

Revista científica del Amazonas  
Volumen 1 Número 1  
Enero-Marzo 2018

## Estudio de la evolución del derecho ambiental internacional

Study the evolution of international environmental law  
Estudo da evolução do direito ambiental internacional

Ali Reza Anabi \* <sup>1</sup>  
Mahmoud Jalali <sup>2</sup>

<sup>1</sup>Estudiante PhD de la Ley Islámica Internacional, Universidad Islámica Azad,  
Kharazgan Rama-Isfahan-Irán.

<sup>2</sup>Profesor Associate de Derecho Internacional, Universidad de Isfahan, Isfahán, Irán.

\* Autor correspondiente e-mail: [atlasr.co@gmail.com](mailto:atlasr.co@gmail.com)

### Resumen.

El derecho ambiental internacional es un conjunto de reglas y regulaciones de derecho internacional que rigen las relaciones entre seguidores y actores del derecho internacional, incluidas las leyes gubernamentales y no gubernamentales para proteger el medio ambiente, y es un campo emergente cuyo punto de inflexión fue la Conferencia de Estocolmo en 1972. Desde entonces, este campo ha sufrido muchos cambios y los abogados han dividido la evolución del camino en tres etapas: la conferencia de 1972, la Conferencia de Río de 1992 y la Conferencia de Río + 20; estos desarrollos se centran principalmente en cuestiones tales como el desarrollo de medidas preventivas, ampliar las garantías de los compromisos ambientales de los gobiernos, ajustar los gobiernos y reducir el principio de soberanía nacional. Sin embargo, el proceso ha enfrentado obstáculos y limitaciones, como la falta de recursos financieros, cuestiones ambientales y preferencias y gobernanza nacionales. Se deben establecer instituciones internacionales fuertes y eficientes que tengan la competencia y la capacidad necesarias para avanzar en los objetivos ambientales a fin de acelerar este proceso.

**Palabras clave:** medio ambiente, derecho internacional, gobierno, RIU, ST

### Abstract.

International environmental law is a set of rules and regulations of international law governing the relations between followers and actors of international law including governmental and non-governmental laws in order to protect environment as well as it is an emerging field whose turning point was Stockholm Conference in 1972. Since then, this field has undergone many changes and lawyers have divided the path evolution into three stages: the 1972 conference, the 1992 Rio Conference and the Rio + 20 Conference; these developments are mainly focused on issues such as development of preventive measures, extend the guarantees of governments' environmental commitments, adjust governments will and curtail national sovereignty principle. However, the process has faced obstacles and limitations such as lack of financial resources, environmental issues and national preferences and governance. Strong and efficient international institutions should be established that have necessary competence and ability in advancing environmental objectives in order to accelerate this process.

**Keywords:** environment, international law, government, RIU, ST.

### Resumo.

A lei ambiental internacional é um conjunto de regras e regulamentos do direito internacional que regem as relações entre seguidores e atores do direito internacional, incluindo leis governamentais e não-governamentais para proteger o meio ambiente, e é um campo emergente cujo ponto de virada foi a Conferência de Estocolmo em 1972. Desde então, este campo sofreu muitas mudanças e os advogados

dividiram a evolução da estrada em três etapas: a conferência de 1972, a Conferência do Rio em 1992 e a Conferência da Rio + 20; Esses desenvolvimentos são principalmente focados em questões como o desenvolvimento de medidas preventivas, a ampliação das garantias de compromissos ambientais dos governos, o ajuste dos governos e a redução do princípio da soberania nacional. No entanto, o processo tem enfrentado obstáculos e limitações, como falta de recursos financeiros, questões ambientais e preferências e governança nacionais. Instituições internacionais fortes e eficientes, com a competência e capacidade necessárias para avançar objetivos ambientais, devem ser estabelecidas a fim de acelerar esse processo.

