


COMPREHENSIVE COURSE

# Environmental Legislation

A Complete Guide to Environmental Law, International Conventions, and  
Algerian Legal Framework

 Legal Framework

 International Law

 Sustainable Development

01

NAVIGATION

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CHAPTER ONE

# Introduction to Environmental Legislation

Understanding the Foundations and Global Context

— Global Challenges • Policy Framework • Legal Evolution



## CHAPTER 1.1

# Global Environmental Challenges



## Population Explosion

The fundamental reason behind diminishing natural resources and environmental pollution, reaching alarming dimensions globally.



## Species Extinction

The most serious consequences include extinction of animal and plant species, disrupting ecological balance worldwide.



## Deforestation

Large-scale forest destruction contributing to climate change, biodiversity loss, and ecosystem degradation.



## Water Pollution

Freshwater pollution affecting drinking water sources, aquatic ecosystems, and human health across continents.



## Marine Environment

Damage to ocean ecosystems through pollution, overfishing, and habitat destruction threatening marine biodiversity.



## Atmospheric Pollution

Air quality degradation from industrial emissions, vehicle exhaust, and other sources affecting global climate and health.



**Critical Insight:** Environmental problems vary by country but share common planetary themes requiring coordinated global response.



# Environmental Situation in Algeria

## Current Challenges

Algeria currently faces serious pollution problems requiring urgent intervention through comprehensive environmental policy.

### Industrial Pollution

Untreated industrial wastewater discharge

### Air Quality

Harmful gas emissions from various sources



### Hazardous Waste

Dangerous waste production from industrial activities



### Deforestation

Forest cover loss and ecosystem degradation



### Desertification

Land degradation in arid and semi-arid zones



### Ecosystem

Overall ecosystem degradation and biodiversity loss



**Alarming State:** Environmental situation has become very concerning in recent years, requiring immediate action from all stakeholders.

# The Need for Environmental Policy



## Concerted Action Required

All stakeholders in environmental protection are aware of the need to conduct urgent intervention within the framework of an environmental policy.



### Consultation

Bringing together all parties to discuss environmental challenges and develop collective solutions through dialogue and exchange.



### Communication

Ensuring transparent information flow between government, private sector, civil society, and citizens about environmental issues and actions.



### Participation

Involving all sectors and different institutional, private, and associative actors at all levels to effectively protect Algeria's environment.



**New Approach:** A new approach of consultation, communication, and participation is necessary to effectively protect the environment in Algeria.



# Purpose of Environmental Legislation



## Legislative Framework

Environmental legislation provides the legal foundation for protecting natural and cultural resources, establishing rules and standards for sustainable environmental management.



### Awareness

Raising public consciousness about environmental issues



### Law Development

Creating comprehensive legal protections



## Sustainable Development

Ensuring preservation of resources for future generations in the spirit of sustainable development.

### Key Objectives

- ✓ Protect natural resources
- ✓ Preserve cultural heritage
- ✓ Ensure intergenerational equity
- ✓ Promote sustainable practices



**Core Mission:** Environmental legislation serves for awareness-raising and developing laws to protect natural and cultural resources, ensuring their preservation for future generations.

CHAPTER TWO

# Fundamental Legal Concepts

Core Definitions and Legal Framework

— Legislation ▪ Law ▪ Legal Hierarchy

# Definition of Legislation



## Etymology

Latin: legislatio

Root: lex, legis

Meaning: written law

## Comprehensive Definition

Legislation is the set of all laws and regulations in force in a country (e.g., Algerian legislation) or those relating to a particular domain (e.g., labor law, commercial law).

**i** It forms the complete legal framework governing a nation's activities and citizen behaviors.

## Components of Legislation

 Constitution

Supreme law of the land

 Laws

Enacted by legislative power

 Decrees

From executive power

 Orders

Administrative decisions

**●** **Circulars:** To some extent, circulars emanating from executive power



## CHAPTER 2.2

# Components of Legislation



## Constitution

The supreme law that establishes the fundamental principles of the state, defines the organization of government, and guarantees fundamental rights and freedoms.

**Status:** Highest legal authority



## Laws

Rules enacted by the legislative power (Parliament) that establish mandatory norms for organizing society and maintaining public order.

**Process:** Voted by Parliament, promulgated by President



## Decrees

Acts signed by ministers to establish mandatory rules applicable within the framework of the law, emanating from executive power.

**Signed by:** President and Prime Minister



## Orders (Arrêtés)

Practical decisions of administrative nature applying to geographically delimited territories. Can be ministerial, prefectural, or municipal.

**Value:** Lower than decrees



## Circulars

Texts intended for members of a service, company, or administration. Interpretative circulars comment on texts; regulatory circulars add new rules.

