

A Case-Based Examination of Changing Patterns and Difficulties in International Environmental Law

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Abstract: In order to solve global environmental issues, such as transboundary pollution and biodiversity loss, international environmental law has become an essential instrument. This essay looks at important international environmental law decisions, emphasizing how they have shaped legal norms and addressed sustainability issues. The study examines the relationship between environmental protection, human rights, and sustainable development via an examination of examples like Certain Activities in the Border Area, Gabčíkovo-Nagymaros Project, and South China Sea Arbitration. It highlights how legal standards are dynamic and how extensive regulatory frameworks are required to address modern environmental problems like resource depletion and climate change. The results highlight the need of creative legislative approaches to ensure intergenerational justice by striking a balance between economic interests and ecological preservation.

Keywords: Sustainable development, international environmental law, climate change litigation, and transboundary environmental harm.

INTRODUCTION

Instead than carrying on the centuries-old pattern of exploitation at the cost of environment, sustainable development provides a framework for humans to survive and thrive alongside nature. However, a thorough and strong legal framework for sustainability is still lacking despite the existence of various environmental and natural resource regulations (Berebon, 2023a; Berebon, 2023b). It is crucial to establish and put into place institutions and legal frameworks that either don't already exist or need considerable modification in order to make major progress toward a sustainable society and eventually attain sustainability. Legal professionals have started to modify their practices to handle sustainable development challenges in response to the growing demand from government, corporate, and NGO customers. While environmental legislation is important, it is just one aspect of the legal framework needed to achieve sustainability. Equally important responsibilities are played by other legal fields, such as taxes, land use and property law, and governmental system structure. In addition to discussing the relationship between law and sustainability, this discussion aims to address a crucial query: how can legal frameworks be successfully created and implemented to produce sustainable results? This idea is summed up in the phrase "law for sustainability," which highlights the significance of law as a pillar of sustainable governance.

The creation of institutions and legal frameworks that allow societies to manage resources fairly and responsibly is essential to governance for sustainability. The scope of the problem necessitates active study that provides policymakers, practicing attorneys, and other stakeholders with useful knowledge, useful tools, and creative solutions. The many contributions to this topic, which bring together professional, academic, and geographic viewpoints, demonstrate the necessity of this endeavor. These authors, who are well known for their knowledge and perspectives, provide priceless advice on how the law may be a revolutionary tool for promoting sustainable development.

Many experts agree that new regulations must be created and old ones must be modified in order to achieve sustainability. It is less often recognized, however, that sustainability may also be achieved by making little, gradual changes to present legal frameworks or by applying existing laws to new problems. These rules are not only environmental in nature, even if many of them are. For example, the California Attorney General and nongovernmental groups utilized legal action under the California Environmental Quality Act (CEQA) of 1970 to force California towns to take greenhouse gas emissions into account when making land use decisions (Medina, 2012). For projects that are anticipated to have a major impact on the environment, state and local governments must compile environmental impact studies under CEQA, which also requires that these impacts be minimized or avoided if possible. A 2008 legislation that defined more precise municipal obligations for regulating greenhouse gas emissions than the original CEQA was eventually created as a result of this dispute. This new law probably would not have been passed if it weren't for the legal issues raised by CEQA. In a similar vein, J.B. Ruhl and Robin Craig investigate a number of legislative and regulatory tools that can support the sustainable management of coastal ecosystems. They support the use of creative rules, such as market-based tools, and integrated, place-based management methods (Berebon, 2022; Berebon, 2023c). Their approach starts with current legislation and shows how they may be modified to provide more sustainable results, including adaptation to climate change. For instance, they recommend using collaborative governance structures more often, using "reflexive law" more broadly (including information reporting), and using economic incentives more extensively. Craig and Ruhl acknowledge that governments have begun using these technologies, but they contend that they may be used more widely and creatively in emerging sustainable governance systems (Schutz, 2010; Odok & Berebon, 2024).