**Palavras-chave:** meio ambiente, direito internacional, governo, RIU, ST

## **Introduction**

Human has always been struggling overtime in order to dominate his surroundings and make more use of it. The industrial revolution has greatly increased human opportunity to master and exploit resources from natural sources, so that incorrect exploitation of resources led to serious environmental problems. Issues such as ozone layer thinning, climate changes, water pollution and endangered species of rare plant and animal, drought and storms, all and all, have been the result of unhealed human actions during decades (Kurokolasariya, 2011).

The crisis resulted from these challenges have been the starting point for international environmental law in the last few decades. International environmental law has been environmental law driver that has become one of the most important, diverse and complex international law. The international environmental law with a cross-disciplinary approach has removed the gap between science and law and has bring together lawyers alongside environmentalists, and has tried to organize the environment protection through preparing and enforcing mandatory rules.

This emerging discipline has been able to develop and expand its non-binding rules which are not well-established in classic international law and to show how these non-binding tools can be converted into legally-documented laws. On the other hand, this discipline creates the mechanisms for continuous and binding international cooperation between governments in order to convert trans- boundary environmental degradation into international convergence opportunity that threatens international peace and security.

Healthy environment right, common heritage of mankind, future generations rights, development right and concept of sustainable development as examples of environmental human rights were appeared due to development of this field of law and were included as national and international legal norms (Poorashemi, 2010) and its international judiciary and judgments were recognized (Gillroy, 2006).

International environmental law had significant development with United Nations Conference on human environment in 1972 that was hold in Stockholm, and has seen many changes to date. These developments are analyzed in this article.

## **Definition of International Environmental Law**

It is necessary to provide a definition of environment and international law before defining international environmental law. One of the most appropriate definitions of environment is definition provided by Council of Europe in article 13, paragraph 2, Civil Liability Convention on environmental degradation activities of 1993. It defines the environment as "living and non-living natural resources such as: air, soil, water, animals, plants, and reactions between similar factors and assets that are part of cultural heritage and are considered as specific features of environment».

The definition of public international law is as follows: "International Public Law is one of the branches of public law that includes the rights of international community, set of rules and regulations that come into being from international relations and regulate relations among members of international community "(Bigdeli, 2008).

International environmental law is one of the international public law branches and lawyers have defined it as: "International environmental law includes principles, procedures and rules of international law with main purpose of protecting environment." (Sands, 1994)

There are two main points in this definition:

Firstly, share international environmental law resources with international public law. Secondly, the main objective is to prevent and protect environment against pollution for present and future generations and achieve sustainable developments.

International environmental law is the international rules and regulations governing relationship between followers and actors of governmental or non-governmental international law in order to protect the environment.

### **History of International Environmental Law development**

International Environmental Law is one of the branches of international public law and is increasingly evolving; its turning point is United Nations Conference on Human and Environment in Stockholm in 1972. The development of international environmental law has been divided into three periods since then.

- **A. From Stockholm Conference to Rio Conference.** Important principles of environmental law and protection have been raised in the final statement of Stockholm Conference in 1972; these principles have been based on regional and international conventions and treaties up to now. This statement includes an introduction, twenty-six principles and an action plan. The environmental policy includes 109 recommendations such as proposal for the United Nations Environment Program (UNEP) and Environment Fund, both of which played important role in development of international environmental law. Its first principle refers to freedom, equality and proper living conditions in an appropriate environment. The eighteenth to twenty-first principles refer to science and technology and education in environmental issues and free flow of information and transfer of environmental experiences. Article 21 stipulates the responsibility of governments for harming ecosystem which has become an international standard today. The twenty-second principle refers to compensation issue.

Another important event of international environmental law in that historic period was adoption of Universal Charter of Nature by General Assembly of the United Nations on October 28, 1982 that has had major impacts on international environmental law. Its effect was that legal principles enshrined in 1985 Convention on Protection and Conservation of Southeast Asian Resources and ten years later, some of its principles were repeated again in 1992 Rio Declaration.

