



Sic Utere Tuo Ut Alienum Non Laedas: State Responsibility and Environmental Obligations in the Context of Climate Change

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Abstract

The principle of *Sic utere tuo ut alienum non laedas* requires the state to avoid environmental damage and to prevent harmful activity on its territory. UNFCCC laws restrict states from emitting excessive greenhouse gases. Avoiding environmental damage is crucial to protecting against losses and mitigating global warming in the context of climate change. This study aimed to examine of the interplay between the principle of *Sic utere tuo ut alienum non laedas*, the duty to refrain from environmental degradation, and the responsibility of tackling climate change. The results show that the state caused increasing sea levels, melting glaciers and polar ice, and unpredictable hydrological cycles due to enormous greenhouse gas emissions. Climate change was less important than the sovereign right to develop and explore natural resources. International legislative tools like the Climate Change Convention slowed climate change. International law requires environmental protection under *sic utere tuo ut alienum non-laedas*. Climate change conventions did not accept this principle. In Anglo-Saxon law, *sic utere tuo ut alienum non laedas* – the principle of no harm – required state accountability for international law infractions and restitution. The state was held accountable under international law for excessive greenhouse emissions under strict liability.

I. Introduction

The principle of *Sic Utere Tuo Ut Alienum Non Laedas* imposes an obligation on the state to refrain from causing environmental damage. In the Anglo-Saxon legal system, the concept is commonly known as the "No Harm" principle, which has been accepted and recognized as customary international.

The recognition is also contained in International Court of Justice decision (1949) stating "*there has been a general recognition of the rule that a State must not permit the use of its territory for purposes injurious to the interests of other States in a manner contrary to international law.*" As a result, the state that fails to fulfil its international obligations will be held accountable under international law. The state is obligated to prevent the adverse impact of activities within the territory on others by the principle of no harm. In the same vein, the United Nations Framework Convention on Climate Change (UNFCCC) incorporates the principle into its provisions, including obligations prohibiting the state from generating excessive greenhouse gas emissions. Climate change is the primary cause of the most significant environmental damage, which harms the existence and civilisation of humans and species (Mayer, 2018).

Human activity is the most significant factor, as it threatens the extinction of global civilisation. The concentration of greenhouse gases in the atmosphere is influenced by human activities, which in turn leads to climate change. In contrast, climate change leads to environmental damage due to countries' failure to implement measures to prevent the emission of excessive greenhouse gases. The Kyoto Protocol, within the convention's framework, establishes quantitative limits for the carbon emissions of industrialised countries and guarantees that anthropogenic carbon dioxide equivalent greenhouse gas emissions do not surpass the limits by mutual commitments.

The Intergovernmental Panel on Climate Change (IPCC) report provides projections for atmospheric greenhouse gas concentrations over a range of timeframes, including the short-term (2021-2040), mid-term (2041-2060), and long-term (2081-2100). This situation predicts a global average warming of 1.5°C over several decades, which will harm human populations and ecosystems. These effects include significant economic and social losses and damages, which considerably impede progress in enhancing human well-being (IPCC, 2022). Therefore, risk management is of paramount importance, as the process of climate change is irreversible. This circumstance involves the implementation of measures and actions that minimise environmental impact.

Establishing a standard of protection against losses incurred due to activities within a state's borders with transboundary impacts is greatly influenced by the principle of avoiding environmental harm, particularly in climate change. Furthermore, it functions as the foundation for commitments to reduce the Earth's average temperature. Individuals are responsible for safeguarding the environment, preserving civilisation, and ensuring a healthy and exceptional environment for future generations. This obligation necessitates the preservation of the environment, the prevention of damage to future generations, and the respectful treatment of human rights. Nevertheless, it is impossible to fulfil the obligation while contributing to the increase in greenhouse gas emissions.

