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Artículos

**INTERNATIONAL LEGAL ENVIRONMENTAL PROTECTION:
HISTORICAL ASPECT**

PROTECCIÓN AMBIENTAL LEGAL INTERNACIONAL: ASPECTO HISTÓRICO

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Abstract

The article considers the development of international cooperation in the field of environmental protection in the historical aspect. The genesis of the emergence of environmental problems and their assessment by the scientific community are analyzed. The historical stages of the formation of the system of international legal environmental protection, its goals, principles and main tasks are examined. Particular attention is paid to international, regional and bilateral treaties that regulate international cooperation in the field of environmental protection. The role of the United Nations in this process is focused. The place of international organizations in solving environmental problems is shown.

Keywords: Environmental protection, International legal regulation, Environmental safety, International environmental law.

Resumen

El artículo examina en el aspecto histórico el desarrollo de la cooperación internacional en el campo de la protección del medio ambiente. Se analiza la génesis de la aparición de problemas ambientales y su valoración por parte de la comunidad científica. Se examinan las etapas históricas de la formación del sistema de protección ambiental legal internacional, sus objetivos, principios y tareas principales. Se presta especial atención a los tratados internacionales regionales y bilaterales que regulan la cooperación internacional en el campo de la protección del medio ambiente. La atención se centra en el papel de las Naciones Unidas en este proceso. Se muestra el lugar de las organizaciones internacionales en la solución de problemas ambientales.

Palabras Clave: Protección ambiental, Regulación legal internacional, Seguridad ambiental, Derecho ambiental internacional.

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1. INTRODUCTION

At the turn of the third millennium, humanity entered a qualitatively new stage in its history. Its main distinction from all previous stages is the ambiguity of the main vector of development, which can lead to as material and spiritual prosperity and to a global crisis that threatens the death of the entire civilization. The globalization of production, trade, and the unrestrained growth of human needs, at the same time, lead to the degradation of the environment, its destruction and demolition¹. The unlimited technical and informational progress of mankind, which is more and more noticeably ahead of the spiritual development of the individual and society as a whole, naturally leads to an increase in the number of factors that negatively affect the human environment and life. In this situation, more and more countries of the world are beginning to understand that their security is under threat as a result of environmental crises in other countries, and such dangerous phenomena as changes and destruction of habitats, extinction of biological species and loss of biological diversity, ozone depletion and climate change are, of course, transboundary in nature. All this led to the realization of the idea that the problems of environmental protection are not limited to the framework of individual countries and regions, and therefore the problems of environmental safety can only be solved by joint efforts of states and inevitably require international cooperation. Thus, the salvation of humanity from an ecological catastrophe, the preservation of our civilization should become a global unifying idea. An important basis for cooperation between states in the field of environmental protection is its international legal regulation. Within the framework of modern international law, in recent decades, an independent branch has been formed that regulates relations between states to ensure environmental safety on a global scale - international environmental law. Scientific analysis of modern problems in the field of ecology and substantiation of effective solutions to overcome the global environmental crisis presupposes knowledge of the historical stages of the formation of the system of the international legal protection of the environment, its goals, principles and main tasks.

¹ Danilyan, Dzioban & et al, Society, Man, Law: modern research of topical problems. (Kharkiv: Pravo, 2014): 5.

2. GENESIS OF THE PROBLEM OF ENVIRONMENTAL PROTECTION

With the emergence of *Homo sapiens* in the arena of history about 40 thousand years ago, the biosphere - the place of existence of living things on our planet - gradually began to experience negative anthropogenic influence, which acquired alarming proportions with the beginning of industrial (second half of the XVIIth - early XXth centuries) and scientific and technical (mid-XXth century) revolutions².

In the second half of the twentieth century, due to the rapid development of scientific and technological progress, the technogenic load on the environment increased hundreds of times. By that time, mankind included in the production sphere 70% of all fertile land, more than 30 billion tons of minerals are extracted annually from the bowels and only 1-1.5% of this raw material takes the form of a consumed product, and 98.5% is production waste, the majority of which are harmful to humans.