**Note:** No regulatory value in principle



## Hierarchy of Norms

Constitution → Laws → Decrees → Orders →  
Circulars



## Fundamental Definition

Rules or sets of mandatory rules established by the sovereign authority of a society to organize it or maintain order within it.

An act voted by Parliament and made applicable by the head of state, representing the expression of the general will in a democratic system.

## Key Characteristics

- ✓ **Mandatory:** Binding on all citizens
- ✓ **General:** Applies to all equally
- ✓ **Abstract:** Not targeting specific individuals
- ✓ **Permanent:** Continuous application

## Law in Algeria

In Algeria, a law is a text adopted by Parliament and promulgated by the President of the Republic.

### Two Origins:

- Proposal from parliamentarians (deputies or senators)
- Project submitted by the government

## Law Making Process




- 1 Drafting and proposal
- 2 Parliamentary debate and vote
- 3 Presidential promulgation
- 4 Publication in Official Journal



## Historical Context

Algerian law has developed since independence in 1962, influenced by French law and Muslim law, creating a unique legal system.

## Legal Influences

-  French legal tradition
-  Islamic law principles
-  African legal context



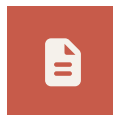
## Constitutional Laws

Laws that modify the Constitution, requiring special procedures and qualified majorities for adoption.



## Organic Laws

Laws that specify and apply constitutional articles, providing detailed implementation of constitutional principles.



## Ordinary Laws

Laws adopted following the parliamentary procedure, covering all matters not reserved for other types of laws.



**Distinction:** The type of law determines the procedure required for its adoption and modification.

# Definition of Promulgation



## Etymology

**Latin:** promulgare

Meaning: officially published, proclaimed

The formal act by which a law becomes officially binding

## Legal Definition

The promulgation of a law is its official publication in the Official Journal of the Algerian Democratic and Popular Republic (JORADP), made in the required forms for it to become applicable.

### Legal Effects

Once promulgated, the text becomes enforceable against any violation by the courts. It acquires binding force and can be invoked in legal proceedings.

## Promulgation Process

1

### Parliamentary Vote

Law adopted by legislative assembly

2

### Presidential Promulgation

Head of state formally approves

3

### Official Publication

Published in JORADP

4

### Entry into Force

Law becomes applicable



## Etymology

### From the verb "to speak"




From Latin "parabolare" - to speak by parable

Literally: "the place where one speaks" - reflecting its function as a deliberative assembly.

## Core Definition





A Parliament is an assembly or set of assemblies ensuring the representation of the people in democratic states. It is the place of deliberation and holder of legislative power.

### Primary Functions

-  Vote laws
-  Vote the budget
-  Control government action

## In Algeria

The National People's Assembly can control government action through:

-  Written or oral questions
-  Conduct inquiries
-  Verify budget use
-  Vote motions of censure

## Notation Convention

The word Parliament takes a capital letter when it designates a specific parliament.

Examples: the Algerian Parliament, the Tunisian Parliament



# Parliamentary Systems



## Bicameralism

Two-chamber parliamentary systems with separate lower and upper houses.

### Examples:

 France

 Germany

 United States

 United Kingdom

 Italy

 Algeria



## Unicameralism

Single-chamber parliamentary systems with one legislative body.

### Examples:

 Greece

 New Zealand

 Sweden

 Turkey

 Denmark

 Portugal

## Chamber Characteristics

### Lower House

Elected by direct universal suffrage

### Upper House

Elected by indirect suffrage or appointed

## Algerian Parliament

National People's Assembly: 462 deputies, 5-year term

Council of the Nation: 144 members (96 elected, 48 appointed)

# Definition of Public Force



## Core Concept

The expression "public force" designates all state and territorial community services responsible for:

- ✓ Maintaining public order
- ✓ Ensuring security
- ✓ Guaranteeing law enforcement

## Public Force in Algeria

In Algeria, public force essentially consists of:



**Gendarmerie**

Military police force



**National Police**

Civilian law enforcement

## Functions of Public Force



**Law Enforcement**

Ensuring compliance with laws



**Order Maintenance**

Preserving public peace



**Security Provision**

Protecting citizens and property



**Judicial Support**

Assisting judicial authorities



**Note:** Public force represents the coercive power of the state to ensure respect for laws and maintain social order.



## Comprehensive Definition

Law is the set of rules and general norms governing relationships between individuals, defining their rights and prerogatives, as well as what is mandatory, authorized, or prohibited.

### Coercive Character

Law can have its execution enforced coercively through state intervention - this distinguishes it from moral or politeness rules.

## Law vs. Other Norms



### Law

Mandatory, state-enforced



### Morality

Voluntary, conscience-based



### Politeness

Social convention, optional

## Key Elements

### Rules and Norms

General standards applicable to all

### Rights & Prerogatives

What individuals are entitled to

### Obligations

What is mandatory, authorized, prohibited

## State's Role

The state ensures law enforcement through its institutions and can apply sanctions for violations.