One of the instances pertinent to applying the principles of *sic utere* in environmental law is the lawsuit filed by the Pari Island community in Indonesia against Holcim Ltd. The Swiss Court case in which the community of Pari Island filed a

complaint against Holcim Ltd. is a prime example of efforts to establish accountability for actions that result in loss and damage. The Pari Island community perceives Holcim Ltd. as a corporation threatening the island's existence and exacerbating the climate crisis, which increases sea levels. The agricultural sector has been harmed, local fishermen have had their fish catch potential reduced, and the impact of loss and damage has caused infrastructural damage on Pari Island. Holcim was officially sued by the community of Pari Island in the Swiss Court in January 2023. The community demanded that the company reduce its emissions and implement environmental adaptation measures, including planting 1 million mangroves, as a form of accountability for the environmental damage caused by the company's activities (Mongabay, 2023).

The state or non-state actor may be held accountable for contributing to greenhouse gas emissions and neglecting to prevent environmental damage due to climate change under the *sic utere* principle. The causal structure of greenhouse gas emissions and carbon sequestration includes the adverse impacts of climate change, including the thawing of glaciers and polar ice, unpredictable hydrological cycles, and sea level rise. Nations must prioritise the prevention of climate change by considering both current and historical emissions, as greenhouse gases have the potential to persist in the atmosphere for an extended period (Naghtzaam, 2020). This study analyzes the relationship between the principle of *sic utere tuo ut alienum non laedas* as the state's obligation to refrain from environmental damage and the responsibility to address climate change.

II. *Sic Utere Tuo Ut Alienum Non Laedas*, the Obligation to Refrain from Environment Damage as a Customary International Law

As a rule of international law, the principle of *sic utere tuo ut alienum non laedas* obligates the state to refrain from harming others. The *sic utere* is a fundamental principle in international environmental law that originated in Roman law. The principle means "*use your property in such a way that you do not injure other people's...*". This places a primary obligation to use rights in a manner that is not contrary to the purpose of granting the right, which in Latin phrases is formulated as "*neminem laedit qui suo jure utitur*," meaning "*nobody harms another when he exercises his rights*".

Sic utere is also called the No Harm principle in the culture of societies that utilised the Anglo-Saxon legal system. In the 18th century, England, which employed the Common Law legal system, enforced the legal maxim of *sic utere tuo ut alienum non laedas* as a responsibility to regulate the absolute preservation of property interests, investment, and competition. This situation is predicated on the obligation to compensate for the quantity of losses experienced by other parties and violations (Shabnam, 2022). Liability for such errors and omissions is organized into "strict liability". This principle was also used in the United States in the 19th century, where economic growth was developed.

The Trail Smelter case in 1941 was the first instance in which the *sed utere* principle was applied in modern international law. The case was associated with air pollution caused by a fertiliser company owned by Canadian citizens and located near the Columbia River, which borders the United States. The company's daily emissions exceeded 300 tonnes of sulphur dioxide, which was transported by the wind through the Columbia River valley to the United States. This circumstance caused a pungent odour of zinc and metal and affected the local population's health, air, water, and soil. The United States subsequently lodged a claim against Canada and held the country accountable for the payment of damages resulting from the air pollution caused by the emissions. Canada and the United States agreed to resolve the environmental dispute through arbitration. The arbitrators' decision was based on the principles of state responsibility and violation of rights, as articulated below:

"No state has the right to use or permit the use of its territory in such a manner as to cause injury in or to the territory of another or the properties or persons therein when the case is of serious consequence and the injury established by clear and convincing evidence".

According to Verheyen, the main element of the principle application is the need for an "intention to cause harm (Verheyen, 2005). This principle reports that the state may not abuse rights to take actions causing global environmental damage (Pramudianto, 2017). The state is prohibited from exercising rights that are detrimental to others. According to Professor Nanda, there are several things to report from the decision (Nanda, 2013):

- a. The court's judgment denies the existence of a "sovereign right" of the state to undertake and authorize activities with harmful transboundary impacts.
- b. The principle applies to governmental and non-governmental activities such as the private sector.
- c. An obligation of responsibility is created towards the injured state, including persons and property.

The Corfu Channel Case of 1949 was another instance in which the *sic utere* principle was applied. Nevertheless, the International Court of Justice (ICJ)'s application of international law principles is highly pertinent to environmental cases. The inception of this case was the detonation of a British warship in the Corfu Channel, which is located in Albanian waters. The cause of the explosion was Albania's deployment of mines in the territorial waters (International Court of Justice, 1949). The UK sustained losses due to the incident, including the loss of life and damage to the vessel. Consequently, the United Kingdom submitted a claim against Albania and referred the matter to the International Court of Justice.. In the judgment, the Court stated: *"Every state has an obligation not to allow knowingly its territory to be used for acts contrary to the rights of other states."* Every state should notify those posing a danger within the territory. Failure to fulfill this obligation leads to the imposition of state responsibility for the repercussions experienced by others.

