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"Principles and Development of International Environmental Law"

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"To waste, to destroy our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed."

— Theodore Roosevelt

ABSTRACT

International environmental law is a body of international law concerned with protecting the environment, primarily through bilateral and multilateral international agreements. International environmental law developed as a subset of international law in the mid-twentieth century. Although conservation movements developed in many nations in the nineteenth century, these movements typically only addressed environmental concerns within a single nation. Moreover, there were conventions which focused only on specific issues and thus, had limited effects.

A growing body of environmental scientific evidence from the 1950s and 1960s, however, illustrated global environmental stresses, along with the need for a multinational solution to environmental issues. Scientific research established that air and water pollution, overfishing, and other environmental issues often have effects that reach far beyond the borders of any particular nation. By the late-1960s, the international community realized that an international approach to environmental issues was required.

This research paper focuses on background, development and evolution of international environmental law by treaties, conventions and various conferences at international level. The paper then states the sources of international law followed by some of the principles of international environmental law.

Keywords: International Environmental Law, Environment, Conservation, Pollution, Environmental Issues.

1. INTRODUCTION

Global growth of public concern for the natural environment has been one of the most important developments in recent decades. Globalization has helped connect societies and their environmental fates more closely than ever before. At the same time, environmental problems increasingly cross national borders and giving serious impact to the health of the Earth. The development of more effective environmental laws and legal systems throughout the world has

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thus become critical to altering economic development and growth onto path of environmental sustainability.

However, the responses have been surprisingly progressive. Increased cooperation between governments, non-governmental organizations, multinational corporations, and the growth of transnational environmental networks have also significantly influenced the development of environmental law and regulation. As result, it has been emergence of International environmental law, which is a field of 'law' that is international, national and transnational in character at all once.[1]

International environmental law is the set of legal principles and practices national, international, and transnational environmental regulatory systems to protect the environment and manage natural resources. Therefore, as a body of law, International environmental law is made up from different set of substantive principles and procedural methods that are specifically important or unique to governance and institution that concern of the environment across the world.[2] It includes:

(1) Public international environmental law[3], which usually refer to the set of treaties and customary international legal principles governing the relations between or among nations,
(2) National environmental law[4], which refer to the principles used by national governments to regulate and manage the behavior of private individuals, organization, and sub-national government institutions within their borders,
(3) Transnational law[5], commonly refer to the set of legal principles used to regulate the cross-border relationship between private individuals and organizations.

2. BACKGROUND

As in other areas of law, religious or ethical beliefs may motivate individuals and governments to put force on environmental protection. An additional basis for action at the international level is desire to avoid interstate conflicts over depleted or scarce resources or consequent to incidents of trans-boundaries pollution.

[1] International Environmental Law Research Guide, available at: https://guides.ll.georgetown.edu/InternationalEnvironmentalLaw
[2] International Environmental Law, available at: https://www.encyclopedia.com/environment/energy-government-and-defense-magazines/international-environmental-law
[3] Public international law and international environmental law, available at: http://unimelb.libguides.com/internationallaw/environmental
[4] What is environmental legislation?, available at: https://study.com/academy/lesson/what-is-environmental-legislation-laws-regulations-timeline.html
[5] Transnational law, available at: https://legal-dictionary.thefreedictionary.com/Transnational+Law

Environmental ethicists construct environmental protection around concepts of equity and justice, as seen in three sets of relationships: among existing persons, between present and future generations, and between humans and other species. Self-interest also provides a rationale for attention to the environment. Humanity's concern with long-term human survival also underlies many legal and social norms and may be grounded in a genetic or biological imperative. Interest in survival of the human species requires that 'humanity' be seen to include not only present but also future generations. From these various origins, concern for the environment has emerged.[6]

3. DEVELOPMENT OF INTERNATIONAL ENVIORNMENTAL LAW

1. First Treaties

Before the 19th century, some municipalities and states made huge efforts to address to address local forms of pollution or nuisances, such as smoke, noise, and water pollution. The first international agreements dealt with shared living resources and appeared only in the 19th century, with the conclusion of international fishing treaties and agreements to protect various plant species. The main purpose for the agreements was to sustain the harvesting of economically valuable species. This required international action, because many of species were migratory or they were located in areas outside national boundaries, such as on the sea. Some of these treaties were:

- Jay-Treaty (US - UK) on the Great Lakes on 1794[7],
- Treaty on Fishery Rights (France - UK) on 1867[8],
- Agreement on the modus vivendi on Seals in the Bering-Sea (US-UK) on 1891[9],
- Convention to Protect Birds Useful to Agriculture (USA - Canada) on 1902[10],
- Boundary Waters Treaty (Canada - UK) on 1909[11], and
- International Convention on the Regulation on Whaling on 1931[12].

