

Book Review

*Olawuyi¹ Environmental Law in Arab States” by Damilola”

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مراجعة كتاب

«القانون البيئي في الدول العربية» لـ/ داميلولا أولاوي

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Both the 1972 Stockholm Declaration on the Human Environment and the 1992 Rio Declaration on Environment and Development brought pointedly into focus the growing interest in developing environmental legislation across the globe. Yet in one particular region on Earth – namely the Arab region – there is much untold narrative about the development of environmental law. Damilola Olawyi's *Environmental Law in Arab States* is therefore appreciably welcomed as filling a significant gap in the literature. In writing this highly readable -432page guide to environmental law in Arab states, the author has accomplished a brilliant advancement in a barely growing area of law.

The book is structured in an eminently readable fashion, far from complexity, and yet at the same time does not seek to evade critical insights relating to existing literature gaps in Arab states. The book is divided into three main parts, which address the following subjects: Part I considers introductory context and principles, Part II covers sectoral application and Part III deals with integrated themes. For its target readership, the book is well balanced in terms of environmental law themes and the depth to which each theme is explored. This book won the Certificate of Merit for High Technical Craftsmanship and Utility to Lawyers and Scholars from the American Association of International Law. Therefore, this review is being undertaken for the purpose of foreknowledge for what the book holds of value and contribution to environmental law in the Arab region.

The author opens his book by identifying 'environment' and 'environmental law' as a scientific and literary concept, respectively. He argues that environmental law has mainly developed in Arab countries after the Arab Declaration (1991). Considering 1991 as a turning point in environmental legislation in Arab states, the author explains the legislative status of environmental law. The signposting language used in the introduction paves the way for any novice or advanced reader to trace the structure of the book. This is a convenient identification, as the ecosystem is already a complex system,¹ and environmental law is a nascent public law.² In Chapter 2, the author indicates the official sources of environmental law in Arab countries. The author asserts that there are four main sources: International environmental law, Arab community laws, national laws, judicial provisions and scholarly publications. Additionally, it can be understood from this description that the main sources for legislation in Arab states is Shari'a, including the Qur'an and the Sunnah.³ The position of the Qur'an as a source of law under the Arab legal system helps readers to develop a critical analysis of the contemporary environmental law in Arab states. Indeed, there are increasing published works addressing this growing linkage.⁴

The author then, in Chapter 3, unveils how environmental laws in Arab states are being administrated.

- 1 David Moreno-Mateos et al. 'The long-term restoration of ecosystem complexity', *Nature Ecology & Evolution* 4, No. 5 (2020): 676-685.
- 2 William Boyd, 'Climate change, fragmentation, and the challenges of global environmental law: Elements of a post-Copenhagen assemblage', *U. Pa. J. Int'l L.* 32 (2010): 457.
- 3 Prawitra Thalib, 'Distinction of characteristics in Sharia and Fiqh on Islamic law', *Yuridika* 33, No. 3 (2018): 439-452.
- 4 Andi Marlina and Andi Mulyono. 'The Quran Concept of Law Enforcement Environmental Damage' *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, No. 1 (2022).

He contends, environmental laws are administrated by a national institution, international governmental and non-governmental institutions (e.g. ministerial-based regulations, agencification model and hybrid approach). Largely, these administrative institutions have worked as environmental regulatory bodies in Arab states. The author concludes this administrative and regulative chapter with a critical insight and open-ended questions that are valid for scientific research (e.g., to what extent national authorities in Arab states ensure coherence in the implantation of environmental law and policy?).

The author also culminates Part I by laying out values on which environmental law is based. He presents in Chapter 4, at length, seven principles on which environmental law is based in Arab states. These principles and values are Do-No-Harm Principle, Principle of Cooperation, Common but Differentiated Responsibilities and Respective Capabilities Principle (CBDR-RC), Principle of Prevention, Precautionary Principle, the Polluter-Pays Principle (PPP) and Environmental Justice. Inclusion of the aforementioned principles draws both methodological and analytical baseline for environmental law scholars. At global level, CBDR-RC is highly employed in climate regime and UNFCCC negotiations. As such, this hint is pertaining to ongoing anthropogenic debate based on the demands of developing countries to acquire Loss & Damage (L&D) compensations. To this end, the author has successfully built a foundation of justification that helps readers to comprehend theoretical and regulatory environmental law in Arab States.

