

Harmonizing International Environmental Law and National Sovereignty

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Abstract: International environmental law is an important legal tool to deal with the global environmental crisis. In recent years with the increasingly serious and global environmental problems the speed and depth of environmental problems are also increasing. In this process the relationship between state sovereignty and international environmental law and its conflict become the object of study. "To do a systematic analysis this paper attempts to destroy the conflict between national sovereignty and environmental rights and on the basis of in-depth discussion of the background concept formation and development stage of international environmental law to explore whether the two can be coordinated. In particular the concept of "soft standards" is proposed to analyze its actual status and role in international environmental law and its dialectical relationship between legal significance and legal effect in non-binding international instruments. On the basis of respecting national sovereignty the document said that strengthening the supervision of international mechanisms and improving the national responsibility system can promote the effective coordination of international environmental law and safeguard national sovereignty and realize the mutual benefit and win-win situation of environmental protection and national interests. At the same time it puts forward a more cautious attitude towards the criticism and modification of the soft law of the international environment and emphasizes that the universal basis of the law should be paid attention to in the practical application so as to avoid the marginalization of legal research due to excessive dependence on social analysis methods. This paper aims to provide theoretical support and practical guidance for the further development and practical application of international environmental law.

Keywords: international environmental law, national sovereignty, environmental protection, soft law, legal significance

1. Introduction

In the urgent context of global environmental crises, the importance of international environmental law as an important legal tool to deal with these crises is increasing. With the deepening of globalization, environmental issues are no longer local problems that can be solved by a single country independently, but have become global challenges that need to be faced and made efforts by all countries. Therefore, it has become an inevitable trend to form and improve the international

environmental law framework to promote global environmental protection cooperation. However, the development and application of international environmental law is not without obstacles. One of the most obvious challenges is the question of national sovereignty. Traditionally, national sovereignty is the basic symbol of national independence, which means that the state has the supreme power to deal with internal and external affairs. In today's increasingly globalized economy and environment, the principle of absolute sovereignty has become unadaptable, and national sovereignty has been challenged to some extent, and must be coordinated with the requirements of international environmental protection. This paper will deeply discuss the development background, basic concepts of international environmental law and the conflict and coordination between international environmental law and national sovereignty. Special attention is paid to the role and legal significance of "soft law", analyzing its role in non-binding international instruments and its relationship with legal effect, and how soft law can be used to strengthen international environmental protection without compromising national sovereignty [1]. Through the combination of theory and practice, this paper aims to propose a new mode of coordinating international environmental law and state sovereignty, in order to promote the win-win situation of environmental protection and national interests, and provide theoretical support and practical guidance for the further development of international environmental law. Exploring this topic not only has important theoretical value for the legal community and promotes a deeper understanding of the complex relationship between international law and state sovereignty, but also has important practical significance for practical policy makers. This contributes to the development of more effective international environmental policies that ensure effective solutions to the world's environmental problems, while maintaining the independence and autonomy of States.

2. Literature review

2.1. Theoretical basis of international environmental law and State sovereignty

The relationship between the development of international environmental law and state sovereignty has been the focus of scholars. Since Jean Baudin first proposed the theory of state sovereignty, the discussion on state sovereignty has never stopped, especially its relationship with international environmental law. In foreign countries, classic literature such as *The Limits to Growth* and *Silent Spring* have elaborated on the global nature of environmental problems and emphasized the impact of national actions on the environment and their consequences. These studies have revealed the problems of environmental damage under the traditional mode of industrial growth and prompted the international community to reconsider the relationship between environmental protection and economic development [2]. In China, researchers such as Wang Xi and Du Wan have conducted in-depth analysis on the challenges of international environmental law and its impact on national sovereignty. These studies usually focus on the applicability and limits of national sovereignty in global environmental protection, emphasizing that in the process of globalization, absolute national sovereignty has gradually given way to consideration of international cooperation and global common interests.

2.2. The role and challenges of soft law in international environmental law

Soft law, as an important element of international environmental law, plays the role of bridge and buffer, aiming to make up for the shortcomings of hard law in concrete implementation and adaptability. The study of soft law in foreign countries started earlier and formed a series of mature theoretical achievements. Soft law is generally regarded as non-legally binding international documents, such as resolutions, declarations, etc., which play an important role in promoting the formation of international customs and the generation of treaties. Western scholars usually define soft

law as norms of conduct that are not legally binding in principle but have practical implications [3]. This definition method reflects the dual nature of soft law: on the one hand, it lacks the coercive force of law; on the other hand, it can produce important effects in actual international relations. Domestic scholars have gradually increased their acceptance of soft law, believing that soft law can help fill gaps in international law in some fields, especially in environmental protection.