[6] International environmental law, available at: https://www.encyclopedia.com/environment/energy-government-and-defense-magazines/international-environmental-law

[7] Jay treaty (November 19, 1794), agreement that assuaged antagonisms between the United States and Great Britain, established a base upon which America could build a sound national economy, and assured its commercial prosperity, available at: https://www.britannica.com/event/Jay-Treaty

[8] The treaty was signed between France and Great Britain on 11th November, 1867 in relation to fisheries in the seas between Great Britain and France. Available at: https://books.google.co.in/

[9] Convention between the United States of America and the Great Britain for the renewal of the existing "Modus Vivendi" in Behrings's Sea. It was an arrangement to to prevent the citizens of either country from killing seals in Behring's sea. Available at: https://books.google.co.in/

[10] It was the first global convention to enter into force for the protection of the designated wildlife species. The convention concerned useful birds, especially insectivores. And was aimed primarily at enhancing agricultural production. Available at: https://books.google.co.in/

[11] The agreement was in respect of the boundary waters between United States and Canada to prevent water pollution and co-operate with each other in attaining the goal. Available at: https://books.google.co.in/

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However, there were several conventions with a more ecological target, but they regulate only special subject matters and have therefore limited effects such as:

- Convention Relative to the Preservation of Fauna and Flora in the Natural State on 1933[13].
- Convention on Nature Protection and Wild Life Protection in the Western Hemisphere on 1940[14].

Moreover, before 1972, the field of international environmental law was not developed, even though some of environmental treaties have been put into action. The important parts of International Environmental Law for today (e.g. Hazardous chemical and waste, trans-boundary air pollution, climate change, ozone depletion) were no subject matter of any international treaty at that time.[15]

2. Stockholm Conference

Stockholm Conference was held in Sweden to discuss the human environment in 1972[16]. It was influenced by discussion about the environmental situation, mainly in the US and in Europe later on. This conference originally came from the idea of Club of Rome, noted "Limits to Growth", which painted an apocalyptic picture of the world.

This conference is regarded as the best organized and best documented UN conference at this time, which was attending by 114 of the 131 UN members at that time. At this conference, there were noted the different perceptions about the problem:

Developed Countries

Environmental degradation is one of most serious problem.

[12] The International Convention for the Regulation of Whaling is an international environmental agreement signed in 1946 in order to "provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry". Available at: https://www.loc.gov/law/help/us-treaties/bevans/m-ust000003-0026.pdf

[13] The Governments of the Union of South Africa, Belgium, Great Britain and Northern Ireland, Egypt, Spain, France, Italy, Portugal, and the Anglo-Egyptian Sudan, realized that the natural fauna and flora of certain parts of the world, and in particular of Africa, were in danger of extinction or permanent injury and hence, decided to conclude a Convention for these purposes. Available at: https://www.jus.uio.no/english/services/library/treaties/06/6-02/preservation-fauna-natural.xml

[14] The Convention aimed to secure the protection of all species of flora and fauna and their habitats. In addition, it seeked to preserve scenery of great natural beauty, and other sites of geological, aesthetic, historic or scientific value. Available at: https://www.ecolex.org/details/treaty/convention-on-nature-protection-and-wild-life-preservation-in-the-western-hemisphere-tre-000085/

[15] Evolution of international environmental law, available at: https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199552153.001.0001/oxfordhb-9780199552153-e-2

[16] United Nations conference on Human Environment, available at: https://sustainabledevelopment.un.org/milestones/humanenvironment

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Less developed countries:

Had different priorities (Group 77), which are:

- Poverty which causes pollution
- Resentment over the fact that the developed countries had consumed great part of the earth's natural resources were now asking the less developed countries to remain poor and to pay for the remediation and conservation for the Earth.
- New environmental standards block goods from developed countries from the markets of the developed countries.