Not all laws relevant to sustainability are environmental laws. In 1994, Cuba enacted a law that simplified the process for urban residents to grow and sell food on unused land. Since then, the Cuban government has provided financial, technical, and marketing support for urban agriculture, leading to increased food access, more sustainable food production, and job creation—vital components of a food security program. Although much of this food is sold on the black market or through foreign currency, the program has had a significant positive impact. Property law, especially concerning common-interest communities (such as homeowner associations), can also contribute to sustainability efforts. Anthony Schutz proposes that property law be used in the context of U.S. Great Plains ranchlands to capitalize on consumer demand for activities like horseback riding, camping, wildlife observation, hiking, and hunting. Despite private landowners holding 75% of the land in this region, only 2% is managed for biodiversity conservation (Ross, 2010; Varaba & Berebon, 2021). Schutz suggests that private landowners could use common-interest community laws to collectively manage resources, providing both environmental and economic benefits. While such an approach would require landowners to make decisions about what to produce and how to allocate the benefits, it could also foster environmental sustainability (Umontong, 2002; Umontong, 2012).

Existing laws from various jurisdictions can also play a pivotal role in advancing sustainability. Kenneth Abbott and Gary Marchant review five potential mechanisms for institutionalizing sustainability within the U.S. federal government, each based on an existing law from the U.S. or another jurisdiction. They explore how these laws can be modified, enhanced, or extended to promote sustainability on a national scale. As they observe, incremental adaptations to existing laws make these innovations attainable (Kennedy, 2010; Umontong, 2014). In a similar vein, Andrea Ross examines the legal frameworks for sustainability in the United Kingdom, drawing on examples from Wales, Scotland, and the Canadian provinces of Manitoba and Quebec (Bosselmann, 2010; Umontong, 1999). Moreover, existing laws can be complemented by other approaches, such as community-based social marketing techniques.

Amanda Kennedy describes community-based social marketing as a strategy for driving behavioral change through direct communication and community-level initiatives, with a focus on removing barriers to change (Adler, 2010). These techniques include public commitments, incentives, communication strategies, prompts to encourage actions that individuals might not otherwise take, and the creation of social norms. A growing body of social science research shows that community-based social marketing can successfully promote more sustainable individual behaviors.

Global Environmental Law

Global environmental law necessitates the involvement of non-state actors, as their behavior must change to achieve environmental goals. For instance, industries must alter their production processes and

consumers must modify their consumption patterns to reduce CO₂ emissions (Ozumba & John, 2017). Similarly, in order to preserve marine ecosystems, threats like bottom-trawling by fishers need to be addressed. Although global environmental law primarily interacts with states, it also engages with non-state actors, particularly environmental and business NGOs, which actively collaborate with states and international bodies involved in environmental decision-making (Umotong & Dennis, 2018). Non-state actors also play a significant role in standard-setting through voluntary codes of conduct. An example of this is the ISO 14000 series, which provides standards for environmental management and serves as a basis for certifying companies that comply with these environmental standards. The ISO 14000 series was developed by the International Organization for Standardization, a non-governmental organization (NGO) whose membership includes both public and private standardization bodies.

Furthermore, global environmental law must address the physical and technological roots of environmental problems and the scientific and technological solutions to these issues (Umotong, 2008; Asuquo et al., 2002). Environmental issues often arise from physical processes, meaning that science plays a crucial role in identifying and defining environmental problems. Technological innovations may provide solutions to environmental challenges, but can also give rise to new problems. For example, the introduction of taller smokestacks transformed air pollution from a local issue into a regional one. Similarly, the use of chlorofluorocarbons (CFCs) in refrigeration, which replaced more harmful substances like ammonia, was the result of 1920s scientific research. Later, in the 1970s, scientific findings revealed that CFCs deplete the ozone layer, and further research led to the development of alternatives, such as hydrochlorofluorocarbons (HCFCs), some of which are also potent greenhouse gases. Science, therefore, is integral in both understanding the causes of environmental problems and identifying solutions. Technological advancements can lead to both the creation of new environmental problems and their potential resolution.