2.3. Modern applicability of environmental law and State sovereignty

With the increasing severity of global environmental problems, the traditional understanding of the principle of national sovereignty is no longer sufficient to meet modern global challenges. The sovereignty of modern states is no longer an absolutely inviolable right and must be redefined within the framework of global interests and international law. The development of international environmental law has forced States to assume greater responsibility for protecting the environment, which has created new requirements for the recognition of national sovereignty. National and international studies show that the relationship between environmental law and national sovereignty is gradually moving from antagonism to harmony. This is reflected in the development of new principles of international law and modern interpretations of State sovereignty, in particular the principle of the application of sovereignty contained in the Stockholm Declaration. The Declaration not only affirms the application of sovereignty in international relations, but also emphasizes the balance of rights and obligations among States. It is the coordination of national interests and human interests. Through such a literature review, we can not only see the evolution of the relationship between international environmental law and state sovereignty, but also anticipate new theoretical and practical development trends that may emerge in the two fields in the future. This provides theoretical basis and practical guidance for us to further study the coordination between international environmental law and state sovereignty.

3. Research objectives and questions

3.1. Research purpose

The main purpose of this paper is to deeply analyze the evolution, current situation and future development trend of international environmental law. Special attention is paid to the dynamic interaction between international environmental law and national sovereignty, as well as the special role and legal significance of soft law in regulating international environmental issues. Given the growing importance of global environmental issues, the understanding and evaluation of and effectiveness of international law, the institutional context of global environmental governance, and how it is harmonized with international and domestic law, have become academic and other pressing political issues. This study highlights the structure of international environmental law, its main challenges and its role in promoting international cooperation by looking at changes in international environmental law, key legal instruments and their impact on national policies. [5].

3.2. Research questions

In this study, we will examine the gradual evolution of international environmental law from a practical concept to a systematic area of law, and how multiple definitions affect environmental management practice. Special attention is paid to the role of soft standards in international environmental law, the methods of soft standards to compensate for the shortcomings of hard standards, and the application and impact of soft international institutions in practical environmental policy. Furthermore, within the framework of national sovereignty, we will interact in a way that reinterprets international environmental law and influences national and international environmental

regulations and international cooperation in their implementation. It will also examine international conferences and conventions, reveal key perspectives on the development of international environmental law, and analyse how these key events have influenced current legal practice. Finally, international law on the development of the environment, global climate change and biodiversity challenges may in the future be able to provide some guidance and guidance on how the international community can more effectively protect the environment through legal means and achieve the dual goals of sustainable development. Discussion of this issue contributes to a deeper understanding of the complexity and central role of international environmental law and provides ideas for global environmental management [6].

4. Criticism of the interpretation of "legal significance" in the study of international environmental soft law

4.1. Soft Law and Legal Norms: "Validity" and "legal Significance"

4.1.1. Sources of international law and "legal significance" of soft law

Soft international environmental law is often defined as legal documents that are indicative rather than binding, including declarations, guidelines or action plans. Although these documents are not legally enforceable in the traditional sense, they have a substantial impact on state behavior. In the view of international law scholars, the existence and use of soft law shows the applicability and limitations of international law sources in the field of environmental protection. The traditional concept of the source of international law emphasizes the compulsion and clarity of legal norms, while the legal significance of soft law lies in how it affects the legal obligations and practices of states [7]. The value of soft law is that it fills in areas that hard law cannot cover, providing flexibility and adaptability, especially in global environmental governance. However, because it is not mandatory, the legal status of soft law is often questioned.

4.1.2. The "Effectiveness" of Soft Law from the perspective of Positivism

From the positivist legal point of view, soft law is regarded as inferior to the norms of traditional sources of international law. This is because soft law lacks the direct recognition and enforcement of judicial bodies such as the International Court of Justice. Nevertheless, soft law often has an impact in practice through voluntary compliance by States. Its "effectiveness" does not come from the mandatory law, but from its recognition and influence in the international community. The development of international environmental law shows that many important environmental protection measures initially appeared in the form of soft law [8]. For example, key documents such as the Rio Declaration on Environment and Development and the Framework Convention on Climate Change, while soft law, have far-reaching implications for national environmental policies and international cooperation.