The Lake Lanoux Case of 1957 is another case frequently associated with the *sic utere* principle. This case involved a dispute between France and Spain. Initially,

France intended to construct a hydroelectric power plant in Lake Lanoux using hydroelectric technology. The potential water pollution from Lake Lanoux due to waste and temperature changes resulting from hydroelectric technology was the reason for Spain's objection. The two parties agreed to resolve the dispute through international arbitration and the arbitration stated: “.... according to the rule of good faith, the upstream State is under the obligation to consider the various interests, to seek to give them every satisfaction compatible with the pursuit of its interest....”

The method of scientific deduction proved that the existence of the principle of *sic utere tuo ut alienum non laedas* as customary international law using the claim of 'state practice' was codified in Principle 21 of the Stockholm Declaration (UN, 1972) “the state has the responsibility to ensure that activities within the jurisdiction or control do not cause damage to the environment of others beyond the limits of national jurisdiction”. The coherence and consistency of international legal resolutions and instruments serve as unambiguous evidence of *opinio juris* supporting *sic utere tuo ut alienum non laedas* as a source of international law with normative value. Customary international law can be crystallised by the consistent and uniform conduct of the state when ratifying or adhering to a treaty, which is comparable to state practice (Mackiello, 2009). The state also accepts and recognizes the principle of responsibility for environmental damage as an international custom. Furthermore, the ICJ's advisory opinion to the United Nations General Assembly regarding The Legality of the Threat or Use of Nuclear Weapons emphasizes that “the general obligation of the state to ensure that activities within the jurisdiction and control respect the environment of other States or areas beyond national control is now part of the corpus of international law relating to the environment” (ICJ, 1996). Therefore, the principle of no harm to the environment becomes an accepted norm and is recognized as part of the corpus of international law. The violations of the obligations lead to compensation in the form of state responsibility for the damage caused.

Efforts that cause damage to other countries are explicitly prohibited in numerous resolutions that pertain to agreements to address environmental issues. In 1961, the United Nations General Assembly Resolution 1629 (XVI) declared that “fundamental principles of international law impose a responsibility on all states concerning actions which might have harmful biological consequences”. According to the Resolution on Cooperation Between States in the Field of the Environment, “the state must not produce significant harmful effects in zones situated outside the national jurisdiction” (UN, 1961). The obligation of the state not to cause significant harm to the environment in the territory of others has been accepted and recognized by the international community.

The principle of *sic utere tuo ut alienum non laedas* is also incorporated into several multilateral treaties, including Article 194 paragraph 2 of UNCLOS 1982, which states:

“The state shall take all measures necessary to ensure that activities under the jurisdiction or control are conducted to refrain from damage by pollution to other States and the environment and that pollution arising from such incidents or activities does not spread beyond the areas where sovereign rights are exercised by this Convention”.

The *Sic Utere Tuo Ut Alienum Non Laedas* principle of preventing adverse impacts has the urgency of a normative foundation in international environmental law. This principle is: 1) a forerunner in the regulation of international environmental law, 2) the core of the normative structure of customary international environmental law, providing a series of procedural obligations, 3) behavioural obligations requiring the state to conduct due diligence in the face of significant risks of environmental damage, 4) legal basis related to state responsibility, 5) prevention of adverse impacts of environmental damage beyond the boundaries of state jurisdiction, and 6) the rules of harm prevention serve as the foundation for a multilateral approach to international environmental protection (Brunnée , 2021).

The fundamental principle is that no state is permitted to employ its territory to cause damage to others. The principle of *sic utere tuo quod alienum non laedas* has been interpreted by certain jurists by distinguishing between two concepts. First and foremost, the principle of non-harm is associated with the institution of a negative obligation on the part of the state to refrain from inflicting transboundary harm. Second, the principle of due diligence is to prevent the completion of activities that result in transboundary damage within the state's jurisdiction. The international community has acknowledged and accepted an obligation in the form of a prohibition on causing damage in the territory of another state that has been elevated to customary law.

