Preface

The last few decades in human history have been characterised by unprecedented activity in scientific and technological research, with breakthroughs seeming to occur at an ever-increasing rate. A multitude of sectors have taken full advantage of these developments, with resulting unparalleled exploitation of every kind of natural resource, whether living or non-living. Humanity seems to be moving in leaps and bounds, but it is not always clear in which direction. Henry David Thoreau, in the late 19th century, commenting on the harmful effects of human activity on the environment, said: ‘Thank God men cannot fly, and lay waste the sky as well as the earth.’ At the beginning of the 21st century, not only has humanity already long taken to the skies, but it has also proved Thoreau correct. The gradual erosion of the ozone layer, the melting of glaciers, the increase in global temperature levels, and the increase in intensity and frequency of extreme weather phenomena are but a few of the latest additions to an already long list of intrusions, which among others include the pollution of seas, rivers and lakes, the extinction of fauna and flora, desertification, rainforest clearance and overfishing.

It is only natural that such a dire situation would cause a reaction, which in turn would be reflected in the field of international law. Thus, alongside more traditional areas of international law, international environmental law has developed greatly in both scope and importance. This is evidenced by the conclusion over recent years of many multilateral environmental agreements (MEAs) which address a wide range of these environmental problems, including, to mention but a few, the 2015 Paris Agreement, the 1997 Kyoto Protocol to the Framework Convention on Climate Change, the 1992 Convention on Biological Diversity (CBD) and the 1991 Espoo Convention on Environmental Impact Assessment in a Transboundary Context.¹

The continued growing importance of international environmental law was one of the reasons for the publication of the second edition of this *Research Handbook*, which contains a remarkable collection of in-depth analyses of international environmental law, its history, its current status and its future. Instead of examining international environmental law solely as a ‘self-contained regime’, it adopts a more holistic approach. In more detail, the contributions to this book revolve around certain central key themes. The contributions of Part I offer an examination of theories, concepts and actors that are central to international environmental law and governance. Part II builds on this by examining principles characteristic of international environmental law (such as the principles of sustainable development, prevention and precaution, the obligation to conduct an environmental impact assessment (EIA) and common but differentiated responsibilities). This *Handbook* recognises the fact that international environmental law does not exist in ‘clinical isolation’ from other areas of international law (*US – Gasoline*, 1996: 17). Consequently, Parts III–V offer insights into the place of international environmental law within the general system of international law and, most importantly, how it interrelates with other fields of international law. Specifically, the contributions of Part III delve into the intricacies of the settlement of international environmental law disputes and the various forms of ensuring compliance; those of Part IV highlight the interlinkage between human rights and climate change; while Part V, drawing from all the previous contributions, hones in on specific environmental protection regimes that best highlight the complexity of international

environmental regulation and protection, such as the climate change regime, international watercourses, waste management and the protection of the Arctic and the Antarctic.

Although the chapters address diverse topics and issues, an underlying common theme is evident. The various fields addressed by international law are no longer seen as giving rise to isolated sets of norms, but rather to interrelated norms, together forming part of a whole ‘system’ of international law.² In this endeavour, the contributors have had to confront the difficult task of striking a balance between analysing problems specific to international environmental law and harmonising their conclusions/solutions so as to fit within the construct of international law in its entirety.

In their analyses, the contributors have also adopted a pragmatic viewpoint, covering issues relating to the efficacy of international environmental law, be it, for instance, through international dispute settlement, non-compliance procedures and climate change litigation, or through an examination of an environmental-specific regime. This way, the contributors have shed light on highly sensitive areas and have enriched this *Handbook* by offering insights and information which are important not only from an academic’s, but also from a practitioner’s point of view.

It is to the credit of the contributors of this *Handbook* that they have not shied away from tackling such diverse and intricate issues, while at the same time casting a critical eye on the solutions already adopted and offering suggestions to untangle the existing problems. Thus, not only is an important agenda for future legal research and reform provided by this book, but also the cause of promoting international environmental law and its understanding is celebrated by it.

Malgosia Fitzmaurice, Marcel Brus and Panos Merkouris

NOTES

- 1 This, of course, in no way implies that prior to the 1990s there was no activity in the field of international environmental law; merely that the relevant activity has been more prominent in the last few years. With respect to pre-1990s conventions, one need only recall, for instance, the landmark 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the 1972 Convention for the Protection of the World Cultural and Natural Heritage, the 1959 Antarctic Treaty, and the 1946 International Convention for the Regulation of Whaling.
- 2 This analogy is based on Xue Hanqin’s simile of Article 31(3)(c) of the Vienna Convention on the Law of Treaties as the ‘master-key to the *house of international law*’ (emphasis added) (ILC Study Group, 2007: para. 420).

REFERENCES

- ILC Study Group (2007), ‘Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law – Report of the Study Group of the International Law Commission, Finalized by Martti Koskenniemi’, UN Doc. A/CN.4/L.682.

CASES

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