International environmental law was structurally changed during this period. The fact was that United Nations Environment Program (UNEP) was established and other international organizations considered environment protection in their goals and programs at this stage; including, International Labor Organization, Food and Agriculture Organization, World Health Organization and International Atomic Energy Agency. In addition, a number of international conventions were established during this period, including Convention on International Trade of Endangered Species of Wild Fauna and Flora, Washington 1975 and Convention on Sea Rights, Montego Bay 1982. In this way, international law on environment was developed in terms of both legal principles and establishment of international organizations for environmental protection (Mousavi, 2006). The main features of this period are preparation of various strategies in protecting environment by international organizations that have been considered by countries in formulating national strategies and establishment of domestic laws and have been used in international registration of international environmental documents (Karimi, 1992).

- **B. Rio Conference to Rio + 12 Conference.** United Nations General Assembly approved to hold an international conference on environment and development during which UN Secretary-General was requested to provide ground for holding conference. The conference began on June 3, 1992 in Rio de Janeiro, Brazil, with the participation of more than thirty thousand of 176 countries including 116 heads of state and representatives, 1,400 non-governmental organizations active in environment field and 9,000 correspondents. The conference included two other important legal documents United Nations Convention on Climate Changes, New York 1992 and Convention on Biological Diversity, Rio de Janeiro 1992, which were prepared before conference in Rio for governments signing (Kiss, 2007).

The 1992 Rio Declaration was examined and analyzed from two dimensions: one of them is what this text reflects the differences between developed and developing countries, and the other is in an effort to direct process of developing and developing international environmental law. Therefore, some of the principles set forth in this statement reflect the views of developing countries, such as: the right of having health and

physical and mental abilities in order to adapt to nature (environmental law) (Principle 1), the sovereignty of States in exploitation of natural resources under realm of fair and control (principle 2), the right of development in accordance with needs of present and future generations (principle 3), elimination of deprivation and poverty (Principle 5), consideration of conditions and needs of developing countries (Principle 6), the greater responsibility of developed countries in protecting environment (principle 7), exchange of information and access to new technological achievements (principle 9) that reflect views of developing countries. On the other hand, principles such as changing patterns of production and consumption, population growth consistent with environment and sustainable development (principle 8), people right in access environmental information and access to judicial and administrative courts, and application for compensation of environmental damage (principle 10), support for a free economic system without application of arbitrary and unjust measures for exploitation of others (principle 12) and emphasis on the critical role of women's cooperation in environment (principle 20) in sustainable development process, that reflects the views of industrialized and developed countries in the field of environmental protection and sustainable development (sand, 1993) .

The effect of Rio Conference on International Environmental Law can be summarized as follows: Firstly, the government must have environmental protection and protection concerns in its economic development, industrial growth and globalization, and should consider sustainable development as their national development plans.

Secondly, governments must consider "principle of sustainable development" in the formulation of both programmatic and customary laws, as well as the compilation of binding, bilateral or multilateral documents.

Thirdly, governments must recognize the role of social groups, institutions, organizations and non-governmental organizations in protecting national, regional and global environment.

Therefore, the second phase of development and transformation of international environmental law process can be called the period of realization, comprehension, reform, and emergence of conflicts in different countries of world in environmental field (Gillroy, 2006).

Five years after Rio Conference in 1992, it was held at United Nations headquarters in New York in the nineteenth special session of General Assembly of United Nations from 23 to 27 June 1997, based on decision making at the same conference, with participation of heads and representatives of 185 countries, with the aim of examining, analyzing achievements of Rio Conference, evaluating how the agreements were implemented, and deciding on necessary measures in order to prevent further environmental degradation and sustainable development; the differences between views of advanced countries were not solved and Copenhagen Summit in 2009 failed to heal this disagreement (Lavasani, 1993).