III. State Responsibility in International Law

State responsibility arises because of the principle of sovereignty and equality. Legal obligations are applied for any state that violates international law against another (Shaw, 2017). Furthermore, when a state violates the rules of international law, a wrongful act is said to be committed. According to Professor Orakhelashvili, the rules of state responsibility are not primarily related to rights and obligations. However, these rules are applied after the state has committed an act violating international law. (Orakhelashvili, 2019) Meanwhile, the term 'liability' refers to the obligation from activities that are not prohibited but have a risk of harm carried out within the jurisdiction of the state.

The violated state is also permitted to request reparations for violations of international obligations (Thontowi, 2006). French agents destroyed the Rainbow Warrior, which was owned by Greenpeace in 1985, in the Rainbow Warrior Case (1990). This event marked the beginning of the dispute between France and New Zealand. The French nuclear testing activities in the South Pacific were the subject of the Green Warrior's protest. The UN Secretary-General was asked to facilitate the resolution of the damages owed by France to New Zealand and to arrange for the relocation of two agents to a French base in the Pacific for three years. The condition was that the agents would not depart without the mutual consent of both parties. The agents were repatriated to France for three years without the consent of New Zealand. France has contravened the international obligations previously established in the agreement between the two parties. Therefore, France and New Zealand agreed to resolve the

dispute through Arbitration. In the award, the arbitration decided:

"A determination of whether a convention is or is not in force, and whether it has been properly suspended or denounced, is to be made under the law of treaties. On the other hand, evaluating the extent to which the suspension or denunciation of a convention, seen as incompatible with the law of treaties, involves the responsibility of the state that proceeded to it, is to be made under the law of state responsibility".

International law equates the imposition of state responsibility with a breach of treaty obligations. Therefore, a state's breach of an international obligation gives rise to responsibility. As a legal consequence, the state should stop the act and remedy any damage caused (Weatherall, 2022). Cessation of action occurs when the wrongful act continues to be committed by the violating State. In addition, international law also provides an obligation to provide guarantees not to repeat the wrongful act.

According to Mackielo, international responsibility is based on three reasons, namely (Mackielo, 2009): Responsibility based on fault exists because a state fails to fulfill an international obligation. For example, the primary obligation in international environmental law is to prevent environmental damage. This obligation puts the burden on the state to make a proper assessment of whether an activity causes harm hence the state should take measures to minimize the risk. However, when the damage still occurs, the State will not be held internationally liable.

- a. Strict Responsibility exists because of a violation of an international obligation, regardless of the efforts. The state has an absolute obligation to prevent any environmental damage that may occur and adds the principle of compensation. Furthermore, it bears responsibility for the resultant damage when preventive measures are implemented.
- b. Liability without wrongful acts arises from legitimate activities provided there is a causal relationship causing the damage.

The International Law Commission (ILC) effectively finalised proposed provisions on state responsibility in 1996. The draft provisions were ratified through Resolution Number 56/83 of 2001. "Every internationally wrongful act of a state entails the international responsibility of that state," as stated in Article 1 on the Responsibility of the State for Internationally Unlawful Acts. The term is intended to refer to the state's unlawful acts, specifically those involving negligence and failure to act (Crawford, 2013).