The “greenhouse effect” - the concentration of carbon dioxide and other chemicals in the atmosphere - has reached a threatening scale on the Earth. Due to the pollution of the World Ocean by oil, oil products, plastic, etc. its properties began to change radically³.

A dangerous ecological situation has also developed in Ukraine: the Chernobyl tragedy of 1986, the problem of the Black and Azov seas, the death of thousands of rivers. The atmosphere of the country is in a catastrophic state. Air pollution in 21 cities is 15 times higher than the permissible level. Natural landscapes of Donbass, Dnieper, Kryvyi Rih and Carpathian regions have been transformed into industrial complexes with waste harmful to human health⁴.

² Alekseyenko, Keysevich & Radzikhovskiy, *Biosphere and Civilization* (Kyiv: Nauk. Dumka, 1992): 176; Alekseyenko & Keysevich, *The last civilization?* (Kyiv: Nauk. Dumka, 1997): 414.

³ Danilyan & Taranenko, *Social forecasting and global problems of modern time* (Kharkov: KHVVAURE, 1992): 23.

⁴ Danilyan & Taranenko, *Philosophy* (Moscow: Infra-M., 2015): 310; Kazak, “Periodization of nature protection in Ukraine in the latter half of the 20th century: Legal aspect”, *Espacios*, 39 (2018): 28.

An important stage in understanding the deepening crisis between society and nature, which has affected most of the world's countries, was the research commissioned by the Club of Rome by the staff of the Massachusetts Institute of Technology under the leadership of Donella Meadows. The results of this study were published in 1972 as "The Limit to Growth"⁵. Using a systematic approach and the method of mathematical computer modelling, the scientists established that, in conditions of preservation of the existing rates of population growth, development of industry, food production, environmental pollution and the depletion of the planet's natural resources by the end of the XXI century will reach the physical limit of increase, after which the world's population will decline sharply and uncontrollably in parallel with a significant decline in production. An alternative to this scenario can be a change in the consciousness of mankind, rejection of the concept of "growth" in favour of the concept of "development", which guarantees economic and environmental stability in the long term.

Similar studies carried out later, 20 years later, and then 30 years later, using new information, on the whole, confirmed the correctness of the forecast of the early 70s. Crises of the late XX - early XXI centuries clearly pointed out that the consumer society paradigm, which is based on an extensive economy, has already exhausted itself. The global nature of most environmental problems (climate change, large-scale pollution of the oceans, man-made disasters, and others) objectively necessitated the use of international efforts to reduce or eliminate the consequences of negative anthropogenic impact on the environment, since no country is able to independently solve such large-scale problems and must coordinate its activities in this direction with other countries. All of the above reasons led to the emergence of interstate and then international cooperation in environmental protection. Historically, the coordination of international cooperation for environmental protection can be divided into two stages. At the first stage, agreements between the countries in this area were not of a systemic nature and were subordinated to the solution of specific pragmatic goals.

⁵ Medouz, Medouz, Renders & Berens, Growth limits (Moscow: Izd-vo MGU, 1991): 207.

For example, Italy and Austria-Hungary signed a declaration on the protection of birds in 1875, and Russia, the United States and Japan in 1875 signed an agreement on the protection of fur seals in the Pacific Ocean. In 1902, the Paris Convention for the Protection of Birds Useful to Agriculture was adopted. The Moscow Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and Underwater of 1963 can also be referred to such agreements, although the main purpose of this document was the problem of ending the arms race⁶.

Systematically, international legal issues of environmental protection began to be developed after the creation of the United Nations. For the first time, the UN began to develop some of the problems of environmental protection in 1949, when the chronologically first UN Conference on the Conservation and Utilization of the Resources was held⁷. Later, in the resolution “Economic Development and Nature Protection” of the UN General Assembly in 1962 several cardinal principles of environmental protection were formulated: natural resources, flora and fauna constitute a single whole; economic development processes must necessarily take into account environmental protection; the term “nature protection” was replaced by the more capacious term “environmental protection”⁸.

