

OPEN PEER REVIEW

# The Developments in Iranian Environmental Law in Light of International Law Norms and Imami Jurisprudence

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Received: 2024-06-14

Revised: 2024-09-01

Accepted: 2024-09-16

Published: 2024-10-01

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The introduction effectively sets the stage for the discussion on environmental protection, emphasizing the critical role of international environmental law and its historical context. However, it would benefit from a more structured flow, particularly by clearly distinguishing between historical developments, environmental challenges, and the role of legal frameworks in addressing these issues. Consider expanding the introduction to provide a more in-depth background on the historical progression of environmental concerns leading to the establishment of modern environmental laws.

The inclusion of various authors discussing different aspects of environmental law is informative. However, the connections between these works are not fully developed. It would be useful to integrate these perspectives into a cohesive narrative that highlights the evolution of environmental law within the framework of Islamic jurisprudence.

The definition of the environment is appropriately broad but could be expanded to include social and economic factors influencing environmental degradation. Incorporating recent case studies or statistical data on environmental challenges in Iran would provide a more concrete illustration of these issues.

The discussion on urbanization and its environmental impacts is relevant but lacks depth. It would be beneficial to include a more detailed analysis of the specific environmental impacts of urban growth in Iran, supported by data on emissions, pollution, and resource consumption.

This paragraph effectively frames the importance of judicial intervention in environmental matters. However, it could be enhanced by discussing recent court rulings or legislation that have shaped environmental law in Iran. A comparative analysis with other countries could provide additional insights into the effectiveness of judicial interventions in environmental protection.

The constitutional orientation toward environmental protection is well-articulated. However, it would be helpful to analyze the actual implementation of these constitutional principles in practice. A critical discussion of the gaps between constitutional mandates and ground-level enforcement would provide a more complete picture.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The discussion on the Trail Smelter case and the principles of international law is well-placed. However, the explanation could be more concise and clearer. It would be advantageous to include more specific examples of how this case influenced subsequent environmental jurisprudence. Additionally, integrating a discussion on other key cases or treaties could provide a broader understanding of international environmental law's development.

The paragraph discusses the challenges of enforcing international environmental obligations. However, the argument could be more nuanced by examining why many countries view these obligations as "soft law" and the implications of this perception. A deeper exploration of the dynamics between binding and non-binding international environmental law would strengthen the argument.

The references to classical Islamic jurisprudence, such as those by Mostafavi (2018) and others, provide a valuable historical and legal context. The discussion, however, lacks critical engagement with these sources. It would be beneficial to analyze the implications of these classical rules for contemporary environmental issues rather than merely listing them.

The categorization of affirmative and prohibitive aspects of constitutional environmental protections is clear. It would be beneficial to include more examples or case studies demonstrating how these principles have been applied in environmental litigation or policy-making within Iran.

The comparison with other countries' constitutions is informative but could be expanded. Including examples of countries with similar environmental protections and discussing the outcomes could provide a comparative perspective that strengthens the argument.

The discussion on the binding nature of international treaties under Iranian law is relevant. It would be useful to incorporate specific examples of treaties and conventions that have been ratified by Iran and their impact on domestic environmental law.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.