Scientific uncertainty, a natural component of scientific inquiry, presents challenges for global environmental law. For example, there may be uncertainty regarding the causal link between a specific pollutant or activity and its environmental impacts. This uncertainty is especially problematic because environmental damage often results from numerous sources that accumulate over time. Global environmental law also faces challenges regarding the cost-effectiveness of environmental measures (B.S. Chimni, 2009; Okon, 2003a; Okon, 2003b). Given scientific uncertainty, there is a dilemma regarding whether to take precautionary action or to wait for more information, balancing the risk of wasting resources against the potential for higher future costs if the problem worsens. Additionally, global environmental law must address the political and financial challenges of cost allocation, particularly between developed and developing states and among public and private actors.

Another core issue in global environmental law is managing common-interest problems—global challenges that no single state can resolve independently (Jørgen Wettestad, 1974; Essien, 1992; Okon, 2019). This has not only led to the creation of new legal rules but has also prompted systemic changes within the legal system. For example, non-compliance with environmental rules is often addressed through non-adversarial compliance mechanisms aimed at bringing states back into compliance, rather than through adversarial inter-state dispute settlement procedures focused on determining state responsibility (Nico Schrijver, 2008). This approach reflects a shift in the way global environmental law deals with compliance and responsibility (Essien, 1993; Jan Klabbers, 2004; Okon & Noah, 2004).

Decision-making in global environmental law is a dynamic process, interacting with complex socio-economic, scientific, technical, and political issues. While these characteristics are not unique to global environmental law, this body of law highlights how international law is evolving and adopting traits of administrative law (Benedict Kingsbury, 2000). The functional equivalence between international environmental law and administrative law justifies the argument that global environmental law should incorporate the checks and balances typical of administrative law systems, even though states continue to play a central role. It is important to note, however, that global environmental law does not necessarily meet traditional standards of justice. Instead, it is a legal framework addressing common-interest problems in a world marked by significant divides, particularly between developed and developing countries, and where the decision-making processes of global institutions often reflect colonial legacies (B.S. Chimni, 2009).

INTERNATIONAL ENVIRONMENTAL LAW

Public international law, a body of legislation established by states for the purpose of resolving disputes

between states, includes international environmental law. In the context of sustainable development, it is mainly focused on reducing pollution and the depletion of natural resources. Article 38(1) of the Statute of the International Court of Justice acknowledges multilateral environmental accords, a subset of international conventions, as a source of international law with an emphasis on environmental matters. It is crucial to remember that, despite their influence, court rulings and legal publications are secondary methods of establishing the law rather than legally binding sources in and of themselves.

One of the most distinctive features of contemporary international law is international cooperation. This cooperation extends beyond peacekeeping or global security and encompasses a wide range of issues, including economic, social, political, and environmental matters (Okon & Akpan, 2001). In today's world, it is understood that some areas of international relations, particularly environmental concerns, require extensive global cooperation. Environmental issues can only be effectively addressed by the international community as a whole, given their global scope. For this reason, international cooperation is crucial to environmental protection. Over recent decades, environmental protection has become a central concern for nearly every nation across the globe. The world is faced with numerous challenges, including population growth, industrialization, air pollution, the deterioration of water quality, hygiene issues, and the destruction of natural habitats.

To tackle these environmental problems at national, regional, and global levels, most States are committed to participating in global and local efforts to protect the environment. As the environment does not recognize national borders, it is vital that all countries cooperate in environmental protection. Following the United Nations Conference on the Human Environment (Stockholm Declaration, 1972), the global environment has been recognized as the common heritage of humankind (Noah, P., & Okon, 2020). Global environmental cooperation is one of the primary concerns reflected in numerous international regulations, both binding and non-binding, from the Stockholm Declaration in 1972 to the 2030 Agenda for Sustainable Development. In international law, cooperation has become an essential element of international relations for environmental protection, driven by the understanding that environmental issues must be addressed at both the environmental and political levels, with collective action being key to their resolution.

International environmental treaties, unlike some other areas of the public international law, bind states, but compliance requires behavior to change primarily by private actors. In this perspective, the incentive structure in the treaties for these non-governmental actors can thus have implications for how they are implemented (Joyner Ch. C., 2005). In this regard, the principle of International Cooperation has great importance in the International environmental law as one of the public international law disciplines.