## CHAPTER 2.10

# Branches of Law

Law is segmented into different subsets corresponding to a domain of legislation. Each branch addresses specific aspects of human relationships and activities.



### Civil Law

Governs relationships between individuals, including property, contracts, and family matters.



### Criminal Law

Defines offenses and prescribes punishments for crimes and misdemeanors.



### International Law

Regulates relationships between states and international entities.



### Commercial Law

Governs business transactions and commercial activities.



### Business Law

Regulates company formation, operation, and corporate governance.



### Labor Law

Governs employment relationships and workers' rights.



### Private Law

Concerns relationships between private individuals.



### Public Law

Regulates relationships involving the state and public authorities.

# President of the Republic



## Etymology

**Latin: praesidere**

Meaning: to preside

The President is the one who presides over the state and its institutions.

## Definition

The President of the Republic designates the head of state in countries having chosen a republican constitution.

### Official Designations

- 🚩 Federal President (Germany)
- 🚩 President of the Republic (France, Algeria)
- 🚩 Other variations by country

## Election Methods

### Direct Universal Suffrage

Elected by all voters directly eg : Algeria, France

### Indirect Suffrage

Elected by Parliament (France) or electoral college (USA)

**i** In Algeria: The President is at the head of the state and chief of the Algerian executive.



## Core Definition

A decree is an act signed by one or more ministers to establish mandatory rules applicable within the framework of the law.

### Drafting and Promulgation

Decrees emanate from executive power and are signed by the President of the Republic and the Prime Minister. They are often application decrees of a law.

## Key Characteristics

- ✓ Issued by executive branch
- ✓ Implements laws
- ✓ Has mandatory force
- ✓ Can be contested

## Challenge Procedure

Unlike laws, decrees can be contested before the Council of State within a period of two months.

⚠ This provides a mechanism for judicial review of executive acts.

## Decree vs. Law

### Law

Cannot be individually challenged after publication

### Decree

Can be contested within 2 months

## Definition of Ordinance



### Constitutional Act

In constitutional law, an ordinance is a government act that takes the value of law.


It has force of law after favorable opinion from Council of State and adoption in Council of Ministers with President's assent.

## Adoption Process

- 1 Council of State Opinion**  
Favorable opinion required
- 2 President's Assent**  
Approval from head of state
- 3 Council of Ministers**  
Adoption in ministerial council
- 4 Force of Law**  
Acquires legal binding force

## When Used

Ordinances are typically used in exceptional circumstances or when Parliament cannot convene, allowing the government to legislate temporarily.

 Usually requires subsequent ratification by Parliament.



## Definition of Order (Arrêté)





### Core Definition

An order (arrêté) can be ministerial, prefectural, or municipal in hierarchical order. It is a practical decision that applies to a geographically delimited territory.

#### Legal Value

Orders have a lower value than decrees. They intervene to regulate organizational or operational details, or to make individual appointments.

### Characteristics

-  Territorially limited application
-  Practical and operational nature
-  Can address individual cases
-  Executable decision of an authority

### Types of Orders

#### Ministerial Order

Issued by a minister, applies nationally

#### Prefectural Order

Issued by a prefect (wali), applies to a wilaya

#### Municipal Order

Issued by a mayor, applies to a municipality

### Hierarchy

1. Ministerial (highest)
2. Prefectural
3. Municipal (lowest)

## Definition of Circular



### Core Concept

A circular is a text intended for members of a service, company, or administration.

It provides guidance and interpretation on how to apply laws, decrees, and other regulatory texts.

## Two Types of Circulars



### Interpretative Circulars

Content themselves with recalling or commenting on the text (law, decree especially). They do not constitute a decision since they do not create a new rule.



### Regulatory Circulars

Add elements to the text they were only supposed to comment on, thus creating new rules.

## Legal Status

Circulars are generally considered to have no regulatory value in principle. They serve as guidance for administrative officials.

⚠ However, regulatory circulars that create new rules may have legal effects.






## General Definition

A convention is the agreement of two or more wills to create, modify, or extinguish an obligation.

### Convention vs. Contract

This notion is broader than that of a contract, which is a particular type of convention giving rise to one or more obligations. In practice, the two terms are often used interchangeably.

## Key Elements




-  Agreement between two or more parties
-  Expression of will
-  Creates, modifies, or extinguishes obligations

## International Convention

An international convention or treaty is an agreement of will between states, or between international organizations, or between states and international organizations, intended to produce legal effects.

 Binding under international law

## Examples

-  Convention on Biological Diversity
-  UN Framework Convention on Climate Change
-  Ramsar Convention on Wetlands

# Definition of Charter



## Sovereign Act

A charter is the act of a sovereign on which the constitution rests.