The author initiates the second part of the book by delving in sectoral applications, such as Environmental Impact Assessment (EIA). For example, Chapter 5 sets out EIA and the basic steps of the process. The author's main contribution is laid out in his proposal to maximize EIA, where he proposed Human Rights Impact Assessments (HIRAs) as a framework that seeks the implementation of justice. In addition, it can be traced that this particular chapter is also a significant implementation of the author's thesis outcomes, which had been submitted to the University of Oxford in 2013.⁵ Further, the author presents, in Chapter 6, guiding principles in a quest for Arab states to address wider social concerns in project planning. Although Olawyi generally adheres to the principal elements of international environmental law, an international environmental perspective offers novel insights to generally assess the standards for construction and town planning. The author considers environment, and health and safety (EHS) obligations that should be incorporated in primary stages (e.g. planning, designing, and implementing construction activities).

Perhaps the heart of the sectoral application can be found in Chapter 7. It seeks to provide a comprehensive analysis of key international and regional frameworks relating to air pollution and control in Arab states including meaning, causes, and impacts. The author widens his lens by also examining climate change, depletion of the ozone layer, and transboundary air pollution. The author culminates this chapter by

5 Damilola Olawuyi, 'The human rights based approach to climate change mitigation: Legal framework for addressing human rights questions in mitigation projects', (2013).

providing relevant examples of the use of policy frameworks to control air pollution. These examples are useful for both environmental law scholars and environmental law inspectors in their respective fields. The structure of Chapter 8 has so much to commend it, presenting an agreeable symmetry and conveying a sense of the broad historical development of legal instruments that address groundwater depletion, water quality in seas, oceans and aquifers. The premise of Chapter 8 is that the Arab region suffers from both water shortage and scarcity. Therefore, it is a priority to respond legally to substances and actions that affect water quality.

The core of Chapter 9 contains interesting references to law and governance of municipal and hazardous wastes in the Arab region. There is a certain irony in learning about the nature of the existing environmental legacy that has resulted from industrialization, urbanization, population growth, conflicts, and displacement. Like all chapters, the highlights of international legal and convention frameworks offer a normative rationale for both environmental law drafters and legislatures. Further, Chapter 10 does well to take us back to some basic facts pertaining to what environmental law can protect. Such question is valid in developing analytical musings. Given that biodiversity, challenges vary from one geographical point to another, the author has given examples and calls for long-term conservation measures in a wide range of areas, including prohibiting overgrazing, overhunting, destruction of cultural sites, and other practices that damage the natural environment. Hence, this call creates an intrinsic inquiry ratiocinating the origins of environmental legislation in terms of environmentally sensitive areas in Arab states.

Despite the fact it seems a departure from environmental protection principles, this book delves into related international economic law. Nevertheless, Chapter 11 captures the historical context of the relationship between economic law and environmental protection. It highlights a number of regional agreements that can be a legal reference for legislatures in Arab states. Intelligently, Islamic funding concepts are widely prominent in this chapter (e.g. Islamic funding and Green Sukuk). Next, in Chapter 12, the author sheds light on human rights and environmental legislation. The chapter introduces the theoretical concept of environmental rights. Later on, it lists all international declarations relating to human rights. The author found that there are two key approaches to address human rights issues. These approaches are the direct constitutional approach and the linkage approach.

In concluding Part III of integrated themes, Chapter 13 germinates the Green Growth Paradigm Elements (e.g. efficient and sustainable resource use, green economic opportunities, natural capital protection, social inclusion), and the existing soft legal instruments (e.g. strategies that address climate change, renewable energy and environmental protection) in the light of the necessity to decarbonize and expand renewable energy across Arab states. In explaining this interesting paradigm, the author lists the main drivers for green growth in Arab countries, high demands and consumption of food, water, and energy, and the potential depletion of hydrocarbon natural resources by 2050. The author's

main message in this chapter is that with the absence of corresponding laws, legislation and policies, Arab states will remain low in performance in the Green Growth Index.⁶

As is apparent from the summary of the contents given above, the author frames the deliberations of environmental law in Arab states. The author has a significant ability to produce a book, which provides a concise overview of Arab states' environmental law backed by international legal instruments. In this book, Olawyi makes a powerful and diverse argument for the distinct gaps that the lack of effective environmental legislation poses for Arab states, and surveys existing legal instruments. With the increasing risk of global warming, small changes in weather can exacerbate all the aspects of environmental issues mentioned in this valuable book. Reading this book has thoroughly informed my arguments. I now know if Arab states want to achieve legal advancement, they should control the environmental lawmaking narrative.

6 'Measuring Performance in Achieving SDG Targets.' 2020. <https://greengrowthindex.gggi.org/wp-content/uploads/2021/01/2020-Green-Growth-Index.pdf>.

References

- “Measuring Performance in Achieving SDG Targets.” 2020. <https://greengrowthindex.gggi.org/wp-content/uploads/2021/01/2020-Green-Growth-Index.pdf>.
- Olawuyi, D. “The human rights based approach to climate change mitigation: legal framework for addressing human rights questions in mitigation projects.” PhD diss., University of Oxford, 2013.