

## **PRESERVATION AND INTERNATIONAL LAW**

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International law, since its creation in the deep history of mankind, has dealt with different forms of "bios", yet it has not used the words "the bio-environment and preservation". Of course, this is natural because international relations among various groups of mankind are very closely connected with the preservation of life in its three forms: the flora, the fauna and man.

There exist international treaties as well as agreements and international conventions that have regulated the preservation of special species of sea animals, birds as well as flora. International law has established many governmental and non-governmental international organisations with goals to secure the continuity of life.

Thus, international law dealing with the preservation of life already included international co-operation. It created the principles of such co-operation. But the co-operation of that time bore some specific characteristics in the field of the preservation of life in all its forms. The dangers of the annihilation of organic life did not represent such a high degree as it does today. Some species died out as a consequence of human activities, but "bios" was not threatened with total annihilation. Today this danger is present and therefore, international co-operation in favour of the preservation of the bio-environment must be more strict.

Prohibition of such human activity threatening the forms of life can be quoted from international agreements and the international co-operation derived from them. We can also notice international agreements aiming at the preservation of the bio-environment: such as the air, the waters, the seas, cultural memorials of historic value, mountains, forests, countrysides and so on. All these exemplify the enormous power of humanity in preserving the bio-environment. Therefore, it is the duty of this generation to preserve the present state of our bio-environment for future generations. We must acknowledge the high level of responsibility for such preservation by the participants of this conference and in particular by the president of the Biopolitics International Organisation, Dr. Agni Vlavianos-Arvanitis. I received the invitation to participate with great pleasure, being aware that it can contribute to intensifying human activities in favour of effective international public opinion which is greatly needed so as to reach good results in the preservation of the bio-environment through international legislation.

There exist some implications in the recent international community of states that the preservation of the bio-environment through international law will bear some complications. Some of them are linked with the division of the world into two different social-economical systems - the socialist and the capitalist systems. I treat this divisions as the objective element in the development of mankind. The implication of such division can be seen in the different class approach to the preservation of the bio-environment. This division of the recent world doesn't mean that co-operation between these two different systems is impossible. The opposite is true. Such international co-operation in the field of preserving the bio-environment is necessary and possible. Many examples of international conventions signed by all States of both social - economical systems can be quoted.

The principal obstacle in carrying out the preservation of the bio-environment seems to be the arms race. Today, there exist so many nuclear arms that our planet can be totally destroyed six times over. With such a potential threat of total destruction how can we hope for the preservation of the bio-environment? It is necessary to remove all arms capable of causing mass destruction of this planet. It is the only alternative to preserve the "bios" for future generations. The proposals presented by the Soviet Union seem to be the right alternative in carrying out effective preservation of life. In particular, the proposal given by Michail Gorbachov on January 15, 1986, was cheered by public opinion as well as by many governments. This conference is obliged to support every effort of states to find the available solution leading to the preservation of the bio-environment.

International Law is created by states. There exist many international bilateral or multilateral conventions and agreements prohibiting nuclear arms test. But these rules are not respected by all nuclear states. This conference should underline the necessity to stop all arms tests as the presumption of the preservation of the bio-environment. Under the Damocles sword of nuclear destruction, no preservation system can be established. A nuclear war could signify the total annihilation of all forms of "bios". To prevent such a war is the first duty of every citizen of this planet. Nobody can be liberated from this duty. Therefore we must intensify such efforts in carrying out the preservation of the bio-environment and this conference must do its best.

The second obstacle in the way of carrying out the preservation of the bio-environment seems to be the technological progress in the broadest sense. Technology in itself is not dangerous, but some of its implications concern the bio-environment: chemicals used by industry and agriculture, pollution of waters, air, and space, different kinds of injuries, in particular those caused by nuclear radiation, the extensive use of pesticides in agriculture, and so forth.

There are many international treaties or conventions prohibiting the use of the above mentioned, but many of them are not adhered to. There exist some gaps in the regulation by international law where the new international conventions must be signed, e.g. in the field of water and air pollution.

The third implication in international relations is in the social field of some underdeveloped countries, where environment must meet social difficulties, such as hunger, malnutrition, disease, slums, as well as illiteracy and racism. The UNO established the effective system of rules and institutional organs in order to meet these very crucial problems. How can we preserve the bio-environment in these countries where millions of inhabitants live in slums and hunger? These social ailments must be eliminated. But we know how deeply these special diseases are linked with the social-economic system of these countries.

It seems that these problems can be solved and their solution is a substantial step towards the preservation of the bio-environment through international law. The crucial problem is its regulation in the sphere of international law where this regulation is dependent upon the political and judicial system of each state. International law can influence integral legislation but there is also the question of the transformation of international law into the sphere of internal law and order. Here the clause of domestic jurisdiction is very often used, as stated in Article 2 of the UN Charter. It is not very easy to overcome old thinking about the absolutism of domestic jurisdiction. Recent international relations point out very clearly how international law is still neglected. The sources of pollution don't always respect state borders. Therefore excluding them would make international co-operation most effective if carried out through international law bounding its subjects. Many rules of international law exist, but putting them into practice is the next problem in the field of preservation of the bio-environment. Stronger pressure is needed upon the states that do not respect the validity of *jus cogens*. Such pressure can be carried out by public opinion through international non-governmental organisations such as peace movements, WFUNA, Trade Union organisations and others.

All these examples show that recent international law is apt to meet all problems connected with preservation of the bio-environment. And fortunately, there are states heading this effort to preserve the bio-environment, including my own. The notion of the environment is not defined by international law, it seems to be allotted to international law regulation and can be treated from an interdisciplinary approach. But it is very important for international law and the environment that the human environment as well as the bio-environment represent the whole - regardless of the state borders. Therefore, the regulation of these problems is more just through international law.

In the field of bio-environment regulation through international law, there seems to be a blank place. International law is only beginning to treat these matters. We use such terms as genetic engineering, the identification of genetic diseases, brain research from side of brainwaves and muscular co-ordination through biofeedback, biology as a model for computer memory storage and processing of information, the true function of brain cells, the system of chemical storage of thought, the creation of a "Bank of Ideas", "bio-art", the influence of "bios" in architecture, photography and music, the sense of smell in relation to defence, and the increased role of biotechnology are the topics that international law must take into consideration. These new phenomena intervene in the substance of human society and into the structure of international community. It seems that this dynamic process is quicker as international law is apt to create some rules regulating this process connected with the biological as well as chemical process of the human body. At this time the lack of such rules in the field of "bioregulators" seem not too dangerous for the international community and therefore, the science of international laws acts very slowly in this area. The problems are dealt with in the field of human rights. The international pact on political and civil rights deals with them as does internal national legislation, for example the Civil Codes or Penal Codes of many countries. But these are only the first steps, international law has a lot of work ahead.

The problems of the bio-environment impose upon the international community special problems that cannot be solved until we know the goals of using the bio-environment in military programs. But there is no doubt that such bio-environment regulations can be carried out only through international law. Therefore, it is very important that the solution of these problems is rendered by international co-operation among all states, all scientists of various disciplines and on behalf of the population of the planet. The planet can exist only if the bio-environment is preserved. This new task of international law is a very keen one and the international community of states of both social-economic systems must be aware of it and do its best in carrying it out.

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