It is the fundamental law and rule on which a vast organization's structure is based.

## Characteristics

A charter represents a **foundational document** that establishes the basic principles and framework for an organization or state's governance.

### Key Features

- ✓ Establishes fundamental principles
- ✓ Creates organizational framework
- ✓ Has highest authority
- ✓ Issued by sovereign authority

## Notable Example

### United Nations Charter

The foundational treaty of the United Nations, establishing the purposes, principles, and structure of the UN system.

 Other examples: Magna Carta, Charter of Fundamental Rights of the European Union






## Core Definition

The Official Journal is the official publication of the Algerian Democratic Republic. It makes laws, decrees, and orders binding on the public.

### Published Content

Laws, ordinances, decrees, and orders taken by executive and legislative powers that can be contested before the Council of State.

## Legal Significance

-  Official proof of law existence
-  Determines entry into force date
-  Ensures public accessibility

## JORADP

Journal Officiel de la République Algérienne  
Démocratique et Populaire

 Published regularly throughout the year

## Functions

### Authenticity

Official and authentic text

### Publicity

Informs citizens of new laws

### Traceability

Archives all legal texts

# Definition of Jurisprudence



## Court Decisions

Jurisprudence consists of texts emanating from courts of justice that serve as a reference for resolving similar cases.

Example: a decision of the supreme court in pollution case becomes a reference for judging similar cases.

## Making Jurisprudence

They "make jurisprudence" - meaning they constitute a reference for deciding identical cases.

### Role of Jurisprudence




- Interprets ambiguous legal provisions
- Fills gaps in legislation






## Core Definition

Doctrine is a set of analyses and studies of legal concepts, that can assist magistrates in their decision-making.

### Sources of Doctrine

-  Legal scholars and academics
-  University research and publications
-  Expert opinions and commentaries

## Functions of Doctrine

-  Provides legal analysis and interpretation
-  Guides judicial reasoning
-  Contributes to legal development

## Legal Authority

Unlike laws or jurisprudence, doctrine has no binding legal authority. It serves as persuasive guidance.

-  Highly influential in shaping legal thought and judicial decisions.

## Definition of Custom



### Social Practice

Custom is a set of habits and reactions to practical situations born outside justice that become unwritten rules. Exp: An ancestral practice of natural resource management is incorporated into environmental legislation ( Fogarra ).

These practices have been validated and possibly generalized over time by judicial authorities.

## Characteristics of Custom



### Long-standing Practice

Repeated over extended period



### General Consensus

Broad acceptance in society



### Judicial Recognition

Validated by judicial authorities

## From Custom to Law

→ Custom → Judicial Recognition → Legislative Act → Formal Law

CHAPTER THREE

# Sub-Branchees of Environmental Legislation

Understanding the Diverse Fields of Environmental Law

— Elements ▪ Activities ▪ Sectors ▪ Integration



## 1. Nature

a. Definition:

The natural environment defined by landforms, climate, vegetation, etc.

b. Example: A tropical forest.

## 2. Pollution

a. Definition:

The degradation of the environment by substances or waste.

b. Example:

Air pollution caused by industrial emissions.

## 3 Nuisance

a. Definition:

A factor that causes discomfort or harm to health or the environment.

b. Example:

Excessive noise from a factory is a noise nuisance.

## 4 Major Risk

a. Definition:

A natural or human-made event that may cause significant damage.

b. Example:

An earthquake or an industrial explosion.

## 5 Natural Resource

a. Definition:

Material or energy available in nature (e.g., water, oil).

b. Example:

Fresh water is an essential natural resource.

## 6 Classified Installations

a. Definition:

Industrial or agricultural sites that may cause risks or pollution.

b. Example:

A chemical factory is classified as a regulated installation because of the risks it presents.



## sub-branches of environmental legislation

Over the past few decades, public awareness of environmental issues has grown significantly, largely due to scientific research. This heightened awareness has driven a stronger demand for legal measures to protect the environment, which is vital for human well-being. Responding to public concern, governments began in the 1960s to enact laws targeting pollution of water, air, and oceans, as well as to safeguard specific cities and regions. They also established environmental agencies tasked with maintaining quality of life.

At the same time, environmental law—both at the national and international levels—expanded considerably, becoming a complex and comprehensive body of regulations designed to protect the Earth’s living and non-living components. Most environmental problems stem from two main types of human activities:




## Category 1

### Unsustainable Resource Use

Using resources at unsustainable levels that exceed the Earth's capacity to regenerate them.

 Overexploitation of forests

 Overfishing of marine resources

 Excessive water consumption

 Depletion of fossil fuels (petroleum, coal, natural Gas).