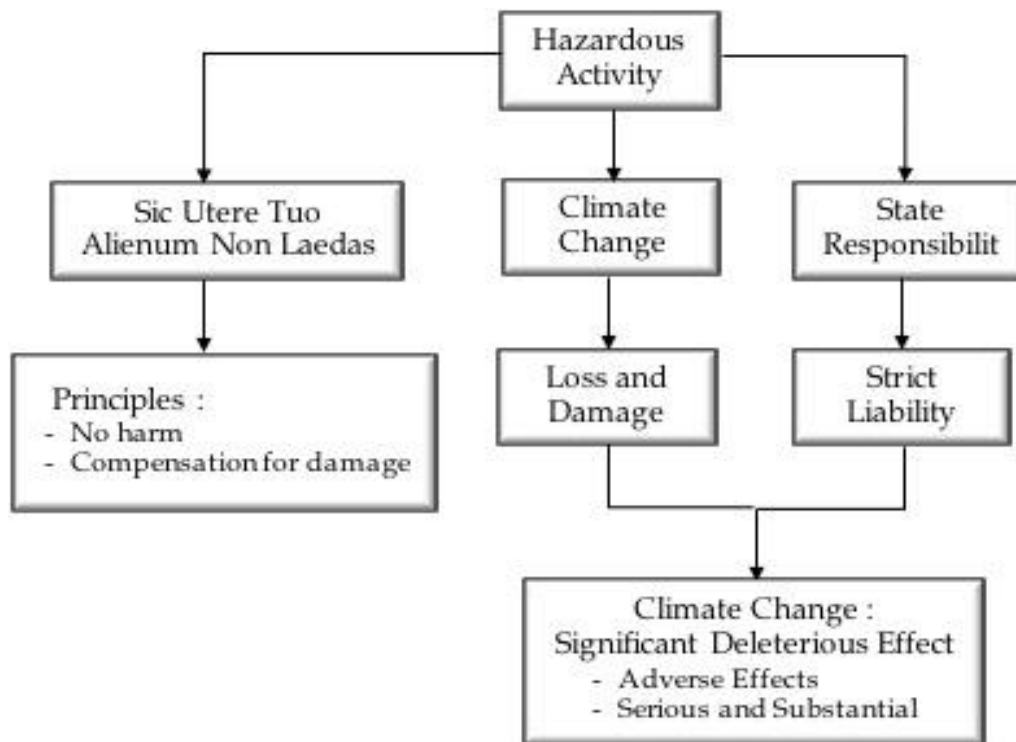
The element of an Internationally wrongful act of a State consisting of an action or omission: 1) *is attributable to the State under international law, and 2) constitutes a breach of an obligation of the State.* Therefore, the responsibility of the state for international obligations must fulfill the elements of attribution and breach. Article 12 further elaborates that *"there is a breach of an international obligation when an act is not in conformity with what is required, regardless of the origin or character"*. In this context, a wrongful act under international law violates an obligation. (Weatherall, 2022) International law doctrine regarding the necessity of fault gives rise to state responsibility is divided into two theories, namely (Adolf, 2015):

- a. The subjective theory is the responsibility of the state determined by the element of fault, namely the desire or intention to commit an act intentionally (*dolus*) or negligence (*culpa*). Figures that support the flow include Grotius, Oppenheim, Fauchille, and Lauterpacht.
- b. The objective theory (causal liability) is that state responsibility is always absolute (strict). When a state has committed an act affecting another, the state is responsible under international law without proving there is an element of fault or negligence in the act. Scholars who advocate for this perspective include Ian Brownlie, Hans Kelsen, O'Connell, and Schwarzenberger.

The principle of "objective" responsibility should be employed in the context of state responsibility, and the state must accept responsibility for its actions. Consequently, the principles under international law impose the obligation to 1) refrain from causing environmental damage and 2) assume responsibility for the losses suffered by other nations in the event of a violation (Rudy, 2006). In the development, international law has also expanded liability for environmental damage. The ICJ's Advisory Opinion related to The Legality of the Threat or Use of Nuclear Weapons can be a corpus of international law on the obligation to ensure all activities within the territory and control while respecting the environment of others or areas beyond the jurisdiction. Therefore, the most relevant international obligation is to prevent and refrain from carrying out activities causing environmental damage (Sands, 2018).

IV. *Sic Utere Tuo Ut Alienum Non Laedas* and State Responsibility of Climate Change

The international environmental law paradigm that governs state responsibility in cases of environmental harm typically undergoes a gradual evolution. Professor Sands delineated the definition of environmental devastation and the thresholds at which the state is responsible for it. Currently, no legal standard establishes a damage threshold for determining the state's liability for damage (Sands, 2018). Damage must be "substantial" or "significant" to establish the threshold of state responsibility, as per international court decisions, state practice, and the opinions of legal scholars. The application of *sic utere tuo ut alienum non laedas* or 'no harm' principle regarding state responsibility in the context of climate change can be illustrated based on the figure 1:



(Figure 1. *Sic Utere Tuo Alienum Non Laedas* and State Responsibility in the Context of Climate Change)

The state established the rule of law regarding state culpability for environmental damage as a general international obligation applicable to any violation as a result of the early developments from the 1972 Stockholm Declaration. Principle 21 establishes that the state is subject to strict liability for transboundary injury and that claims for damages are valid, as reaffirmed at the 1982 Rio Conference (Kiss, 2007). The state must establish preventive measures through legal instruments to prevent and minimise transboundary hazards in national policies, as per Principle 11 of the Rio Declaration. In the interim, the risk of transboundary damage is assessed by implementing due diligence standards.

