

International Cooperation for Environment Protection and Biodiversity in the Framework of International Organizations

Ahmed Tarik Yassin^a, ^aDepartment of International Relations/College of Political Science University of Mosul, Email: Atareq60@yahoo.Com

No doubt that the environment is a mutual heritage of humanity that deserves interest. The environment became a chronic disease to the city and the industrial or technical civilization, as we know that environmental issues and the biological variety by multiple aspects especially that what is regarded to the environments protection and how to preserve its resources is regarded as one of the most important issues that takes great international interest. International organisations or international efforts deserve the protection of the environment and the biological variety within international environmental law. Most of the international agreements that avow led by the international community to preserve the environmental system as the treaty of biological variety that comes unsymmetric matter that demands to work to unification as well as the necessity of activation and ways of deserving the international environment law.

Keywords: *International law - Environment - Biodiversity - International organizations.*

Introduction

The natural environment is what surroundshumans from living and non-living phenomena or components. Caring of the environment and biodiversity and the protection is not limited to the celestial legislation, but the humanitarian legislation shows the great importance of the environment and biodiversity in human life, the humankind future, and other creatures involved in the live (Erica, et al..2019), Effective legislation and laws which regulate the relationship between humans and the environment, as well as the international organisations activities in increasing the global caring of environmental and biodiversity issues through

issuing many international conventions in the environmental and Biodiversity field. (Kohring,2019).

Research Problem

Negative human exploitation of the environment is a leading factor for destruction and corruption. If it occurred without legal controls that govern the mechanism of this exploitation or use, which effects on the biodiversity of living organisms which began to decrease as a result of these human activities, which may affect on the possibility of human access in the future on their needs of food and medicine.

Importance of the Study

This study identifies the international legal system and its role in promoting the international cooperation that guarantees the means of environment protecting and biodiversity in the world and discussing the raised problems, the extent of mandatory international treaties and conventions to protect the environment and biodiversity and means of activating the environmental protection mechanisms in international law.

Study Hypothesis

This study starts from the hypothesis that an integral ecosystem and biodiversity is one aspect of this system and is affected by the impact on the ecosystem. Thus, the international legal system lacks the required protection for biodiversity in the absence of unity and coherence among international conventions established by the international community to protect this system which requires unifying these agreements and activating them so that they apply on all components of the ecosystem in the world.

Study Methodology

The method of this study based on both description and comparative analytical methods.

Literature Review

- **The First Requirement:** the concept of environment and biodiversity
- ❖ **Definition of Environment:** *Otest* defined the environment as "science that studies the relationship of living organisms with the environment live". While the Tbilisi Conference in 1977 has a definition of the environment as follows: "The environment is the group of natural and social systems in which humans live and other organisms do as well and

derive their food and perform their activity."(Carol E., and Gregory,2009) The Declaration of the Human Environment Conference which was held in Stockholm Sweden in 1972 defined the concept of the environment as “the group of natural, social and cultural systems which human and other organisms live and derive their food and perform their activity”. (Michael, et al.,2019).

The environment can be determined legally by highlighting the constituent elements; these elements are the subject of legal protection from the pollution risk. Consequently, legal professionals see the environment as a value that must be preserved and its protection lies in addressing any activity of its components. Hence, it is indispensable to reveal the environment identity from a technical side, which through the law; man can determine the framework of protection, as the environmental elements which are several and diverse. Specialisation in science, agriculture, medicine and architecture have worked in their respective fields to determine the constituent elements and define it according to his vision and from the view side of field specialisation. (Jing Lin, and Thomas,2019).