## Category 2


### Environmental Contamination ( pollution and waste)

Contaminating the environment through pollution and waste at levels exceeding the environment's capacity to absorb or render them harmless.

 Air pollution from emissions

 Water pollution from discharges

 Waste accumulation and disposal

 Chemical and toxic substances



## CHAPTER 3.3

# Global Environmental Damage due to the human activities



### Biodiversity Loss

Decrease in biodiversity through species extinction and habitat destruction



### Water Pollution

Water pollution and resulting health problems affecting populations



### Air Pollution

Air pollution causing respiratory diseases and building deterioration



### Soil Degradation

Decreased soil fertility, desertification, and famine in affected regions



### Fishing Depletion

Depletion of fishing resources through overexploitation



### Ozone Destruction

Increased skin cancer and eye diseases due to ozone layer destruction



### New Diseases

Emergence of new diseases and expanded disease vectors



### Future Generations

Damage affecting future generations' quality of life



## Interconnected Crisis

All these damages are interconnected and require integrated solutions



# Definition of Environment

## Definition 1: Comprehensive

Complex of natural and anthropogenic factors and elements that are interrelated and affect ecological balance, quality of life, human health, cultural and historical heritage, and landscape.

## Definition 2: Components

- ✓ Biotic and abiotic resources (air, water, soil, fauna, flora), and it's interaction.
- ✓ Property constituting part of cultural heritage
- ✓ Characteristic aspects of landscape ( mountains, rivers, forest),

## Definition 3: Legal

A legal definition of the environment is essential to:

- ✓ Define the scope: Clarify what is included in the concept of the environment.
- ✓ Determine the application of laws: Know which laws apply to which aspects of the environment.
- ✓ Establish responsibility: Identify who is accountable in case of environmental damage.

## Environment Includes

### Natural Elements

Air, water, soil, flora, fauna

### Human Elements

Cultural heritage, landscape

### Interactions

Relationships between all factors



**Holistic View:** Environment encompasses both natural and human-made elements and their interconnections.

# Definition of Environmental Law



## Core Definition

Environmental law is a set of legal rules aimed at:

- **Protecting the environment:** Preserving ecosystems, natural resources, and biodiversity.
- **Promoting better environmental management:** Regulating resource use and limiting the negative impacts of human activities.

## Characteristics

- **Rapidly evolving:** This field constantly develops to address new environmental challenges.
- **Influenced by technology and society:** Technological advances and social changes, such as growing ecological awareness, shape environmental legislation.
- **Applicable at all levels:** Environmental law operates locally, nationally, and internationally

## Mixed Nature

Environmental law combines public law (rules imposed by the state) and private law (rules governing relations between individuals or businesses).

### Public Law

State regulations, permits, enforcement

### Private Law

Civil liability, property rights, contracts

## Objective

Protect terrestrial and marine resources to ensure the survival of future generations

# International Environmental Law



## Core Definition

International Environmental law is a set of rules aimed at:

- Safeguarding and protecting the biosphere: Preserving global ecosystems from major damage.
- Maintaining ecological balance: Preventing imbalances that could disrupt the biosphere (such as climate change or biodiversity loss).

## Objective

The protection of the environment at the international level aims to preserve the biosphere for present and future generations.

## Examples of Actions

- Reduce polluting emissions into the air, water, and soil.
- Manage waste in a sustainable way (recycling, composting).
- Protect natural resources (water, forests).
- Plan and develop areas to minimize the impact on ecosystems

## CONCEPTS OF ENVIRONMENTAL MANAGEMENT AND PROTECTION

Environmental management consists of:

- **Identifying the needs and constraints** of the systems being studied (municipalities, companies, etc.).
- **Finding solutions** to manage their environmental impact in a sustainable way.

### Missions of Environmental Management

#### 1. Identifying environmental aspects and impacts

1. Analyzing the effects of human activities on the environment (waste, etc.).

#### 2. Analyzing legal requirements

1. Complying with applicable environmental laws and regulations.

#### 3. Implementing environmental management systems

1. Creating tools to reduce negative impacts (polluting emissions, waste, etc.).
2. Optimizing production processes to make them more environmentally friendly.



## CHAPTER 3.6

# Sub-Branches:

Environmental law is a highly fragmented field that brings together several sub-branches, These sub-branches are organized according to environmental elements, human activities, polluting activities, or specific objects that need protection.

## 1.Environmental Elements



### Air Law

Regulates air quality, emissions, atmospheric pollution, and climate change mitigation.

Example: laws on CO<sub>2</sub> emissions, bans on harmful gases



### Water & Sea Law

Governs freshwater resources, marine environments, water quality, and maritime protection.

example: laws on river pollution and the protection of oceans against plastic waste



### Soil Law

Addresses land use, soil protection, contamination remediation, and desertification.

