

International Legal Perspective of Environmental Law (At a Glance)

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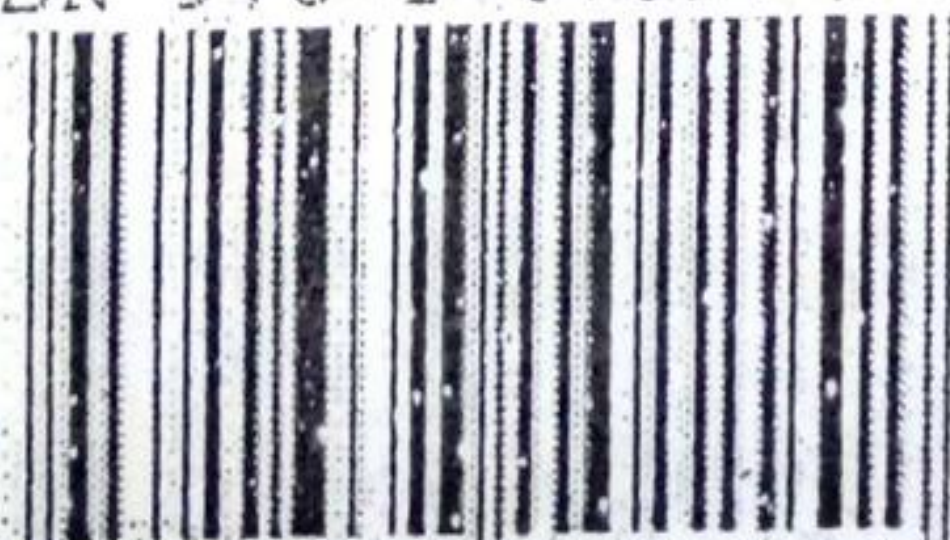
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PREFACE

It has become increasingly obvious in our recent research, capacity-building and outreach activities that, while there is considerable information and understanding amongst states and other actors concerning the nature of their obligations under international environmental law, and key principles of environmental management more generally and their nexus to development, there has been little debate on how international environmental law should respond to a range of new and emerging issues. Simply put, there has been little debate on the future of international environmental law, what emerging issues it may need to tackle, and the relationship of those issues to development, human rights and other areas of international law.

Kalimantan, for their unflagging, worthy and valuable encouragements. I am particularly grateful to my husband, Supomo, M.Si, Apt., and my beloved offsprings: Syifa Asyiah, Alvi Syahrin Mubaroq, and Adam Fauzan Aulia, for their love, encouragement, and support. This book is dedicated for my beloved Mother (Amriany), my beloved Brother (Muhammad Iqbal), my beloved uncles (Supri Mukhtar and Ade Hidayat), my beloved teachers, and my beloved families at Indonesia (Sumatera, Java, Jakarta, Kalimantan, Sulawesi), Malaysia, and Australia.

A number of people and organizations have made this publication possible, thank you so much. We are grateful to several authors (Dr. Abdul Kadir Sabaruddin, SH., MH., Dr. Muhammad Muhdar, SH., MH., Dr. Rosmini, SH., MH., Dr. Siti Kotijah, SH., MH., Khristiawan Wisnu Wardhana, SH., MH., and Agustinawati, SH., MH.) for their great supports to this book.

Finally, we are especially grateful for the financial support for this publication. This support has been invaluable in ensuring that the book can be widely

distributed to scholars and policymakers in developing countries and around the world.

Any remaining deficiencies in this book are of course entirely my responsibility. However, I direct the reader's attention to the extensive corrections for this book. Finally, it is my expectation that this book is beneficial to the readers.

Indonesia, 27th January 2020

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Best Regards,

Ine Ventyrina, SH., MH.