- **C. From Rio + 20 Conference to Today.** Thompson Seminar in 1992 resulted in environmental development model in 21st Century that was called Agenda 21. The world focus was on increased environmental problems twenty years after Rio formation. The international community met again in Rio de Janeiro on 20<sup>th</sup> to 22<sup>nd</sup> of June 2012 in order to review the twenty-year achievements of Rio Conference. While, Rio +20Conference stressing the commitments made in Rio Conference which is customary in the 21st Century, tried to introduce a new kind of interactions in which business issues, governments and civil society outline the major roles of access to more sustainable world. Green economy of reducing poverty was featured on Rio + 20 agenda. Another achievement of Rio +20Conference approved Comprehensive Charter for sustainable development in six chapters and 382 articles. The discussions results were basis for negotiations of United Nations headquarters in New York and eventually led to development of a document entitled "The Future We Want" on January 10, 2012. The document was based on decisions made at Rio + 20 Conference and final statement of conference was drafted on this basis. While, final document of Rio + 20 Conference revising political commitments and emphasizing Rio's principles and previous environmental and sustainable plans, addresses the green economy issue.

Some of benefits of conference can be summarized as follows:

- Developing a road map for goals of sustainable development in 2015;
- Strengthening the United Nations Environment Program;
- Green Economy issue and re-emphasizing poverty alleviation.

The final document of Rio + 20 Conference is "The future we want is not binding and it encourages governments to use provisions of this document in order to realize three dimensions of sustainable development (economic, social and environmental). Achieving these goals depends on governments' will, so that they can provide a suitable platform for sustainable development in their domestic law (Baslar, 1998).

### **Examples of developments in international environmental law**

The most important of these examples is as follows.

**- A. Develop preventive measures.** One of the positive developments in international environmental law in recent years is international community's attention to preventive measures rather than compensatory measures.

This is inconsistent with traditional attitude that responsibility is attributed to state that caused the damage. In recent years, the deterrent approach of international environmental regulations has increased dramatically (Time, 2012: 28).

The new thinkers of international law believe that application of government responsibility theory after occurrence of damage at outset would lead to spread and development of conflicts, weakening of cooperation and impossibility of preventing harm. International law scholars argue that implementing pre-emptive actions and commitments will enable governments to deal with border-crossing pollution issue through "conflict avoidance" cooperation system" (Murphy, 2013).

One of the important responsibilities of governments is responsibility for accurate and complete information in the form of preventive measures. This is clearly stated in 20th edition of Stockholm Declaration. (Gillory, 2006: 172)

**- B. Efforts to expand performance guarantee and develop it to domestic legal systems.** Another significant development in field of international environmental law is to extend scope of measures guarantee against environmental violations of offenses. Two important issues should be discussed in this regard. Firstly, liability regimes and methods of compensation for various reasons, including considerations of governance are regulated in the form of voluntary protocols, which, is very desirable on the one hand; on the other hand, there is a very serious and fundamental problem in protecting environment. The desirability of this method is largely because countries fulfill obligations and duties arising from arbitrariness of such protocols, without any coercion and necessity, and with their desire to join it, and with greater willingness and willingness. But the voluntary nature of accountability regimes will result in a negative consequence that countries give them in some cases that are not beneficial for them and hence the protection of environment and responsibility of breaching this obligation will be secondary for countries. Secondly, there is no effective system for implementation of international liability and compensation in international system, and the responsibility of private sector forms a major part of liability regime resulting from environmental damage. In practice, national legal systems are involved in directing international liability for environmental damages.

Given the above, global assemblies have reviewed the responsibility of governments for environmental damages and have sought to strengthen the responsibility of governments in this regard; it was stated in the tenth edition of Rio de Janeiro Declaration of 1992 that Governments should have effective guarantee and support for actions of judicial and administrative authorities, including punishment and compensation. In this way, the environment paves the way from rules of recommendation to mandatory rules. (Kiss, 2005) In 1992 Rio Declaration, governments committed themselves to work together and protect the environment so that today environmental threats surround lives of all nations and estimation of damages to be urgent affair of state. (Simbir, 2004).

Article 3 of United Nations Commission International Law draft on International Liability of United States of America Government 2001 defines the elements of International Government Conflict as an Act of Deed or Detention, which is attributable to the State under international law and which forms violation of the State's International Commitment. Even in third chapter of Article 190, the serious violation of international obligation which is fundamental to protection of human environment has been considered as an



international crime; (Harris, 1993) such as violation of obligations to ban large marine and terrestrial pollution. That is, it forms a kind of customary international rule. (Halami, 2006).