However, with this background, the text of Stockholm declaration, therefore become a masterpiece of diplomacy.

Stockholm Declaration has 26 principles which deal with the rights and obligations of citizens and governments with regard to the preservation and the improvement of the environment.[17]

It includes:

- Responsibility to future generations (Principles 1, 2, 5).
- New right to a quality environment (Principle 1).
- Right of states to exploit its resources pursuant to their environmental (not: developmental) policies (Principle 21).
- States shall cooperate to develop international law regarding liability and compensation for extra-territorial harm (Principle 22)[18].

Over post-Stockholm conference environmental treaties are counted, and it was giving birth of idea to create UNEP (United Nations Environment Programme), the first international organization with an exclusively environmental mandate.

3. UNCLOS (United Nations Convention on the Law of the Sea)

The negotiations on a 'Law of the Seas' was made even before the Stockholm Conference. However, it opened for signature on 1982, and entry into force in 16 November 1994. UNCLOS is a kind of an umbrella-convention, it functioning as a framework for other international rules, regulations and implementing bodies, also there were a lot of the provisions are very general and need to be specified by additional agreements.

[17] UN Conference on Human Environment, available at: https://www.britannica.com/topic/United-Nations-Conference-on-the-Human-Environment
[18]Declaration of the UN Conference on Human Environment, available at: file:///C:/Users/Home/Downloads/6471.pdf

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UNCLOS is can be considered to be the strongest environmental treaty. It possesses the fundamental and overarching character of a constitution for the oceans. It was resulted 320 provisions in total and 59 of it concern with environmental background. UNCLOS is seen as the codification of customary law in regard to the use of the oceans. And, it is applicable to signatory parties and to non signatory parties[19].

4. World Commission on Environment and Development

World Commission on Environment and Development or better known as Brundtland Commission was created by the General Assembly in 1983 to develop a long-term environmental strategy for sustainable development. It is an independent body linked to but outside the UN system. It's mandate was to take up the critical relationship between reconciling or balancing the two subjects; to propose new forms of international cooperation on these issues to influence policies in the direction of needed changes; also, to raise the levels of understanding and commitment to action of individuals, organizations, businesses and governments. Based on the Bruntland report[20] "Our Common Future" in 1987, it resulted:

- Economic growth is desirable and possible within a context of sustainable development.
- Sustainability means: use the environmental resources in a manner that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

These conclusions above stressed the need for an integrated approach to development policies and projects that, if environmentally concerns, should lead to sustainable economic development in both developed and developing countries. The report emphasized the need to give higher priority to anticipating and preventing problems. "The Sustainable development" as development that meets present and future environment and development goals and concluded, that without an equitable sharing of the costs and benefits of environmental protection within and between countries, neither social justice nor sustainable development can be achieved[21].

5. UNCED (United Nations Conference on Environment and Development)

The Bruntland report led the United Nations to convene a second global conference on the environment in 1992 in Rio de Janeiro, Brazil. The very name of the conference reflected a change of approach from that of the Stockholm Conference on Human Environment. UNCED held from June 3-14, 1992, it was the biggest summit level conference ever, which participated by 30,000 delegates from 176 countries and 103 head of states, more than 700 NGOs as official

[19]UN Convention on Law of the Seas, available at: https://en.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea
[20] Brundtland Commission, available at: https://en.wikipedia.org/wiki/Brundtland_Commission
[21] UN World Commission on Environment and Development, available at: http://www.environmentandsociety.org/

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observers at the conference, and more than 8,000 NGOs at the parallel conference (Global Forum 92).[22]

Two texts adopted at UNCED have a general scope: the Declaration on Environment and Development and an action program called agenda 21. The Declaration itself, is a short statement that includes 27 principles, which has a composite character that its legislative history can explain. It's originally reflects the Stockholm Conference of 1972 on which it seeks to build the environmental protection, but its approach and philosophy are different. The important concept here is sustainable development, as defined by Brundtland report, which combines development and environment protection. Principle 4 can be help to explain in this regard: in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

The second general document adopted by this Conference is Agenda 21[23], which is 'allows' a lot of exceptions in respect to environmental issues when developmental issues have priority. There are four main parts of this program:

- Socio-economic dimensions (such as, habitats, health, demography, consumption, and production patterns)
- Conservation and resource management (such as, atmosphere, forest, water, waste, chemical products)
- Strengthening the role of non-governmental organizations and other social groups (such as trade unions, women and youth)
- Measures of implementation (such as, financing, institutions).