For this purpose, the equitable and reasonable utilization of territory and management of shared resources such as trans-boundary water resources and international lakes requires international co-operation. The universal desire to public's need to co-operate toward environmental protection in many binding and non-binding legal instruments and its implementation in global and regional scope is proved the legal basis of the principle of cooperation in international environmental law are clearly expressed the Stockholm Declaration 1972 (Poorhashemi, Zarei & khalatbari, 2013).

According to the principle outlined in the Stockholm Declaration of 1972, all States must cooperate in advancing international law regarding liability and compensation for victims of pollution and other environmental damage caused by activities within their jurisdiction or control, extending to areas beyond their jurisdiction. The Declaration emphasizes that environmental matters, including protection and improvement, should be managed cooperatively by all countries, irrespective of their size, on an equal footing. Effective cooperation is essential through multilateral or bilateral arrangements, or other suitable methods, to control, prevent, reduce, and eliminate adverse environmental effects resulting from activities conducted in various sectors, while considering the sovereignty and interests of all States (Stockholm Declaration, 1972).

A decade later, in October 1982, the UN General Assembly adopted the "World Charter for Nature" under Resolution A/RES/37/7. This principle stressed that all states, and other entities such as public authorities, international organizations, individuals, groups, and corporations, should collaborate in conserving nature. This could be achieved through shared activities and relevant actions, including information exchange and consultations (World Charter for Nature, 1982; Stockholm Declaration, 1972). The environment and natural resources must be regarded as a global commons, a concern shared by all humankind. Given the global scope of environmental issues, it is vital that all nations and peoples share in the management of these resources. However, despite these guiding principles, current

environmental cooperation and governance fall short of achieving these objectives.

The growing awareness of environmental issues in both developed and developing countries has not yet translated into effective governance, as environmental degradation continues, and new challenges emerge. The divide between developed and developing nations is a critical factor in understanding the institutional failures of current global environmental governance. International environmental law encompasses agreements and principles that represent the global effort to address our transition into the Anthropocene era, resolving key environmental challenges like climate change, ozone depletion, and biodiversity loss. More broadly, international environmental law seeks to achieve sustainable development—ensuring that current generations can enjoy a high quality of life without compromising the ability of future generations to do the same.

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Beyond resolving conflicts, international environmental law also aims to balance the planet's ecological limits with the growing global economy, striving to prevent irreversible environmental harm. Today, governments regularly meet to discuss global sustainability or negotiate hundreds of bilateral, regional, and global treaties that aim to manage specific environmental challenges before they reach a point of no return.

INTERNATIONAL AGREEMENTS ON ENVIRONMENTAL ISSUES

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973

The primary aim of CITES is to regulate or prevent the international commercial trade of endangered species and products derived from them. However, CITES does not directly aim to protect endangered species or restrict development practices that harm their habitats. Instead, its goal is to reduce the economic incentive for poaching endangered species and destroying their habitats by closing off the international market. India became a party to CITES in 1976. The international trade in all wild flora and fauna, particularly species covered under CITES, is regulated through the Wildlife (Protection) Act 1972, the Import/Export policy of the Government of India, and the Customs Act 1962 (Bajaj, 1996).

Montreal Protocol on Substances that Deplete the Ozone Layer (to the Vienna Convention for the Protection of the Ozone Layer), 1987

An important agreement to reduce the production and use of ozone-depleting chemicals (ODS) is the Montreal Protocol, which went into effect in 1989. Acknowledging that not all nations should be treated equally was one of the Protocol's major improvements. It recognizes that some nations have contributed more to ozone depletion than others and that their responsibility to cut emissions should be determined by their financial and technical capabilities. As a result, the Protocol imposes stricter requirements and quicker phase-out timelines on nations that contribute more to ozone depletion (Divan & Rosencranz, 2001).

Basel Convention on Transboundary Movement of Hazardous Wastes, 1989

The Basel Convention, which entered into force in 1992, has three primary objectives:

To reduce transboundary movements of hazardous wastes.