It seems that the acceptance of legal responsibility for governments has led to development of international environmental law and has gradually strengthened the safeguards of implementation and has been instrumental in complying with international environmental law. However, the conflicting and heterogeneous behavior of governments is still a challenge to international law. On the one hand, society still lacks an effective mechanism for managing and responding to environmental issues. (Time, 2012: 53). Despite the evolution of government's responsibility for environmental issues and strengthening the implementation of safeguards on this issue, the international community still needs a new model of environmental law system, in order to be able to establish legal institutions such as responsibility of governments for behavior of international law enforcement actors, especially governments (Kasse, 1991). Undoubtedly, its international public order will be strengthened with the subsequent creation of international legal community whose members have accepted a certain priority of certain values (Mosler, 1984).

Undoubtedly, whenever we seek to find examples of international crimes in state, severe violations of international obligations that are important to protect human environment, such as preventing pollution of sea or earth's atmosphere, are considered to be the most important of these crimes and criminal responsibility of officials of states that violate international law. (Abdi, 2007).

**- C. The evolution of governments' environmental obligations.** While environmental protection can be achieved with participation of international community, including non-state actors and governments, but governments as genuine and traditional right holders of international law have a prominent place in observing environmental standards. Therefore, it seeks to strengthen the obligations of governments in the field of international environmental law, in such a way that governments are committed to cooperate effectively with each other, avoid creation and transfer of contaminating materials or installations from pollution producing countries to third world countries and pay costs of fight against pollution. The International Environmental Law and existing documents and protocols state that governments are committed to prevent harmful practices continuation, such as evacuation of poisonous wastes or cutting of trees and any type of environmental degradation.

Governments also have the obligation to refrain from using tools and those war tactics that are linked to severe damage to the environment and is considered to be a war crime. The notion that governments have environmental commitments, not individually, but whole international community is assessed from the perspective of security threats for governments and international community (Amir Arjmand, 2016).

In today's world, protecting environment and avoiding destruction and infecting it is an objective obligation for governments and governments must enjoy fair use of environment in a way that gives all countries equal opportunity to use it.

One of New Millennium Declaration in 2000 aims was to ensure the continuity of environment, which sought the efforts of countries. We read in this Declaration: We need respect for environment in order to have a thriving agricultural, clean drinking water, fisheries and a healthy livelihood. All governments must bind to Convention on Biological Diversity and Johannesburg commitments for biodiversity conservation. Obviously, the recognition of environmental conventions implementation, such as 1997 Kyoto Protocol and United Nations Framework Convention on Climate Change will be the first steps towards movement success (global environmental recovery). (Baidinezhad, 2005) According to Stockholm Declaration of 1972, governments are required to use their land in a manner that does not harm the environment of other countries beyond their national jurisdiction (Berhardt, 1981). Considering that the main cause of environmental pollution is industrialized countries; so, fundamental changes have taken place in convention and international legal instruments on environmental commitment of these countries. That is why industrialized countries must provide daily charts of humanitarian activities in the form of charts, convert environmental projects mandatory and desirable from advisory and non-obligatory nature. They must introduce new and sufficient financial resources to relinquish it, transfer new energy technologies to developing countries, sell their products and products based on presenting appropriate environmental policy, and all of these countries must sign the commitments and react to control of world's population. (Ameri Sahoi, 2008)

- *D. Adjust Governments will in adoption and implementation of environmental conventions.* The judgment of International Court of Justice on Lotus case in 1927, which emphasized the priority of governments' will in accepting international treaties and international commitments, laid down the principle that governance is the forefront of governments' interactions with international community. But developments over past 90 years have shown that the belief must not be sacrificed in the past, at least for today. We are pushing for the globalization of values and economy (the outcome of Davos summit in Switzerland over a decade ago) and this process has begun to realize a struggle with satisfaction and sovereignty of states in its traditional and classical sense. (Zamani, 2012) It seems that the international community has gradually succeeded in achieving universal rule of law in many areas, including the environment. (idid: 169).