Gradually, international legal protection of the environment has become one of the most important functions of international cooperation, and the specificity of the subject of regulation of relations on environmental protection allows us to conclude that a new branch of law has been formed in modern international law - international environmental protection law.

⁶ Alyeksyeyenko, “International cooperation in the field of the environment. Historical aspect”, *Visnyk Natsional'noyi akademiyi nauk Ukrainy: shchomisyachnyy naukovyy ta hromads'ko-politychnyy zhurnal*, 4 (2014): 60-74.

⁷ Kopylov & Kopylov, “Forgotten Facts from the History of International Environmental Law, UN Conference on Conservation and Utilization of Resources, 1949”, *Yevraziyskiy yuridicheskiy zhurnal*, 10, (2013): 5-9

⁸ United Nations Organization. General Assembly Resolution “Economic Development and Environmental Protection”. 1962.

International legal protection of the environment is a set of principles and norms of international law that constitute a specific branch of this system of law and regulate the actions of its subjects (primarily states) to prevent, limit and eliminate damage to the environment from various sources, as well as rational, ecologically reasonable use of natural resources⁹.

The fundamental principles of international legal protection of the environment are: environmental protection for the benefit of present and future generations; inadmissibility of transboundary damage; environmentally sound, rational use of natural resources; inadmissibility of radioactive contamination; protection of the ecological systems of the World Ocean; prohibition of military or any other hostile use of means of impact on the environment; ensuring environmental safety; control over the observance of international agreements on environmental protection; international legal responsibility of states for environmental damage¹⁰.

Based on these principles, the internal and external environmental policy of the states should contribute to ensuring national and international environmental law and order. International legal principles for the protection of the natural environment have been enshrined in various program documents of international conferences held under the auspices of the United Nations on environmental protection.

At present, international legal protection of the environment has clearly emerged in the system of general international law as an independent, specific area of regulation. The emergence of more and more types and areas of human interaction with the environment expands the subject

⁹ Agafonov, "International legal protection of the environment", *Yestestvenno gumanitarnyye issledovaniya*, 16 (2017): 13-27.

¹⁰ Isakova, "Fundamental Principles of International Environmental Law", *Chasopys Kyyivs'koho universytetu prava*, 4 (2018): 236-240; Kychyhyn, *International and national principles of environmental protection, International environmental law: state and development prospects: materialy mizhnar. nauk.-prakt. konf.* (Kyiv: Obriyi, 2010): 20-27.

of international legal regulation for the protection of the environment. At the present stage, the main and established tasks (goals) are: prevention, reduction and elimination of environmental damage from various sources (primarily through pollution); ensuring an environmentally sound regime for the rational use of natural resources; ensuring a comprehensive regime for the protection of historical monuments and natural reserves; scientific and technical cooperation of the states aimed at protecting the environment.

The system of international legal regulation of environmental protection has an internal structure, fairly stable relationships, as well as its own regulatory framework and sources. In the scientific literature, the term “international environmental law” (IEL) is established.

However, the structural formation of IEL has not yet been completed. Evidence of this is the continuing gravitation of some principles and norms related to environmental protection to other branches of international law, especially to the law of the sea and air. In addition, the emerging special principles and norms for the protection of the environment are not specific enough.

The final completion of the formation of IEL as an independent branch of international law, according to a number of researchers, would be greatly facilitated by its codification¹¹. This issue has been repeatedly raised within the framework of the United Nations Environment Program (UNEP). A universal codification act, by analogy with other branches of international law, would make it possible to systematize the principles and norms that have developed in this area, thereby securing the legal basis for equal and mutually beneficial cooperation between the states in order to ensure environmental safety.

¹¹ Shemshuchenko, Problems of codification of international environmental law, *International Environmental Law: State and Development Prospects: materialy mizhnar. nauk-prakt. konf.* (Kyiv: Obriyi, 2010): 8-12.