Example: prevention of desertification and management of contaminated soils



### Biodiversity Law

Protects species diversity, ecosystems, genetic resources, and endangered species.

Example: laws on species protection and habitat conservation



### Biotope Law

Focuses on habitat protection, ecosystem preservation, and ecological corridors.

Key issues: habitat restoration, ecological networks



### Integrated Approach

These elements are interconnected and require coordinated legal frameworks



## Hunting Law

Regulates hunting activities, wildlife management, hunting seasons, and protected species.

- ✓ Hunting licenses and permits
- ✓ Seasonal restrictions
- ✓ Protected species regulations
- ✓ Wildlife conservation measures



## Fishing Law

Governs fishing activities, marine resource management, quotas, and sustainable practices.

- ✓ Fishing licenses and quotas
- ✓ Gear and method regulations
- ✓ Marine protected areas
- ✓ Sustainable fishing practices



## Energy Law

Addresses energy production, renewable energy, energy efficiency, and environmental impacts.

- ✓ Renewable energy incentives
- ✓ Energy efficiency standards
- ✓ Emissions regulations
- ✓ Nuclear energy safety





## Sub-Branches: Harmful or Polluting Activities



### Noise Law

Regulates noise emissions from industrial, commercial, and residential sources to protect public health and quality of life. e.g., decibel limits in residential areas

Example: decibel limits in residential area, industrial noise, traffic noise, neighborhood noise, construction noise



### Classified Installations

Governs industrial facilities and activities that may present dangers or inconveniences to the environment or public health. e.g., chemical factories, landfills

Example: chemical factories, landfills



### Sanitation Law

Addresses waste management, wastewater treatment, public health protection, and hygiene standards. e.g., wastewater treatment, household waste management

Example: wastewater treatment, Waste collection, sewage systems, hazardous waste, recycling



### Major Risks Law

Prevents and manages risks related to natural or industrial disasters. e.g., flood prevention plans, regulation of high-risk sites)

Example: flood prevention plans, regulation of high-risk sites



## Sub-Branches: Specific Objects



### Nature Protection

Comprehensive protection of natural environments, including in some countries protection against light pollution.

Example: protected areas, species conservation, ecosystem restoration



### Waste Law

Comprehensive framework for waste management, from generation to final disposal, including recycling and recovery.

Example: recycling, treatment of hazardous waste.



### Chemical Products

Regulates production, use, storage, and disposal of chemical substances to prevent environmental and health risks.

Example: bans on toxic pesticides, hazardous substances, labeling requirements



### Historical Sites

Protects cultural and historical monuments, archaeological sites, and heritage landscapes for future generations.

Example: designation of historical monuments, landscape protection



## CHAPTER 3.10

# Sub-Branches: Economic Sectors



## Agriculture

Addresses sustainable farming practices, pesticide use, soil conservation, and agricultural pollution.

Example: In Europe, the Common Agricultural Policy (CAP) includes measures to promote sustainable agriculture.



## Industry

Regulates industrial emissions, waste management, pollution control, and cleaner production technologies.

Example: In France, Classified Installations for Environmental Protection (ICPE) must comply with strict standards to limit pollution.



## Services

Covers environmental aspects of service industries including tourism, transport, and waste services.

Example: Sustainable tourism aims to minimize the impact of tourism activities on ecosystems.

## Further Sub-Sector Specializations



Aquaculture:



Nuclear



Tourism



Health



Maritime



And More

## Complementary Approaches







### Nature vs. Pollution





Nature protection law and pollution/nuisance control law are often artificially opposed when they are actually **complementary approaches** to environmental protection.

Both are necessary for comprehensive environmental management.

### Nature Protection Approach

-  Focuses on preserving natural ecosystems
-  Protects biodiversity and habitats
-  Establishes protected areas
-  Promotes conservation

### Pollution Control Approach

-  Regulates emissions and discharges
-  Prevents environmental harm
-  Manages waste and pollutants
-  Enforces standards



**Integration:** Both approaches are essential and must work together for effective environmental protection.







# Breakdown of Environmental Law According to Legal Systems.

## Multi-Level Application

Environmental law applies across local, national, and international legal orders, including community law for Europe.

### Legal Orders

-  International law: Global agreements and conventions (e.g., the Paris Agreement on climate change).
-  National law: National laws and codes (e.g., the Environmental Code in France).
-  Local law: Municipal or regional regulations (e.g., waste management, protection of local natural areas).
-  Community law (EU): Regulations and directives of the European Union (e.g., the Water Framework Directive).

## Horizontal Integration

Environmental law interacts with other legal branches, creating specialized sub-fields.