To minimize the creation of hazardous wastes.

To prohibit the shipment of hazardous wastes to countries that lack the capacity to dispose of them in an environmentally sound manner.

India ratified the Basel Convention in 1992, shortly after its entry into force. The Indian Hazardous Wastes Management Rules Act 1989 incorporates several provisions of the Basel Convention related to the notification of hazardous waste imports and exports, illegal traffic, and liability.

UN Framework Convention on Climate Change (UNFCCC), 1992

The UNFCCC's primary goal is to stabilize greenhouse gas emissions to levels that would prevent dangerous anthropogenic interference with the global climate. The convention follows the principle of

common but differentiated responsibilities, which guides the adoption of regulatory structures. Under the convention, reduction and limitation requirements are only applicable to developed countries, while developing countries are only obligated to report on the construction of a greenhouse gas (GHG) inventory. India has started preparing its First National Communication (base year 1994), which includes an inventory of GHG sources and sinks, the potential vulnerability to climate change, adaptation measures, and other steps taken to address climate change (WWF India, 1999).

Convention on Biological Diversity, 1992

180 nations have accepted the Convention on Biological Diversity (CBD), a framework agreement with legal force. The protection of biodiversity, the sustainable use of biological resources, and the fair distribution of the advantages resulting from their sustainable use are its three primary goals. When the CBD went into effect in 1993, it addressed a number of biodiversity-related concerns, such as habitat protection, intellectual property rights, biosafety, and indigenous peoples' rights.

UN Convention on Desertification, 1994

The establishment of an intergovernmental negotiating committee for the creation of an international convention to combat desertification in drought-prone and desertifying countries was recommended during the 1992 UN Conference on Environment and Development (UNCED). This led to the formulation of the UN Convention on Desertification, which was adopted in 1994. The Convention is unique in that it adopts a bottom-up approach to international environmental cooperation. Under its framework, efforts to control and alleviate desertification must be closely linked to the needs and active participation of local land-users and non-governmental organizations. Seven countries in the South Asian region are signatories to the Convention, which aims to combat desertification through national, regional, and sub-regional action programs. India hosts the network on agroforestry and soil conservation under the Regional Action Programme, which includes six Thematic Programme Networks (TPNs) for the Asian region, each led by a country task manager.

INTERNATIONAL TROPICAL TIMBER AGREEMENT AND THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION (ITTO), 1983, 1994

The International Tropical Timber Organization (ITTO) was established under the framework of the International Tropical Timber Agreement (ITTA) of 1983, which came into force in 1985 and became operational in 1987. The ITTO serves as a platform for fostering dialogue, consultation, and international cooperation on matters related to the global trade and utilization of tropical timber, as well as the sustainable management of its resource base. In 1994, a successor agreement to the ITTA (1983) was negotiated, and it came into effect on January 1, 1997. Currently, the ITTO has 57 member countries, with India having ratified the ITTA in 1996.

Table 1. Global Environmental Agreements (David Hunter, 2021)			
Global Environmental Agreements	Number of State Parties	Opened for Signature	Entered into Force
Global Atmosphere			
Montreal Protocol	197	1985	1988
UN Framework Convention on Climate Change	195	1992	1994
Kyoto Protocol	192	1997	2005
Paris Agreement	166	2015	2016
Wildlife and Biodiversity			
Convention on Biological Diversity	193	1992	1993
Cartagena Protocol on Biosafety	166	2000	2003

Convention on International Trade in Endangered Species (CITES)	178	1973	1987
Convention on Migratory Species	120	1979	1983
Convention to Combat Desertification	195	1994	1996
Ramsar Wetlands Convention	168	1971	1975
UNESCO World Heritage Convention	190	1972	1975
Oceans			
Law of the Sea Convention	166	1982	1994
Straddling Fish Stocks Agreement	88	1995	2001
Chemicals			
Basel Convention on Hazardous Wastes	181	1989	1992
Stockholm Convention on POPs	179	2001	2004
Rotterdam Convention on PIC	154	1998	2004
Minimata Convention on Mercury	128 signed (30)	2013	

SIGNIFICANT INTERNATIONAL ENVIRONMENTAL LAW CASES

The United Nations Environment Assembly (UNEA), established as the highest-level UN body focused on environmental matters, convened its inaugural session on June 23, 2014, at the UNEP headquarters in Nairobi. The UNEA reports directly to the General Assembly and enjoys universal membership, comprising all 193 UN member states along with other stakeholder groups. This entity provides a groundbreaking platform for leadership in shaping global environmental policy, allowing for collective action on pressing environmental challenges.