In sum, the Rio documents combines environmental protection and economic development in the concept of sustainable development. This concept can be understandable because there are so many challenges in order to protect the environment. The gap between north-south in terms of wealth and other resources creates difficulties in imposing the similar norms and standards through international agreements. The concern toward economic growth in international economic system raises opposition to trade barriers adopted to protect the environment.[24]

Even though, at first some contested the importance of the Rio Conference legal texts, the two conventions and the Declaration represent achievement in international environmental law. Several principles of the Declaration, such as the public participation, the prior assessment of environmental impacts, precaution, notification of emergencies, and prior information and consultation on projects potentially affecting the environment of other states, have been included

[22] UNCED, Earth Summit, available at: https://sustainabledevelopment.un.org/milestones/unced
[23]UN Sustainable Development, available at: https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf
[24] Earth Summit, available at: https://sustainabledevelopment.un.org/outcomedocuments/agenda21

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in numerous binding and non-binding international instruments since Rio and constitute emerging customary law rules[25].

6. World Summit on Sustainable Development

This summit was held in Johannesburg, South Africa, from August 26 and September 4, 2002, the representatives of more than 190 countries, on the purpose to reaffirm commitment to the Rio principles, the full implementation of the Agenda 21 and the programme for the Further Implementation of Agenda 21, on the basis of the Declaration of Sustainable Development affirming their will to 'assume a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development (economic development, social development and environmental protection) at local, national, regional and global levels'.[26]

At this conference, new level of dialogue between NGOs, social groups and state representative had been established. It was resulted:

-Political Declaration: affirmation of a collective responsibility, interdependent and mutually reinforcing pillars of sustainable development at the local, national, regional and global levels, and introduction of a element "social development" into the term of sustainable development.

- Implementation plan: there are goals to be met until 2022 (meeting people's basic sanitation needs, production and use of non harmful chemicals, restoration of the world's fish stocks, reduction in the rate of loss of biological diversity), and Widening of Agenda 21 on non-state actors, stating the importance and role of NGOs in the implementation progress of environmental policies.

Finally, environmental law and policy also must face with the lack of scientific certainty about many aspects of the physical world. Scientific uncertainty often attends issues of the nature and scope of the adverse environmental impacts of human activities. Moreover with the exacerbating the uncertainty, environmental damage and degradation often could be measurable after the causative actions have occurred. With this situation, questions have come up over how to develop environmental policy and how to allocate risk between the present and the future. However, many decisions cannot await scientific certainty, assuming something approaching certainty can ever be achieved.[27]

[25] Earth Summit, available at: https://en.wikipedia.org/wiki/Earth_Summit
[26]World summit on sustainable development, available at: https://globalizationandhealth.biomedcentral.com/articles/10.1186/1744-8603-1-8
[27] World summit on sustainable development, available at: https://www.who.int/wssd/en/

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4. SOURCES OF INTERNATIONAL ENVIRONMENTAL LAW

Similarly with the International economic law, International environmental law is also a branch of public international Law. The sources International environmental law are similar with all those international law generally outlined in Art. 38(1) of the Statute of ICJ[28].

1. Treaties

Treaties, also known as conventions, accords, agreements and protocols as defined by the 1969 Vienna Convention on the Law of Treaties. It is an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. This definition include all international agreements to which intergovernmental or non-governmental organizations are parties as well as agreement concluded by internal agencies which is not entitled to bind the states. Example, Kyoto Protocol, Montreal Accord, Vienna Convention.

Commonly, treaties are not retroactive and only apply from the moment they enter into force for a particular state. Some treaties may allow denunciation after a specific notice period, but many others are of indefinite duration. Unless it was already stated, treaties commonly apply to all persons and territories over which the state has jurisdiction, including aircraft, ships, and space objects. Complex issues regarding the jurisdiction may arise where sovereignty is divided due to occupation or where sovereignty is absent, as in case of Antartica.[29]

2. Customary International Law

The second most important source of international law, and thus of international environmental law, is customary law[30]. Before treaties became as important as they are today, customary international law was the leading sources of international law[31]. Once a rule of customary law is recognized, it is binding on all states, because it is then assumed to be a binding rule of conduct. Initially, customary international law as we know it today developed in the context of the evolving interaction among European states.