❖ **Definition of Biodiversity.** International law has a particular view of biodiversity. The United Nations defined biodiversity as "the variation of living organisms derived from all sources, including, inter alia, terrestrial, marine ecosystems, aquatic organisms and ecological compounds which are part of it. It involves the variety within species and between species and ecosystems. Ecosystems are the vital community of plant and animal microorganisms that interact with their non-living environment as an ecological unit (Adenuga, and R,2015). The concept of biodiversity has a wide space that reflects the extent of the linkage between all genes, species and ecosystems; the human shall care of this relationship between the three levels of biodiversity to cope with the contemporary life method (Ziter,2016). Biodiversity has been already utilised and several conferences have been held and a set of conventions and protocols of biodiversity have been concluded, including the Cartagena Protocol of Biodiversity held in Kuala Lumpur, Malaysia, from 23-27 February 2004, of Biosafety and the need to establish a Biosafety Clearing-House according to Article 20, paragraph (1), of the Cartagena Protocol for Biosafety to the biodiversity convention as part of the clearing-house mechanism under Article 18, paragraph 3, of the convention, to facilitate the clearing house of living modified organisms and the gained experiences in their field, as well as their role in helping parties in implement the Protocol (Corlett,2017; Ziter,2016)

- **The second requirement:** the reasons for international cooperation to protect the environment and biodiversity

❖ **Natural and Geographical Reasons:** The human environment from geographical and natural sides is one unit indivisible. Elements consist of such as water, air; plant and animal

life are linked to each other and they interact with each other. The layers of air over the territory of a particular country become after several days, weeks or months, the atmosphere of another country or several countries. For all these reasons, the Stockholm Conference of Environment was held in 1972 under the slogan Only one earth. (Yongjiu, et al.,2018)

- ❖ **Economic Reasons:** One of the environmental degradation factors from economic development processes and the unreasonable exploitation of natural resources. Economic increasing leads to increased pollution rates, waste and harmful products to the environment and increase in the not studied agriculture development from the reasons are increased pollution rates as well as increased traffic and an increase in the number of vehicles and aeroplanes, all of which lead to harmful environmental effects. (Zachary, et al.,2018).
- ❖ **Scientific and Technical Reasons:** Scientific and technical needs have its importance for international cooperation in order to protect the environment and protect it from pollution, the task of maintaining a clean environment requires the information exchange and gained experiences between the countries, as well as scientific and technical experiences and advanced equipment. (Philippe, et al.,2015)
- ❖ **Special Reasons of Maintaining the Common Heritage of Humanity:** There are large areas of the globe are not under the sovereignty of any state; it is an international area and are the common heritage of mankind. Therefore, all countries may -under certain conditions- use and exploit them. These areas include the high seas, oceans, air, polar regions, and outer space. In general, the international principle has been established and affirmed in many international conventions and the international jurisprudence considers it from the jus rules in public international law (van Doorn,2016).
- ❖ **Biological and Developmental Reasons:** The environment and biodiversity since long time ago as a major source of human life, if the environment was and still is the climate and an appropriate nature to meet the human need. Biodiversity of all kinds has a great importance to living organisms at all levels, as is nature itself. (Li, Dihua,2016).
 - **The Third Requirement:** Governed principles of the environment and biodiversity.
- ❖ **The Principle of Intergenerational Justice:** The basis of the concept of this principle means that each generation has a duty to future generation's to maintain a clean and healthy environment. It has been observed that this principle has many applications in international environmental law: one of the motives for the emergence of the Biodiversity Convention is to achieve the intergenerational justice between generation, as in the preamble of the Convention has referred to the necessity of the conservation and sustainable the biodiversity and use is contently for the benefit of generations future. The third principle of the 1992 Rio de Janeiro of principles declaration referred to the necessity to focus on the justice principle and harmonisation of development requirements with the environmental protection requirements (Gerhard, and Lisa,2015). The eight principles of the Rio Declaration of Forest Protection Principles issued 1992, referred to the importance of the intergenerational equity principle in resource management. The International Court of Justice confirmed on the

principle of intergenerational justice and considered as the main principle in its advisory opinion of the legal status matter of nuclear weapons (Gerhard, and Lisa Jacob, 2015).