The ILC made the topic of environmental damage the focus of the "International Liability for the Injurious Consequences of Acts Not Prohibited by International Law" discourse in 1978. In the discussion, there was an opinion that there was a difference between "international liability" and "state responsibility". In this context, "State responsibility" arises when there is a violation of international law, while "international responsibility" is "an attempt to hold a state responsible for the adverse consequences of an activity that is not contrary to the law" (Shaw, 2017). The ILC completed its task by adopting the Draft Articles on Prevention of Transboundary Harm from Hazardous Activities in 2001. Efforts to include rules on state responsibility for environmental damage were also made by the ILC but the state agreed to include the rules in general responsibility since the main rule is based on fault or negligence. The ILC uses the term "harm" to refer to the possible adverse effect of an activity, and "damage" to denote the consequences. Therefore, "harm" and "damage" are used in terms of state responsibility for the adverse effects of wrongful acts. As a consequence, the state is obliged to pay

compensation for environmental damage" (Barboza, 2011), as a physical consequence of an activity within the articles of prevention and liability.

The international community must devote significant attention to climate change, one of the most pressing global environmental concerns. For instance, the thawing of ice and snow in the Arctic is a consequence of the rise in the Earth's average temperature due to global warming. Climate change is the term used to describe the alteration of natural systems and the climate due to the increased concentration of greenhouse gases. Losses and damage to natural ecosystems and human populations are the consequence of human activities contributing to climate change, particularly through extreme events. Mitigation and adaptation initiatives that are incapable of being modified are incapable of mitigating losses (Robertson, 2018). According to *Shue*, there is a moral importance to mitigate the risk posed by increasing greenhouse gas concentrations, which can potentially push the Earth's surface climate beyond critical thresholds in the future (Shue, 2014).

The enforcement of liability regimes for environmental damage is complex due to the many actors, including the State and the private sector (Koivurova, 2014). In 2011, Palau and the Marshall Islands called on the UN General Assembly to request an Advisory Opinion from the ICJ on state responsibility. Palau invoked the No Harm principle, which places state responsibility on those responsible for climate change. The position statement of all small island states in the Pacific is also intended to add the obligation to UNFCCC. The Pacific small islands advocate for the principle of no harm due to the imminent threat of losing the land territories to sea level rise caused by climate change. This shows the legal responsibility of those who emit greenhouse gases.

State culpability is established when there is a "substantial" degree of harm, as evidenced by the Draft Articles on the Prevention of Transboundary Harm, 2001, and the Draft Principles on the Allocation of Loss for Transboundary Harm, 2006. This refers to factual activities that are exceedingly detrimental at "serious" and "substantial" levels and result in genuine adverse impacts, including environmental harm, human health, land, and property. Compensation for "significant damage" is regulated by the Draft Principles on the Allocation of Loss for Transboundary Harm, 2006, whereas "hazardous activity" results in extraterritorial harm (Barboza, 2011). These drafts serve as protection during transboundary harm, emphasizing the mitigation of damage and restoration of the environment.

According to the Paris Agreement's interpretation of Article 1, "adverse effects" are defined as changes in the physical environment or biota that result from climate change. Additionally, the considerable detrimental effects of climate change on human well-being, socio-economic factors, and ecosystems are classified as "adverse" (Robertson, 2018). Therefore, strict liability for harmful activities can be accepted as a general principle of international law. This term is used in Anglo-Saxon law to denote liability applied to tortious and lawful acts causing harm" (Barboza, 2011). Massive greenhouse emissions inevitably cause significant transboundary harm. Damage caused by climate change is at risk of becoming uncontrollable, and a large amount of

greenhouse gas emissions occurring under the jurisdiction of the state should be prevented. The adverse impacts are part of the causal structure of anthropogenic greenhouse gas emissions and sink absorption.