4.1.3. Criticism of the "legal significance" of soft law

Although soft power plays a positive role in the field of international environmental law, it has been criticized for its unclear legal status and uncertain enforcement. Jurists have long debated whether the law of extension should be treated as a physical dimension. Critics argue that using hard and soft as a legal basis, without a strict sanctions system, could undermine authority and the rigor of justice. However, proponents argue that the high degree of flexibility of the rules and their effectiveness are necessary components of modern international law. In a world of rapid growth and an increasingly

complex global context, soft standards can build national consensus and promote international technical cooperation [9].

4.1.4. Harmonization of principles of international environmental law and national sovereignty

The effective coordination of the principles of international environmental protection and state sovereignty is an important issue that the international community must deal with. For example, the principle of "common and differentiated responsibilities" is the so-called legal principle, which guarantees the different historical strengths and responsibilities of industrialized and developing countries in the field of environmental protection [10]. This principle reflects the challenges and concomitant challenges of international environmental protection with respect to the traditional concept of State sovereignty. These analyses not only enable us to determine the status of international IT-environment standards in our legal system, but also enable us to identify technical tasks and issues of global environmental management. This provides philosophical and practical support for future international environmental studies and highlights the complexity of the gradual transition from national sovereignty to global governance.

5. China's strategy in the framework of international environmental law

5.1. Adhere to the principle of "common but differentiated responsibilities"

Within the framework of International Environmental Law, China should continue to uphold and promote the principle of "common but differentiated responsibilities". The principle emphasizes the participation of all countries in environmental protection, recognizing that developed countries have traditionally been more responsible for the environment because of their industrial activities. In this regard, China must take a firm stand to ensure that national sovereignty and development rights are respected and that developed countries do not use environmental issues to make unfair demands on developing countries. China should actively participate in international environmental negotiations and promote the establishment of a fair and reasonable international environmental governance mechanism. At the same time, China must remain vigilant to prevent international environmental regulations from becoming a tool for interference in China's internal affairs. While safeguarding national sovereignty, we should reasonably assume responsibility for environmental protection in light of our national conditions and stage of development.

5.2. Carefully assess the applicability of international environmental soft law

Although soft international environmental standards are not legally binding documents, they play an important role in the development of international environmental standards and standards. China must carefully analyze the content of these sweet French texts and evaluate their compatibility and impact on the system and national policies to ensure that these laws meet the objectives of international standards in the field of environmental protection as well as China's national development strategy. China can use international environmental standards as a platform to improve environmental protection and technological exchange, while ensuring that these international standards do not constrain China's economic development. China should also be a voice on the international stage to influence the process of shaping soft standards and ensure that they reflect the interests and concerns of developing countries.

5.3. Promoting sustainable development strategies and environmental legislation

China should continue to follow the path of sustainable development and adhere to the principle that environmental protection is as important as economic development. Develop and implement scientific environmental protection strategies, such as improving resource efficiency, reducing pollutant emissions, developing green energy and circular economy. Therefore, China must update its environmental rules and policies to promote scientific, practical, and long-term social and economic sustainability [11]. China should raise awareness of environmental protection and the importance of environmental protection through education, media and mass participation activities. At the same time, China should continue to reform and improve its legal system environment, ensure a strictly enforced legal and policy environment, and involve the public and social groups in the decision-making process on environmental protection.

6. Conclusion

Finally, in the process of globalization, there is a clear tension between the development of international environmental law and the preservation of national sovereignty. However, with the maturity of the mechanism to solve the problem of international environmental law and the gradual improvement of human environmental awareness, the international community is exploring various options and schemes to reconcile the contradictions between the two sides. These include the principle of "common but differentiated responsibilities" and the applicable principle of national sovereignty, which guarantees national independence and self-regulation, while insisting on strengthening international cooperation in environmental protection. The development and application of international environmental protection challenges some traditional concepts of state sovereignty and provides an important framework for promoting cooperation among States in solving global problems. Therefore, international law is not in conflict with national sovereignty and can be effectively integrated and implemented through multilateral cooperation and adjustment of national policies. The loose nature of international environmental protection, although in the context of respecting the national environment and promoting environmental management of the earth, allows for flexibility and adaptability. Special emphasis is also placed on safeguarding national sovereignty and coordinating environmental protection and economic development. China has strengthened its domestic policies, participated in international environmental policies, and demonstrated how to safeguard national sovereignty and assume international responsibilities and commitments.

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