In December 2015, the International Court of Justice (ICJ) delivered a judgment in the consolidated cases of *Certain Activities Carried Out by Nicaragua in the Border Area* and *Construction of a Road in Costa Rica along the San Juan River*. While the Court exonerated Costa Rica from any violations of international law, it ruled that Nicaragua had breached its international obligations by, among other actions, excavating several canals that harmed the biodiversity of the disputed area. The Court further concluded that Nicaragua had an obligation to compensate Costa Rica for the material damages caused by these unlawful activities.

Following this judgment, the Court gave the parties the opportunity to negotiate compensation, but no agreement was reached. As a result, Costa Rica applied to the Court in January 2017, requesting it to determine the damages owed. Costa Rica's claims were categorized under two main headings: quantifiable environmental damage caused by the canal excavations and additional costs related to monitoring the environmental harm caused by Nicaragua's actions. The parties submitted written pleadings, which revealed significant differences in their methodologies for calculating damages for environmental harm. This issue was addressed in depth in the Court's judgment, delivered on February 2, 2018. The ruling highlights that the law in this area may not be entirely settled and that future cases could involve further debates on these matters.

In November 2017, the Inter-American Court of Human Rights (IACHR) issued a historic advisory opinion in response to a request from Colombia regarding the relationship between human rights under the American Convention on Human Rights and the duty to protect the environment. This advisory opinion, issued on November 15, 2017, reinforced the connection between environmental protection and

the safeguarding of human rights, providing important guidance on how the two domains intersect.

People vs Arctic Oil

The Norwegian Supreme Court rendered its decision in the country's first climate lawsuit case on December 22, 2020. The lawsuit dealt with an allegation that the Norwegian government's petroleum licenses infringed the "right to a healthy environment" guarantyd by the constitution. The Court dismissed this argument, concluding that the constitutional protection of the environment serves as a substantive restriction on governmental activity only in very particular situations rather than as a right. The Court's ruling was in line with the current political position that favors ongoing petroleum production in Norway rather than using the case to define the extent of the constitutional clause.

Norway's legal culture, which has always taken a restricted stance toward judicial review, especially with regard to legislative decisions, is the source of the Court's rationale. The Supreme Court's ruling may also have been impacted by the fact that a large number of its justices were educated at a time when climate law was not taught in law schools. It has also been observed that the Norwegian Supreme Court has not historically used climate change lawsuits as a major tactic. These elements probably played a part in the Court's choice to take a more cautious approach, upholding its conventional position rather than modifying its ruling to satisfy modern legal requirements and solve the case's intergenerational issues (Malcolm Langford, 2019). Given this, one would wonder: who will make sure that the Parliament hasn't essentially "legislated away" its environmental responsibilities under Article 112 if not the Supreme Court? Given that political decisions, which are frequently made by majority vote, typically represent a compromise between the public's concerns about the long-term, worldwide environmental effects of a fossil fuel-dependent economy and the powerful economic interests associated with it, this issue is especially urgent.

The Threat or Use of Nuclear Weapons Case (1996), Paragraph 29

In this case, the Court acknowledged the daily threats to the environment and the potential catastrophic impact that the use of nuclear weapons could have. It emphasized that the environment is not an abstract concept but represents the living space, quality of life, and health of humans, including future generations. The Court recognized the general obligation of states to ensure that activities within their jurisdiction or control do not harm the environment of other states or areas beyond national control, marking this as an established principle in international environmental law.