The evolution of international environmental law reminds the modification of state monopoly jurisdiction principle on territorial facilities use and international standards development in industrial activities of countries based on environmental rights, which is a clear indication of solidarity rights. (Sa'ed Vakil, 2009). The international community is no longer able to endure contaminations such as 1967 Canyon Tanker sunken and Union Carbide incident in Poplar India and Chernobyl in 1986 and Gulf of Mexico 2010 and Japanese Fukushima nuclear explosion in 2011. International environmental law has emphasized the prevention of environmental degradation and pollution in space, air, land, and sea. Environment has been the first victim during both wartime and peacetime (Smith, 1988) (International Environmental Law), it urges countries to avoid harmful environmental degradation. It seems that commitment of countries to protect the environment is universal and it is an obligation to whole international community to the extent that violation of international obligations are essential to protection and safeguarding of human environment (Article 19 of International Law Commission Draft on State Responsibility, 1976).

In Third United Nations Convention draft on consumers rights signed in 1982, under article 15, the member states commit themselves not to alter the natural conditions of life, which would harm human health and collective life. (Amir Arjmand, 2016). Thus, governments are committed to collaborate on information, consultation, negotiation and sharing of environmental issues in the case of environment. International community has imposed gradually a commitment to governments on common interests of humanity to enjoy law status (Zamani, 2010).

Similarly, in the London Convention which is a universal convention for prevention of marine pollution by destruction of wastes and other materials, member states must legislate to regulate the disposal of wastes. Similarly, Article 210 and 216 of Convention on Sea Law called coastal states to regulate international conventions and control contaminations in their vicinity. Similarly, Kyoto Protocol in 1982 Protocol, International Covenant on Civil and Political Rights (ICCPR) is implicitly entrusted to governments that may not be parties to the conventions (Churchill, 2008). These conventions have committed nations (in Article 235) to develop a coordination system in the field of responsibilities for marine pollution. Also, it is possible to explore the source of the seabed with the permission of International Seabed Authority when obligations were written to comply with pollution regulations. Article 207 (4) of Convention on Sea Law stipulates that governments must endeavor to establish rules and standards and recommend practices and methods at global and regional level in order to prevent, reduce and control the pollution of marine environment by land-based resources. When such rules and international standards are determined, governments must comply with its provisions (Article 213) and, at the same time, benefit from specialized advice of nongovernmental organizations such as International Peace Association, Natural Resources Defense Association and International Organization for Standardization. (Kiss, 2007).

The considerations are not about protecting environment, they also include animals. According to Article 8 of Agreement on Long-Range Conservation Protection and Sustainable Conservation of Large-Scale and Large Migratory Fish Stocks adopted in 1995, New York governments are required to cooperate with each other, either directly or through competent regional bodies, in order to protect fish stocks and migratory fish. Environmental measures appear to be closer to regional agreements (knox, 2002).

In this way, it is observed that the process of changing international environmental law goes towards adjusting the will of governments and weakening the principle of national sovereignty.

## Barriers and Constraints on Transition of International Environmental Law

- **A. Governance.** One of the main obstacles of international environmental law development and transformation is lack of willingness of governments to delegate authority or to restrict it to benefits of environmental organizations at the international level. The system of governance in the world tends to focus and do not deserve to be transmitted to centers of power and transnational decision-making. On the other hand, the confrontation and conflict of interest among main actors of international law (governments) regarding environmental protection is based on national sovereignty, development Challenges to international law. This conflict of interests can be political, economic, military, etc. In addition, the conflict of interests between developing countries and developed countries in implementation and enforcement of international environmental law and regulations is another limitation on legal field. Despite the principle of shared and distinct responsibility of governments, the conflict between these two groups of states is seen in many sources of international environmental law. Advisory Opinion by International Court of Justice on legitimacy of threat and use of nuclear weapons 1996 is a clear example of pressure on this international entity by the nuclear-weapon states. Although one of the important principles outlined in 1972 Declaration of United States of America in international environmental declarations is principle of sovereignty, which in fact redefines the states sovereignty, and new definition of sovereignty concept in international environmental law relies on concept of "rational use "from the land, but shadow of absolute sovereignty continues to dampen in international environmental law (Murphy, 2013).