Marie Dupuy stated that certain activities associated with the sovereign right to use resources might have transboundary impacts on other nations (Dupuy, 2018). Nevertheless, the No Harm Principle, which serves as the foundation for strict liability without negligence, cannot be applied to these activities. The state's natural resource utilisation activities in the territory, which have an impact on others, can be interpreted as an obligation of due diligence or conduct. It is imperative to conduct an investigation into the facts and assess the extent of the damage. Consequently, the extent of the impact or "damage" should be evaluated by specific criteria that consider the detrimental effects on the environment of other states. The state does not violate the No Harm principle when the damage inflicted does not exceed a significant threshold.

Verheyen asserts that a state's noncompliance with emission reduction promises entails a corresponding duty to abstain from acts that may inflict environmental harm owing to climate change (Verheyen, 2005). Therefore, anthropogenic greenhouse gas emissions can be measured since the beginning of the Industrial Revolution era to test the effects of potential violations on the environment. Due diligence refers to the unlawful negligence of a state and the commitment to properly manage the environment and control the risk of damage through national policies (Voigt, 2021).

The criterion governing a state's duty to avert actions that may elevate greenhouse gas emissions should consider the historical context and inception of the Industrial Revolution to illustrate the grave peril of climate change. State accountability for climate change, as delineated in the UNFCCC framework, can be enforced when a party neglects to incorporate the convention into national policy. This claim can be validated by the rationale about the state's obligation to mitigate excessive greenhouse gas emissions and the subsequent accountability in the case of failing to avert harm from detrimental actions. Consequently, non-harm may be utilised in the framework of governmental accountability for mitigating climate change. State duties under the principle of no damage and responsibility in the climate change treaty pertain to the cessation and repair of excessive greenhouse gas emissions (Mayer, 2018). According to the Article of State Responsibility, the state is responsible for stopping wrongful acts and providing guarantees of not conducting wrongdoing under international law.

The Paris Agreement also adheres to the principle of "common but differentiated responsibilities," which means that all countries have an obligation to actively participate in climate action through measures that depend on their respective national circumstances. While the Paris Agreement provides flexibility to each country, it still imposes the obligation for countries to meet their commitment to achieving net-zero emissions by 2050. A country's commitment to reducing national emissions is outlined in the Nationally Determined Contributions (NDC), which are central to the Paris Agreement. NDC represent each country's mandatory contribution to reducing

national emissions from the impacts of climate change. The commitments outlined in the NDC reflect the implementation of the principle of no harm, where countries have the responsibility to reduce their national emissions and take domestic mitigation actions in accordance with their capabilities.

In the context of climate change, an international commitment exists to mitigate excessive greenhouse gas emissions within the jurisdiction. Preventive measures aim to regulate governmental actions that result in excessive emissions. The cessation, as delineated by the agreement, contravenes the principle of non-harm, and reparations related to climate change directly affect the collective interests of the state. Consequently, the state must provide complete restitution for the damage caused by excessive greenhouse gas emissions, constituting internationally unjust conduct.

V. Conclusion

Human actions were reported to contribute to climate change through anthropogenic activities, which significantly impact the Earth's broader ecosystem, fauna, and human existence. Rising sea levels, dissolving glaciers and polar ice, and unpredictable hydrological cycles resulted from climate change, which was exacerbated by the state responsible for excessive greenhouse gas emissions. The sovereign right to exploit and investigate natural resources was perceived as more severe than the peril posed by climate change. Concurrently, the process of climate change was irreversible and had tangible repercussions. The rate of climate change was also impeded by international legal instruments within the framework of the Climate Change Convention. The principle of *Sic Utere Tuo Quod Alienum Non Laedas*, an obligation to refrain from environmental injury, should be incorporated into international law instruments. The climate change convention did not embrace this principle. The principle of no damage, known as *Sic Utere Tuo Quod Alienum Non Laedas* in the Anglo-Saxon legal system, led to state responsibility for violations of international law and the provision of compensation. The state was held accountable under international law for producing excessive greenhouse emissions by applying the principle of strict liability.

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