- ❖ **The Precautionary Principle:** means of these principles that all states shall take all precautionary measures for the environment safety, it is a concept with a preventive function leads to precludes the states to taking precautionary measures against such potential damages, which may never occur or may take a long time (Gregory, D.,1995). the Climate Change Convention has effect on the stability of this principle in international law, as well as its appearance as one of the principles of international environmental law, and this convention set the beginning of the danger degree that must be used on the precautionary principle (Yamada,,1999)
- ❖ **The Principle of Sustainable Development:** The principle of sustainable development is achieved by a balance between the requirements of achieving development and the requirements of preserving the integrity and conservation of the environment, thanks in this principle in the international law back to the report of the International Commission of Environment and Development entitled "our common future", which devoted elements of this principle and its review. (Emas,2015). The Rio Declaration also enshrines this principle in its articles and confirms its respect. The Biodiversity Convention also obliged the states parties to protect e and conserving the biodiversity into national plans, policies and legislation. Climate change convention decided another way to face the peaceful effects in order to appropriate with the development programs and highlights its impact on national programs and legislation (McKercher,2003).
- ❖ **The Principle of Participation:** the basis of this principle started from the Biodiversity Convention, which is structured in two forms: The first is access to and use of environmental information to enhance public participation in decision-making and improve the implementation of domestic and international environmental laws. It is noted in the text of Article 16 (a) of the Biodiversity Convention that members may be obliged to enable other States Parties to access, utilise and make optimal use of genetic information. (Wright,2002).
- **The Fourth Requirement:** The role of international organizations in the environmental protection and biodiversity field.

We find in the preamble of the United Nations Charter "peoples of United Nations determined to promote social progress and better standards of life". Article (1/3) of the Charter stated that "Achieving international cooperation in solving international issues of an economic, social, cultural and humanitarian character and in promoting respect the human rights and fundamental freedoms for all people". Article (52) determines that "the desire to create the necessary reasons for stability and prosperity, the United Nations works to achieve a higher standard of living with facilitate solutions to international problems (Wright,2002), One of the most important international conferences that contributed significantly to the development of international environmental law was the 1972 United Nations Conference in

Stockholm, Sweden. The first Global Declaration conference about the Human Environment, which was prepared by some as the first technical work in the field of international environmental law, which contains a set of accepted and sufficient principles to regulate the relationship in the field of environmental protection. The Stockholm Declaration may go beyond those principles to serve as a source of international environmental law. Despite its non-binding adjective, this Declaration consists of a preamble and twenty-six principles. Notably, the preamble of the Declaration has confirmed that human is the main affected element in the environment and that its preservation and improvement is an important issue affecting the survival of humanity and economic development, as well as the close relationship between environment and development (Kapera,2018). One of the main achievements of the Stockholm Conference of the Human Environment was the establishment of the United Nations Environment Program (UNEP) as an international environmental authority. The function is to put the Stockholm Principles, in particular those relating to the principle of State responsibility for damage to the environment. The United Nations also organised several environment-related conferences, including the United Nations Conference on "Environment and Development", known as the First Earth Summit, held in Rio de Janeiro, Brazil, in 1992, as well as the United Nations Conference on "Population and Development", held in Cairo. In 1994, the United Nations Conference about "Sustainable Development", known as the Second Earth Summit, was held in Johannesburg, South Africa, in 2002; and UN General Assembly Resolution 47/37/1992 on the Protection of the Environment in Armed Conflict. (Jun, et al.,2018).

Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), International Atomic Energy Agency (IAEA), and the UNESCO Man & Biosphere Program (MAB) aim to promote scientific research and information gathering to develop the use of environmental resources and balancing the objectives of biodiversity and economic promotion and between development of the culture values and preservation of it , and it helps to apply Agenda 21 and related conventions with particular emphasis on the Convention biodiversity (Jun, et al.,2018).