The other factor limiting the development of international environmental law is the wide range of environmental issues.

- **B. Extend the dimensions of environmental issues.** The other factor limiting the development and transformation of international environmental law is wide range of environmental issues. Environment includes all aspects of human life including water, air, soil, and everything that exists on planet ie, heavenly bodies, and the dimensions of environmental issues are also very wide. Formulate regulations and rules for environment is time-consuming, so development of international law in this situation has exposed developed countries and countries lacking this capability with enormous scientific and technical challenges. On the other hand, the lack of sufficient development of human science and knowledge on environmental issues adds to these problems. In fact, human knowledge and science have not yet managed to address all aspects of environment (Sands 1994).

- **C. Costly environmental protection and lack of financial resources.** This is especially true for developing countries which are the largest in the world. These countries do not have sufficient financial resources in the case of protecting environment, especially inefficiency of management in most of these countries. Therefore, the non-enforcement of rules and regulations of international environmental law will create preventions for its development and development.

Of course, several solutions have been proposed in order to solve these problems and limitations. But there are still plenty of options to complete these proposals. One of these solutions is internationalization of environmental protection based on two legal bases. On the one hand, it is based on the rules and regulations of International Environmental Law which must be complied with for members of international community based on "international conventions" such as: prohibition of damage to other lands, the fair and rational use of land, mutual cooperation and prevention of environmental problems, on the other hand, "internationalization" of environmental protection on "institutionalization" of contemporary international environmental law principle. The institutionalization of international law means the creation and expansion of international organizations and institutions for the effective and efficient protection of environment. In this context, United Nations Environment Program which has been established and appears to have no global environmental management and management capability is only as a program to encourage governments to protect the environment. So it's time for World Organization to protect environment with the necessary powers. Obviously, discussions about the establishment of this global organization will not be out of the struggle in developing and developed countries. But international environmental law will also allow for development with the establishment of such an organization.

## Conclusion and Recommendations

In the last few decades, environmental crises and environmental problems have led minds of reformers and statesmen to think about action and practical measures in this regard, including efforts to organize and



shape international environmental law. The United Nations Conference in Stockholm in 1972 prompted the development of international environmental law and has seen tremendous developments since then. Lawyers divide this transformation path into three periods. The first period from Stockholm Conference to Rio Conference is about twenty years, during which the Universal Nature Charter was approved and UN Environment Program (UNEP) was established structurally. The second period from Rio Conference in 1992 to the Rio + 20 Conference in 2012 is twenty years. The statement of conference on the one hand indicates the differences between developed countries and developing countries, and indicates the development and transformation of international environmental law. Finally, the third phase of Rio + 20 Conference in 2012 includes main subject of "Green Economy for Poverty Reduction" and develops a comprehensive map in order to achieve goals of sustainable global development. From the perspective of environmental lawyers, international environmental law has seen dramatic over time on issues such as development of preventive measures, extension of safeguards implementation, the environmental commitments of governments, the adjustment of governments will, and weakening of national sovereignty principle.

However, there are obstacles and constraints in this process, such as sovereignty of states, wide range of environmental issues, and costly nature of environmental protection and lack of financial resources, especially in developing countries.

However, in order to accelerate the evolution and efficiency of international environmental law, the following recommendations are essential:

1. Establish international bodies, in particular international judicial and administrative tribunals, aimed at monitoring the implementation of general and specific environmental conventions.
2. Using regional arrangements in order to resolve international disputes between countries on environment issue and immediate confrontation with trans- boundary pollution and pollution.
3. Establish unit management bodies in order to adopt common and enforceable measures.
4. Utilize advisory and executive views of non-governmental organizations in preparation of environmental documents that can pave the way for governments using specialized information.
5. Increase competence of international organizations involved in scientific partnerships, collecting findings, setting up a centralized institutional entity, capacity building and cultural foundation.