## Interacting Branches

 Civil law (ecological damage)

 Criminal law (environmental crimes)

 Commercial law

 Business law

 Tax law (environmental taxes)

## Examples


Criminal: Environmental penal law


Community: EU environmental criminal law



## CHAPTER 3.12

# Interacting Branches

 Civil law (ecological damage): Recognition of ecological damage (e.g., compensation for environmental harm)

 Criminal law (environmental crimes): Punishment of environmental offenses (e.g., illegal pollution, poaching)

 Commercial and Business law: Regulates business practices to ensure they respect environmental standards (e.g., ISO 14001 standards)

 Tax law (environmental taxes): Uses fiscal instruments to encourage environmentally friendly behavior (e.g., taxes on CO<sub>2</sub> emissions)

## Horizontal Integration

Environmental law interacts with other legal branches, creating specialized sub-fields.

## Examples

**Criminal:** Environmental penal law

**Community:** EU environmental criminal law

# The Integration Principle



## Conceptual Framework

Environmental law is integrated into other branches of law, meaning that it both influences and is influenced by these disciplines. This integration reflects the complexity and interdependence of environmental issues with other aspects of society .

## Environmental Law Characteristics



### Technical

Requires scientific and technical knowledge



### Complex

Intersects multiple legal disciplines



### Evolving

Rapidly changing with new challenges

## conclusion

Environmental law is a complex, multidisciplinary field that applies across economic sectors and interacts with other areas of law. It functions at national and international levels and is guided by the principle of integration, making it essential for addressing modern ecological challenges. Frameworks like France's Environmental Code balance environmental protection with economic and social realities, and the field's adaptability ensures it continues evolving to support a sustainable future.

CHAPTER FOUR

# International Environmental Law Chronology

Historical Development of Global Environmental Protection

— 1946-1971 • Milestones • Evolution



# Emergence of International Environmental Law



## 20th Century Development

International environmental law strongly asserted itself in the 20th century as a distinct field of international law.

### Current Scope

Today comprises over 300 multilateral conventions or treaties, not counting bilateral agreements.

### Growth Pattern

Rapid expansion since the 1970s, with accelerating pace of treaty adoption.

## Characteristics

- ✓ Transboundary nature of environmental problems, example: air pollution, Rivers flow through several countries.
- ✓ Need for coordinated global response, example : Montreal protocol (ozone layer protection )
- ✓ Recognition of common but differentiated responsibilities(everyone participates, but responsibilities differ)
- ✓ Integration of environmental and development concerns(sustainable Development)

## Types of Instruments

**Multilateral:** Multiple countries (300+)

**Bilateral:** Two countries (numerous)

**Regional:** Geographic regions

# 1. The Beginnings of International Environmental Law (1946–1961).





1946: International Whaling Convention



## Early Milestone


One of the first major international environmental agreements, establishing the framework for whale conservation.

## Convention Objectives

-  Protect whale species from overfishing
-  Establish international regulation system
-  Ensure conservation and development of whale stocks
-  Safeguard this resource for future generations

## International Whaling Commission

The convention created the International Whaling Commission (IWC) to oversee implementation and set catch limits.

-  Significance: Demonstrated that international cooperation could address resource depletion.



1948



## IUCN

International Union for Conservation of Nature

A membership union uniquely composed of both government and civil society organizations.

### Membership

68 States

103 Public organizations

 Numerous NGOs

### Objectives

- ✓ Biodiversity conservation
- ✓ Rational resource use
- ✓ Sustainable development

# 1951: Plant Protection Convention

December 6, 1951



**IPPC**

International Plant Protection Convention

Approved by FAO Conference during its sixth session

## Purpose

An international convention for protecting crops against harmful organisms (pests and diseases).

### Key Provisions

- ✓ Phytosanitary measures
- ✓ Pest risk analysis
- ✓ International standards

## Significance

Recognized the international dimension of agricultural protection and the need for coordinated phytosanitary measures.

**i** Still in force today, regularly updated to address emerging pest threats.



## CHAPTER 4.5

# 1959: Antarctic Treaty

December 1, 1959



## Antarctic Protection

First major treaty protecting a global commons area.

### Key Provisions

- ☮ Antarctica for peaceful purposes only
- 🚫 Prohibition of military activities
- 🧪 Freedom of scientific investigation
- ↔ Exchange of scientific data

### 💡 Environmental Significance

It represents an early example of international cooperation to protect a fragile ecosystem

### Geographic Scope

Applies to territories, including ice shelves, located south of the 60th parallel south.

# 1961: Plant Variety Protection

1961



## UPOV

Union for the Protection of New Varieties of Plants

international organization that aims to protect the rights of breeders of new plant varieties through the Plant Breeder's Right (PBR/COV) certificate. This system encourages innovation in agriculture by providing legal protection to creators of new plant varieties Protects .