- **The Fifth Requirement: International Efforts for Preservation of the Environment and Biodiversity**

It is clear that the international community has some concerns about the dangers that the environment and biodiversity have, and the harm that it can cause to humankind. Accordingly, it has begun to take some organised and expressive concerns in this regard. During the last 30 years, some important achievements have been made to preserve the environment and biodiversity, including Food and Agriculture Organization in 1973, the committee called (Committee of original plant resources) to discuss the subject of these Resources at the international level. Established in a 1987 Committee (Brandland



Commission for Environment and Development), which was the first to use the principle of sustainable development. In addition to the most important international agreement signed in 1971, called (Ramsar convention), it discusses the importance of wetlands that harbour migratory birds, and the Washington Convention of 1973, which stipulated the importance of reducing the trade in endangered wild fauna and flora (Jun, et al.,2018). The three areas of the environment (seas, air and soil) subject of many international conventions called for and prepared by various international organisations as part of international efforts to preserve the environment, including the international conventions of the protection and preservation of the marine environment, “ London Convention” to prevent the Pollution in 1954, “ Geneva Convention of the Sea Law in 1958, the Brussels Convention in 1969, “ Kuwait Convention” of the Marine Environment Protection of the Arabian Gulf from Pollution in 1978, and in 1982 United Nations Convention of the Sea Law. (Franziska, et al., **2018**) Concerning soils, the United Nations, FAO and UNESCO have played an important role in encouraging the international community to establish the necessary legal rules to keep the soil from pollution, The Land, soil, wildlife and other natural resources are elements of the wild environment that have a large share of international and regional conventions, which include binding rules to protect the wild environment from pollution, include Algiers Convention of 1968 to preserving the environment and natural resources and Ramsar Convention of 1971 for Wetlands, And Paris Convention of 1972 to protect the World Cultural and Natural Heritage. (Franziska, et al., **2018**).The United Nations General Assembly has recommended that action in the environmental perspective should be taken through national and international action and at the level of intergovernmental organisations, as well as non-governmental organisations and scientific bodies (Franziska, et al., **2018**).

The Sixth Requirement: international cooperation to protect the environment and biodiversity depends on international responsibility.

While international responsibility for environmental damage is not in doubt and established as a main principle of international environmental law, there is near-unanimity to protect the human environment and effective protection can only be achieved through international cooperation to prevent any environmental damage and not compensate after it has occurred. Environmental protection and preservation from pollution should focus on “preventive cooperation”. International liability rules only move where preventive measures fail to prevent environmental damage. The obligation of States to take preventive measures against the environmental damage risks is an obligation to exercise due diligence and not to achieve an objective since that obligation requires States to take certain measures at their own will. (Franziska, et al., **2018**). Environmental protection is a global problem that requires a great deal of scientific and technical expertise as well as material capacity. International cooperation should be adopted; this is referred in many international conventions, including the United Nations Convention of the Sea Law in 1982. Article 197 states that "States shall

cooperate on a scientific basis and, as appropriate on a regional basis directly or through the competent international organisations to formulate, make standards and international rules and recommended standards, consistent with this Convention for the Protection and Conservation of the Marine Environment" (Franziska, et al., **2018**).

Results

1. As long as the human environment is one unit and indivisible, its protection through internal legal norms alone is not possible, the humanitarian environment cannot be effectively protected by internal laws alone and by international law alone, but international coherence, coordination and cooperation are required to protect and preserve the environment from pollution.
2. The principles of general and specific international environmental law are in the interest of biodiversity protection and the conservation of its components and therefore are employed within the framework of an integrated legal regime for the environment and biodiversity protection.
3. The international community had increased its care in the environment and biodiversity. The international organisations had particularly played an active role in environmental protection and contributed to the preparation of several relevant international conventions and treaties, including the biodiversity convention, which had largely succeeded to provide a high level of cooperation between the concerned countries and interested in protecting the elements of the environment.

Recommendations

1. Promote the integration of international and regional legal systems to achieve more effective protection of the environment and biodiversity, expand the field of international environmental law and instruct international organisations, particularly those concerned with the protection and preservation of the environment, to intensify their efforts to prepare international conventions plans which aim to protect the environment and biodiversity.
2. The necessity of supporting and activating the charter of future generations rights by incorporating international environmental law as a basis for protecting the environment against risks, in order to protect the purity of the environment for future generations, in accordance with the principle of justice between generations, as well as emphasizing that the human right to a clean and healthy environment is one of the main principles of human rights.
3. Seek to establish an international court to deal with environmental disputes to ensure the rapid completion of environmental issues and unify the Jurisdiction authority with giving



the court system to grant international organisations the right to prosecute before this court.

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