Primary Author

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ABBREVIATIONS

CBD Convention on Biological Diversity

CDM Clean Development Mechanism

CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora

COP Conference of the Parties

DNA Designated National Authority

GEF Global Environment Facility

ICJ International Court of Justice

MARD Ministry of Agriculture and Rural Development

MEA Multilateral Environmental Agreement

MOFA Ministry of Foreign Affairs

MOIT Ministry of Industry and Trade

MONRE Ministry of Natural Resources and Environment

MOP Meeting of the Parties

NGO Non-governmental Organisation

PIC Prior Informed Consent

POPs Persistent Organic Pollutants

REDD Reducing Emissions from Deforestation and forest Degradation
SBI Subsidiary Body for Implementation
SBSTA Subsidiary Body for Scientific and Technological Advice
UNCCD United Nations Convention to Combat Desertification
UNDP United Nations Development Programme
UNEP United Nations Environment Programme
UNESCO United Nations Education, Scientific and Cultural Organisation
UNFCCC United Nations Framework Convention on Climate Change
UNLOS United Nations Convention on the Law of the Sea
UNWC United Nations Watercourse Convention

CHAPTER ONE: CONCEPTUAL FRAMEWORK OF SUSTAINABLE DEVELOPMENT

The most frequently quoted definition of the concept of sustainable development originates from the so-called Brundtland report and runs as follows: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹ The interconnection between environmental, social and economic objectives is furthermore the core principle of sustainable development and these are often referred to as the three pillars. The integration of the three objectives is often described as the cornerstone that distinguishes sustainability policies from all other forms of policy adaptation² and decision-making³.

¹ Brundtland Commission, (1987) Our Common Future: Report of the World Commission on Environment and Development, Oxford: OUP.

² Dernbach, J. C. (2003) Achieving sustainable development: The Centrality and multiple facets of integrated decision-making. Indiana Journal of Global Legal Studies, 247-285.

³ Stoddart, H. (2011) A Pocket guide to sustainable development governance, Stakeholder Forum.

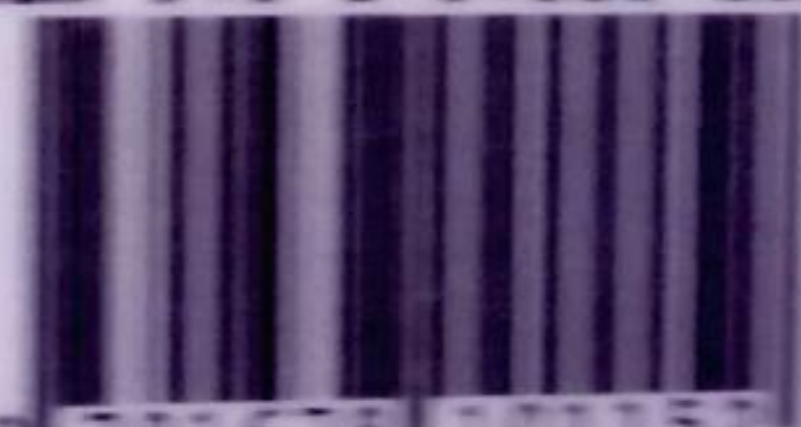
The definition offered in the Brundtland report is too broad and open to interpretation to effectively be used as a clear guideline to sustainable development. This Declaration and the seven principles it contains will be the key reference for the concept of sustainable development used in this study. Due to the overriding aim of analysing the area where law, climate change and sustainable development intersect in relation to the global commons. The importance of including sustainable development in relation to legal alternatives and climate change is addressed by the Intergovernmental Panel on Climate Change (IPCC). In its 2001 report, IPCC suggested that in responding to the threat of climate change, it is helpful for policy makers to view it as part of the broader challenge of sustainable development⁴. Similarly, and more recently, one of the top-level findings of the fifth IPCC report (2014) Impacts, Adaptation and Vulnerability is that climate-related risks call for a special type of decision-making and that future research within this interconnected relationship is of "very high priority"; since integrating sustainable development with climate change responses is a relatively new challenge⁵.

⁴ IPCC, (2001) Climate change: synthesis report. Watson, R.T. et al. eds. Cambridge, UK, Cambridge University Press, 2001a.

⁵ IPCC, (2014) Fifth Assessment Report, Impacts, Adaptation and Vulnerability: available at:
https://www.ipcc.ch/report/ar5/wg2/docs/WGIIAR5_SPM_Top_Level_Findings.pdf

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