## Objective

Protects the Plant Breeders' Rights (PBR/COV) - intellectual property rights for new plant varieties.

## Controversy

Considered controversial, especially among African countries, as it creates tensions with the Convention on Biological Diversity (1992)/ CBD

## Key Tensions

PBR: Grants exclusive rights to breeders

CBD: Emphasizes benefit-sharing and sovereignty over genetic resources

## 2. The Emergence of Environmental Law (1970s)

### 1970: The Concept of Ecocide

The term “ecocide” was used for the first time to describe the massive and deliberate destruction of the environment, often on a large scale. The term became widely known in response to environmental damage caused by human actions, particularly during the Vietnam War, where the use of chemicals such as Agent Orange led to considerable ecological and health damage.

### 1971: Ramsar Convention

The Ramsar Convention, adopted in 1971 in Ramsar, Iran, is an international treaty for the conservation and sustainable use of wetlands. Its main objective is to protect wetlands because of their ecological importance, particularly as habitats for waterbirds and biodiversity.

### 1972: Stockholm Declaration

This declaration marked a turning point. For the first time, it recognized the right to a healthy environment as a fundamental human right. It also emphasized humanity’s duty to protect the environment for future generations.

### 1976: Nature Protection Law in France

This law marked the beginning of a specific environmental law framework in France, with the objective of protecting natural heritage.

### 1979: Geneva Convention on Long-Range Transboundary Air Pollution

This convention addressed the problem of acid rain in Europe. It highlighted the importance of international cooperation to combat pollution that crosses national borders.

## 3. Global Awareness (1980s–1990s)

### 1980: Protection of the Ozone Layer

The discovery of ozone layer depletion led to the Vienna Convention (1985) and the Montreal Protocol (1987), which aim to reduce harmful substances such as CFCs. This is considered a major success of international cooperation.

### 1982: World Charter for Nature

Adopted by the UN, this charter recognizes the interdependence between development and the environment. Although non-binding, it influenced future international agreements.

### 1992: Rio Conference (Earth Summit)

This summit was a historic turning point. It introduced the concept of sustainable development, which seeks to balance environmental protection, economic development, and social justice. Three important conventions were adopted:

- United Nations Framework Convention on Climate Change (UNFCCC) – the basis for later agreements like the Paris Agreement.
- Convention on Biological Diversity (CBD).
- Convention to Combat Desertification (UNCCD).

### 1997: Kyoto Protocol

This protocol set binding targets to reduce greenhouse gas emissions and was the first international agreement to address climate change seriously.

## 4. Recent Advances (2000–Present)

### 2002: Johannesburg Conference (Rio +10)

This conference reinforced the commitment to sustainable development, although the objectives were less ambitious than those of the 1992 Rio Earth Summit.

### 2005–2012: Erika Oil Spill and Ecological Damage Case

The sinking of the Erika oil tanker in 1999 caused a major oil spill in France. After a lengthy trial, the court recognized ecological damage, obliging Total to compensate for environmental harm. This was a significant milestone in recognizing environmental crimes.

### 2015: Paris Climate Agreement

This historic agreement commits countries to limit global warming to 2°C, preferably 1.5°C, compared to pre-industrial levels. It represents a key step in the fight against climate change.

### 2019–2021: Climate Cases Against States

- Urgenda Case (Netherlands): The court required the Dutch government to reduce greenhouse gas emissions.
- “Affaire du Siècle” (France): Four NGOs sued the French government for climate inaction. The court recognized the state’s responsibility and ordered it to remedy ecological damage.

These cases demonstrate that law can be a powerful tool to compel governments to take climate action.

### 2021: Climate and Resilience Law (France)

This law strengthens measures for the ecological transition, including the creation of Low Emission Zones (LEZs) to reduce air pollution

# 1959: Antarctic Treaty

## Main Ideas

- 1. Progressive Evolution:** International environmental law has evolved from protecting specific species (such as whales) to a global approach, including climate, biodiversity, and human rights.
- 2. Sustainable Development:** Introduced at the Rio Earth Summit in 1992, this concept aims to balance environmental protection, economic growth, and social justice.
- 3. State Responsibility:** Recent court cases (e.g., Urgenda, “Affaire du Siècle”) show that states can be held accountable for failing to act against climate change.
- 4. Ecological Damage:** Recognition of ecological damage, as in the Erika case, allows for sanctioning serious environmental harm.
- 5. International Cooperation:** Agreements such as the Montreal Protocol and the Paris Agreement demonstrate that international cooperation is essential for addressing global environmental problems

## 💡 Conclusion

International environmental law has evolved to address growing challenges such as climate change, biodiversity loss, and pollution. It is based on key principles such as sustainable development, state responsibility, and recognition of environmental rights. However, despite significant progress, challenges remain, particularly in the effective implementation of commitments and climate justice