Sustainability in international and environmental jurisprudence

Sabrina ALZAI$$
Observations:

1. Sustainable development’s undecided status
2. Several meanings of sustainable development
3. Diversity of sustainable development’s manifestations

Consequently, the sustainable development’s concept appears as fuzzy. It mobilizes a lot of efforts but no results are produced.
Hypothesis:

Sustainability:
• Ineffective to stop in itself the development process
• Development’s pace harmonization

1. Several sustainable development’s definitions are time based.
2. The word “sustainable” refers to the duration or to maintain over time.
3. Sustainable development’s principles invites to take into account time.
Plan:

How to take into account the pace allowing the ecosystem to regenerate itself?

**Part 1:** How the law takes those temporalities

*Multiplicity of time*

A. Legal timescales
B. Time warp thanks to Ecology

**Part 2:** How he incorporates in its temporal structure

*Temporal structure of law and ecological time*

A. The reign of the moment
B. The fiction of actuality
C. The reversibility’s postulate
Part 1: How law takes those temporalities into account

Multiplicity of time

A. Legal timescales

- Functional approach
- The relationships’ organization between legal persons

B. Time warp thanks to Ecology

- Place of scientific expertise of ecology’s timescale
- A functional approach integrating the ecological time
Part 2: How law incorporates in its temporal structure

Temporal structure of law and time of nature

A. The reign of the moment
   - LAW: The event’s immediacy
   - SD: Vigilance and prevention

B. The actuality’s fiction
   - LAW: Anticipating future events by projecting the future on the present
   - SD: Probabilistic framework is insufficient, cf. Precautionary

C. The reversibility’s postulate
   - LAW: Compensation
   - SD: Irreversibility
Conclusion:

Sustainable development raises issues for lawyers as it creates a temporalities’ conflict.

Thank you.