The Gabčíkovo-Nagymaros Case (1997), Paragraph 140

The Court underscored the significant environmental implications of the Gabčíkovo-Nagymaros Project, pointing to the substantial evidence provided through scientific reports, despite contradictions between the findings. The Court noted that current environmental standards must be considered to evaluate potential risks, as prescribed by Articles 15 and 19, which impose a continuing obligation on the parties to preserve the quality of the Danube's water and protect nature. The Court stressed that environmental protection requires vigilance and preventive measures due to the often irreversible nature of environmental damage and the limitations of damage remediation mechanisms.

The Court also recognized the lengthy history of human economic interference in the natural world, often without taking the effects on the environment into account. However, in recent decades, new guidelines and regulations have been developed as a result of growing scientific knowledge and awareness of the hazards associated with such treatments. Both new initiatives and the continuance of current ones should be guided by these developing criteria. The Court urged the parties to reevaluate the environmental impact of the Gabčíkovo power plant's operations, particularly with regard to water flow into the Danube's old bed and side-arms, emphasizing the significance of balancing economic development with environmental protection, which is embodied in the concept of sustainable development.

The Pulp Mills Case (2010), Paragraph 204

The Court stated that for the parties to comply with their obligations under Article 41(a) and (b) of the 1975 Statute, an environmental impact assessment must be conducted to protect the aquatic environment, particularly with regard to activities that may cause transboundary harm. The Court referenced a previous case regarding navigational and related rights, noting that international treaties may evolve over time to adapt to developments in international law. This highlights the need for parties to consider the ongoing development of legal frameworks and environmental obligations.

South China Sea Arbitration Case (PCA) The South China Sea Arbitration is a landmark case in environmental law litigation (David et al., 2011). Brought by the Philippines against China under

the United Nations Convention on the Law of the Sea (UNCLOS), the case revolves around overlapping territorial and maritime claims based on historical rights, geographical proximity, and maritime law principles. China's claims, supported by historical maps from the Ming dynasty, have sparked significant tension in the region (Susan, 2013).

China has also reinforced its claims through economic activities, legislative proposals, and maritime enforcement measures (Panos, 2015).

The dispute has led to international arbitration, with the Philippines challenging China's claims, particularly the nine-dash line, which it argues violates the provisions of UNCLOS. China, on the other hand, has maintained that the nine-dash line reflects its historic maritime rights, which should not be altered by UNCLOS. This arbitration case has profound implications for the future of international maritime law and the environmental management of the South China Sea, as it will likely shape the policies regarding marine resource extraction and conservation in the region (Karen, 2011). The judgment in this case aims to improve the overall conditions of the South China Sea and mitigate the environmental impact of continued territorial disputes.

CONCLUSION

Rapid industrialization, urbanization, population increase, and overuse of natural resources—all of which have upset ecological balances—have made environmental pollution a worldwide problem. For many nations, this issue is very serious and pressing. As a result, a strong regulatory framework is necessary to protect the current, rich environmental system and include environmental factors into economic and urban expansion decision-making processes. Creating a regulatory framework that addresses all facets of environmental protection, modifying current laws to better accomplish their goals, and establishing governing bodies to carry out the new and updated legislation are just a few of the difficulties involved in developing a comprehensive environmental policy within a nation. Many important challenges have been effectively handled by international environmental legislation. For example, international environmental accords have led to the regulation of several hazardous substances, the regeneration of the ozone layer, and the growth of populations of important wildlife species like sea turtles and whales. But since the Stockholm Conference, a number of other measures of the state of the world's environment have become worse. In addition to biodiversity loss, ocean acidification, and habitat degradation, they include diminishing fish populations, rising global temperatures, and growing rates of deforestation. Perhaps most urgently, there is growing evidence that if environmental changes caused by humans are not addressed, they will have significant effects on the whole world.

One of the most important instruments for tackling these issues is international environmental law. But it's not a cure-all. Widespread poverty and growing environmental degradation are the fundamental problems that sustainability seeks to solve, and they need immediate action. It is important to look for methods to expedite the adoption and implementation of legal frameworks that can support sustainable development since laws may play a critical role in improving sustainability.

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