International custom consists of two elements: State practices and Opinion juris. State practice can be evidence in several sources, including: ratification of treaties, participation in treaty negotiations and other international meetings, national legislation, the judgements of national courts, votes and other acts in the General Assembly, acts in other International Organizations, statements by ministers and diplomats, state pleadings, and level of tolerance are some a wide

[28] International Court of Justice, available at: https://www.icj-cij.org/en/statute
[29] Sources of international law, available at: https://en.wikipedia.org/wiki/Sources_of_international_law
[30] *Ibid.*
[31] Sources of International Law, available at: http://unimelb.libguides.com/internationallaw/sources

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range of items. The state practice to contribute to the development of international law it has to be general that means a widespread and representative participation even without a considerable period of time.

Not all state practice forms customary international law. State acts engaged in because they are convenient or polite do not give rise to custom, because the sense of legal obligation is absent. Therefore, states must have a conviction that the rule is obligatory, referred to opinion juris. Such opinion juris may be implied if state practice is general and consistent over a lengthy time.

Both of these elements are complementary and compulsory for the creation of customary international law. Since customary law requires this rather heavy burden of proof and its existence, is often surrounded by uncertainties, treaties have become increasingly important to regulate international relations among states.

For example, Law of the sea treaty includes international customs. The Law of the Sea provides universal legal controls for the management of marine natural resources and the control of pollution. The treaty negotiations began in 1982 but came into force 12 years later, in 1994.

3. General Principles of Law

The third sources of international law, as included in article 38 (1)(C)[32] of the Statute of International Court of Justice, are general principles of law. General Principles of law are those concepts and rules found in the major legal systems of the world and appropriate for application in international relations.

Since such rules have been adopted in national law, consent to their application in international law is would be expected. Therefore, general principles have often been used to fill in gaps in international law during the interstate litigation.

General principles as a source of 'normativity' appear unclear and difficult to define and locate in contemporary practice. This could be potentially led to different attitudes towards them. Those who seen General principles as a tool for innovative normative assessment of social phenomena are less attached to traditional notions of state sovereignty, on the other side, those who remain suspicious towards General principles are also reluctant to leave the classical view that put the state in the central position on international law production.[33]

[32] What are the source of International law?, available at: http://www.globalization101.org/what-are-the-sources-of-international-law/
[33] Sources of International Law, available at: http://unimelb.libguides.com/internationallaw/sources

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4. Judicial Decisions

The fourth source noted in Article 38 (1)(D) Statute of International Court of Justice[34]. Judicial decisions and teachings of the most highly qualified publicists of the various nations, is qualified as an additional means for the determination of rules of law. Decisions of the ICJ itself or other international tribunals, and writings of publicists are considered as source of IEL if there is no treaty on particular debatable issues in international environmental law, no customary law of IEL and no applicable general principles of IEL. Many international law journals publish articles by eminent lawyers addressing a great variety of issues pertaining to all aspects of international law.[35]

5. Soft Law

Article 38 is not intended to provide a complete list of sources of international law, similarly with international environmental law. There other possible sources which the ICJ might rely on to assist in its deliberations, such as acts of international or regional organizations, resolutions of the United Nations Security Council and the United Nations General Assembly, and Regulations, decisions and Directives of other European Union, among others. And also decisions of the Conference of the Parties, or declarations or statement, may contribute to the development of International environmental law[36].

States often place normative statements and agreements in non-legally binding or political instruments like noted above. Those instruments, often referred as 'soft law' which may make it easier to press dissenters into conforming behavior, because states are free to use political pressure to influence others to alter their policies, although generally they cannot demand that others conform to similar legal norms. These non-binding commitments may explain the reflections of the will of the international community to resolve a pressing global problem over the objections of one or a few states causing the problem, while avoiding the 'doctrinal barrier' of their lack of consent to be bound by the norm.