## References

- Abdi, A. (2007). International Crime of Government, From Dream to Reality, Tehran, Iranian Journal of International Law and Comparative Law, No. 3.
- Ameri Sahoi, H. R. (2008). Human Resource in United Nations documents, Tehran, Majd Scientific and Cultural Organization.
- Amir Arjmand, A. (2016). United Nations Conference on the Conservation of Two-Thin Fish and Offshore Fish and the 1995 New York Convention, Tehran, Journal of Legal Research, Nos. 17 and 16.
- Baidinezhad, H. (2005). Evolution in structure of United Nations system, Tehran, Office of Political and International Studies.
- Baslar, k. (1998). The concept of the common Heritage of Mankind in International Law, Netherland, Martinus Nijhoff publishers.
- Berhardt, R. (1981). Encyclopedia of Public International Law, London, Vol. 2.
- Bigdeli, M. R. (2008). International Law, Tehran, Ganj Danesh Publications.
- Churchill, R., Leo, A. (2008). International Law of the Sea, translation of Mr. Aghaei, Tehran, Ganj Danesh.
- Gillroy, J.M. (2006) Adjudication Norms, Dispute Settlement Regimes and International Tribunals, Stanford Journal of International Law.
- Halami, N. (2006). International Government Responsibility, Tehran, Journal of Law and Policy Research, Eighth, No. 18.
- Harris, D.J. (1993). Cases and Materials on International Law, London, sweet and Maxwell, Fifth edition.
- Karimi, Mahmoud, N.M. (1992). Objectives of United Nations Conference on Environment and Development and Formulation of Strategies and Adjustment Treaties, Tehran, Foreign Policy Magazine.
- Kasse, A. (1991). International Law in the Unlimited World, Translated by Morteza Kalantariyan, Tehran, Office of International Law Services of the Islamic Republic of Iran.
- Kiss, A. (2005). the legal ordering of environmental protection, London, sweet and Maxwell.
- Kiss, A. (2007). Environmental Law, Translated by Mohammad Hassan Habibi, Volume 3, Tehran, Tehran University Press.

- 
- Knox, J. (2002). *the myth and Reality of the Transboundary*. Environmental Impact Assessment London, vol. 96.No.2.
- Kurokolasariya, L. (2011). *International Environmental Law*, Translated by Seyyed Mohammad Mehdi Hosseini, Tehran, Publication.
- Lavasani, A. (1993). *International Conference on Environment in Rio*, Tehran, Bureau of Political and International Studies of the Ministry of Foreign Affairs.
- Mosler, H. (1984). *International legal community*, London, Encyclopedia of Public International Law, Vol.7.
- Mousavi, S.F. (2006). *the Development of International Law Resources for Environment*, Tehran, Publication.
- Murphy, D. (2013). *Evaluation of the international liability regime for the WHO Framework Convention on Tobacco Control*, Oxford, Oxford University Press.
- Poorashemi, S. A. (2010). *Laws and Regulations on Citizenship Rights*, Tehran, Vice President of Legal Affairs.
- Sa'ad Vakil, A. (2009). *the Status of the Healthy Environment in Normative Framework of International Human Rights*, Tehran, Khorsandi Publication.
- Sand, H. P. (1993). *International Environmental Law after Rio*, London, European Journal of International Law, Vol4. No.1
- Sands, P.h., (1994). *Principles of International Environmental Law*, Manchester, Manchester University Press.
- Simbir, R. (2004). *Human Rights in context of the environment*, Tehran, Political and Economic Information Monthly, No. 202-201.
- Smith, B, D. (1988). *State Responsibility and Marine Environment*, Oxford, Oxford University Press.
- Zamani, S. Q. (2012). *Development of International Responsibility in Light of International Environmental Law*, Tehran, Journal of Legal Research, Year 1, No. 1.
- Zamani, S. Q., Shahbazi, R. (2010). *International Law end: The Fluctuation between Technique and Constraint*, Tehran, Institute for Legal Studies and Research of Shahre Danesh.