – Convention on the Environmental Impact Assessment

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## 1992 UNCED (RIO DE JANEIRO)

### UN Conference on Environment and development:

- Rio Declaration on Environment and Development (27 principles, reaffirmed 21.p.)
- Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forest
- Agenda 21 – action plan for a global partnership for sustainable development

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## 1992 UNCED

- Convention on Biological Diversity
- UN Framework Convention on Climate Change

UN Commission for sustainable development

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## DEVELOPMENT AFTER RIO DE JANEIRO

- 1990s - rules regulating use of inland waters and hazardous substances and dangerous activities.

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## WORLD SUMMIT IN JOHANNESBURG

- Johannesburg Declaration on sustainable development
- Johannesburg Plan of Implementation
- new type of agreements - so called partner's initiatives (international agreements between governmental organizations, non-governmental organizations and entrepreneurs)

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## IEL

Public international law – the body of rules which are legally binding on states in their intercourse with each other

Hard law  
Soft law

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## SOURCES OF IEL

- treaties
- international custom
- general principles of law
- subsidiary sources (decisions of courts and tribunals)

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## IEL

Treaty - an international agreement concluded between states in written form and governed by international law

1969 Vienna Convention → general rules

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## TREATY

- can be adopted
  - bilaterally
  - regionally
  - globally
- may be oriented to
  - specific activity
  - specific result that is to be achieved

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## TREATY

Treaties are intended to protect:

- national natural objects (flora, fauna, air, inland water) are subject to exclusive territorial sovereignty of the state

- international natural objects (high sea, Antarctic)

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## SPECIFIC FEATURES OF ENVIRONMENTAL TREATIES

1. Lowest commonly acceptable values - exemptions in the text for certain participants
  - club in club
  - reservations
2. Slow procedure
  - scientific definition and description of the problem, its causes and consequences
  - presentation of the problem in the international community and its recognition as an international problem
  - draft
  - signature
  - ratification or other expression of the consent to be obliged with the treaty
3. implementation of obligations, enforcement, dispute settlement

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## RELATION TO THE NATIONAL LAW

Constitutional Act 1/1993 Coll. 

International treaties:

- approved by the Czech Parliament
- binding upon the CR
  - are part of the domestic legal order
  - take precedence over national law

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