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International Law and Sustainable Development: Past Achievements and Future Challenges

Keywords

International Law: History, Sustainable Development, Environmental Law

VAUGHN LOWE ET AL., *INTERNATIONAL LAW AND SUSTAINABLE DEVELOPMENT: PAST ACHIEVEMENTS AND FUTURE CHALLENGES*, edited by Alan Boyle and David Freestone, Oxford University Press, New York (1999); ISBN: 0-19-924807-9: 377 pp. (paperback).

International Law and Sustainable Development: Past Achievements and Future Challenges is a collection of essays focusing on sustainable development and its emergence as an increasingly significant issue in the international arena. The editors begin the work with an introduction on sustainable development, trying to find a viable definition and relaying its upcoming significance in international law. Because sustainable development is a new and still emerging term, it is difficult to define in any concrete description. Nonetheless, sustainable development primarily deals with environmental protections; however, as the editor notes, "not all aspects of the law relating to sustainable development are necessarily relevant to the protection of the environment, nor do all aspects of international environmental law concern sustainable development."¹ Sustainable development also touches upon issues of animal rights, human rights, and general international law. The 1992 Rio Declaration on Environment and Development, modeled after the Stockholm Declaration of 1972, is the leading international authority on sustainable development. It signals, "a system of international environmental law has emerged, rather than simply more international law rules about the environment."²

Although sustainable development lacks any concrete definition, it does consist of several identified elements, which are described in the essays contained in the book. While all of the articles focus on sustainable development, they also recognize that sustainable development affects and is affected by a number of other areas of law. The articles delve into international sustainable development concerns and include International Court of Justice (ICJ) cases, fishery law, and international environmental law. Perhaps because of the intermingling of legal topics within the realm of sustainable development, there is no agreement on how much emphasis should be placed on forcing a nation to develop in a manner that would sustain the environment or, on the other hand, allowing it to develop freely. One author insightfully points out that the task of finding the appropriate norm is a daunting one and there is little hope of drawing any conclusions.³ Although sustainable development remains an illusory term, it is becoming more concrete as

1. VAUGHAN LOWE ET AL., *INTERNATIONAL LAW AND SUSTAINABLE DEVELOPMENT: PAST ACHIEVEMENTS AND FUTURE CHALLENGES*, 6 (Alan Boyle & David Freestone eds., 1999).

2. *Id.* at 5.

3. *Id.* at 25.

more scholars and legal authority, including the International Law Commission, the International Court of Justice, and various UN committees, are recognizing its importance.

The impact of sustainable development on current bodies of law has been great. In the area of fishery law, for example, the past freedom of fishing on the high seas has been greatly reduced in the hopes that the preservation and conservation of fishing resources will provide for a better future for all involved.⁴ Although much of this book is dedicated to the effect of sustainable development on fishery law, other essays touch upon the relationship between sustainable development and ecosystems, marine life and resources, cetaceans, and pollutants. Each of the articles has one common theme: preservation and conservation. Preservation and conservation are two concepts that embody the basic foundations of sustainable development. Inter-generational and intra-generational equity are two subjects that compose the substantive elements of sustainable development and focus on both preservation and conservation of natural resources in the present and the future. Inter-generational equity deals with the relationship between one generation and the next while intra-generational equity deals with existing concerns.

Finally, the book concludes that sustainable development will most likely be the foremost theme in international law in the 21st century. While a great deal has already been done in the name of sustainable development, further action is, no doubt, forthcoming. Not only are new laws being fashioned, but existing laws are also being modified to incorporate ideas encompassed in the subject matter of sustainable development. Of course, there is still the problem of implementation. While many laws are currently in force, several have not yet been ratified and the international arena must await their effect. Another major problem that must be dealt with when considering sustainable development is the financing of such preservation and conservation. Although international organizations have formed to help with financing, individual nations are also expected to provide for their own funding in the implementation of sustainable development. The overall challenge can be summarized as the "internalization of these values into national resource assessment and decision making."⁵ This book presents this challenge and demonstrates the "wealth of new concepts, institutions, and opportunities" that are a result of sustainable development.⁶

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4. *Id.* at 133.

5. *Id.* at 364.

6. *Id.*

The author received her Bachelor of Criminal Justice and B.A. in Government from New Mexico State University in 2000 and recently received her J.D. from the University of Denver, College of Law in 2003. Her article entitled *Caught Between Hope and Despair: An Analysis of the Japanese Criminal Justice System* appeared in 31 DENV. J. INT'L L. & POL'Y 525 (2004)