5. COMMON LEGAL PRINCILES OF INTERNATIONAL ENVIRONMENTAL LAW

New norms and principles are in the process of international environmental law which evolves to meet new challenges. Principles can show the essential characteristics of legal institutions, a design of fundamental legal norms, or fill the gaps in positive law. A principle also could provide the general the general orientation and direction to which positive law must conform, a rationale

[34] Sources of International Law, available at: http://unimelb.libguides.com/internationallaw/sources
[35] What are the source of International law?, available at: http://www.globalization101.org/what-are-the-sources-of-international-law/
[36] Soft laws, available at: https://en.wikipedia.org/wiki/Soft_law

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for the law, without itself constituting a binding norm[37]. There are several legal norms emerge to assist the development of international environmental law, several of them are:

1. **The Precautionary Principle:**

It is a principle based on the idea that if the consequences of an action are unknown, but it is believed that there might be major or irremediable negatives consequences, so it is better to avoid such action. This concept deals with risk prevention, cost effectiveness and ethical responsibilities towards maintaining the integrity of natural systems. The precautionary principle is widely used in international environmental law.

In general, the precautionary principle can be considered as the most developed form of prevention that remains the general basis for environmental law. Precaution means preparing for the potential, uncertain or even threats, when there is no sufficient proof that damage will occur. However, by putting this principle, cannot eliminate all claimed risks, because these are claims that lack any scientific basis.

The principle was used in the international treaty of the Montreal Protocol in 1987, which had the goal of reducing the emissions of substances (CFCs) that depleted the ozone layer. The use of the principle was based on scientific evidence showing that certain substances harmed the ozone layer and therefore had to be banned and controlled[38].

2. **Polluter-Pay Principle:**

Polluting parties pay for the damage done to the natural environment. It is not as widely accepted in international treaties as the precautionary principle is. This principle intends to hold the polluters accountable for their actions.

The polluter's pays principle seeks to impose the costs of environmental harm on the party responsible for the pollution. This principle was set out by the OECD as an economic principle and the most efficient way of allocating costs of pollution prevention and control measures introduced by the public authorities in member countries. It is intended to encourage rational use of scarce environmental resources and to avoid distortions in international trade and investment[39].

[37] Principles of environmental law, available at: https://www.britannica.com/topic/environmental-law/Principles-of-environmental-law

[38] Precautionary principle, available at: https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_IDA(2015)573876

[39] Polluters pay principle, available at; https://www.mondaq.com/india/clean-air-pollution/645232/polluter-pays-principle

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3. Sustainable Development

Sustainable development defined as *"development that meets the needs of the present without compromising the ability of future generations to meet their own needs".* It was popularized in the Rio Earth Summit in 1992, which stated among other things that:
- Humans have the right to live healthy and productive lives in harmony with nature
- Economic development today can't undermine the development and environmental needs of future generations.

Sustainable development concerns the problem of environmental degradation, which is due to human activity. Environmental degradation happens when human consumption of renewable resources (i.e. wood) occurs at a faster pace than nature's ability to replenish them.[40]

However, at the Johannesburg World Summit on Sustainable Development focused not only integrating the concept of economic growth and environmental protection, but also emphasis on eradicating poverty and social problems. In early 2002, the first attempt to define current sustainable development appear in article 3 (1)(A) of the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific (Antigua Convention);

"For the purpose of this Convention sustainable development means the process of progressive change in the quality of life of human beings, which places it as the center and primordial subject of development, by means of economic growth with social equity and the transformation of methods of production and consumption patterns, and which is sustained in the ecological balance and vital support of the region. This process implies respect for regional, national and local ethnic and cultural diversity, and full participation of people in peaceful coexistence and in harmony with nature, without prejudice to and ensuring the quality of life of future generations."

6. CONCLUSION

International law may be considered as an old tree, however it still develop new branches. One of them is international environmental law, which can be compared with law of the sea, even the international law of human rights. All of these branches have their different characteristics, but also shared similarity of general international law.

One of the main purposes of international environmental law is that it aims to protect non-human parts of the natural world, as well as humans: plants, animals, water, atmosphere, and systems that contain several or all of these elements. It also includes the natural world as it has been altered by human activities, such as landscapes. Although, it's linked with the life and well being

[40]Sustainable development, available at: https://www.sciencedirect.com/topics/earth-and-planetary-sciences/sustainable-development

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of humans, the final objective of environmental law is outside the world of humans who create the legal system and implement its norms. Stakeholders, as subject and object, and their relations to environmental elements may have an important role to such play in environmental protection, but they are not the direct object of such protection.