In accordance with the norms of international environmental law, each state, exercising the right to pursue the policy it needs with respect to the national environmental system, must comply with the generally recognized principles and norms of modern international law. With the aggravation of the problem of the transfer of pollution beyond the territory of one state over long distances (transboundary pollution), it is important to observe such fundamental principles as respect for state sovereignty, sovereign equality of the states, territorial inviolability and integrity, cooperation, peaceful resolution of international disputes, international legal responsibility. All environmental protection treaties come from these principles.

The development of IEL is also characterized by the introduction into international legal practice of agreements on consultations, control over quality and changes in the environment, early notification of projected significant changes in the state of the environment, etc. Such agreements lead to the formation of a system of preventive actions aimed at preventing damage to the environment.

The development of international environmental law takes place mainly in a contractual way. According to the UN Environment Program, over 300 multilateral treaties in this area are currently registered. The current contractual practice is characterized by the conclusion of agreements of a general and special order. On the subject of regulation, they are divided into agreements aimed at preventing pollution, as well as agreements providing for the establishment of a regime for the use of natural resources. The bulk of the treaties are regional acts.

3. BILATERAL AND REGIONAL ENVIRONMENT PROTECTION TREATIES

Bilateral treaties most often regulate the joint use of international freshwater basins, marine areas, flora, fauna (agreements on veterinary medicine, quarantine and protection of animals and plants), etc. These documents define the agreed principles of activity and rules of behaviour of the

states in relation to the environment in general or its specific objects (for example, the agreements on cooperation on environmental protection signed in 1992 by Finland, Germany, Norway, Denmark, Russia; Convention on the Arctic Ocean, which was concluded in 2008 by Russia, Canada, Denmark, Norway, USA; the Agreement between the government of Russia and the government of Canada on cooperation in the Arctic and in the North in 1992, the Agreement on border rivers between Finland and Sweden in 1971, etc.)¹².

In 1992, the UIS countries signed an Agreement on Interaction in the Field of ecology and Environment and Nature Protection and a Protocol on the obligations, rights and responsibilities of the parties to the Agreement¹³. Within the framework of this cooperation, the Interstate Ecological Council (IEC) and the Interstate Ecological Fund were established. At the 11th session in 1992, it was decided to establish the Interstate Ecological Bank. In 1992, Ukraine signed agreements on the joint use and protection of transboundary water objects with Russia, as well as with Moldova.

In the current global environmental situation, the main means of international legal regulation of environmental protection are multilateral treaties that provide the broadest possible participation of states. This approach is due to the global importance of such ecological spheres as sea areas, outer space, atmosphere, ozone layer of the Earth, living environment.

A concrete solution to environmental problems, as practice shows, is most successfully achieved at the regional level. For example, the OSCE Final Act enshrines the general political and legal approaches of the states of the European region to solving the problems of environmental protection, primarily air and water pollution. Within the framework of the European region, on this basis, an extensive system of contractual regulation has been formed. Many treaties were concluded

¹² Vorontsova, “Bilateral international treaties in the field of the environment”, *Ekologicheskoye pravo*, 6 (2003): 31-34

¹³ Agreement on interaction in the field of ecology and environmental protection.

under the auspices of the United Nations Economic Commission for Europe (ECE): the 1979 Convention on Long-range Transboundary Air Pollution with its complementary protocols; The 1992 Convention on the Transboundary Effects of Industrial Accidents; 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes; 1991 Convention on Environmental Impact Assessment in a Transboundary Context¹⁴.

Important environmental agreements were concluded under the auspices of the European Communities: the 1979 Convention on the Conservation of European Wildlife and Natural Habitats; The 1987 EUR-OPA Major Hazards Agreement; European Agreement on the Restriction of the Use of Certain Detergents in Washing and Cleaning Products, 1968, etc¹⁵. The 1992 OSCE Helsinki Document “The Challenge of Change” provides for the development of a broad-based environmental action plan for Europe¹⁶.

We should also mention here such regional treaties for the protection of the seas as: the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona, 1976); The Convention for the Protection of the Marine Environment of the Baltic Sea Area (Helsinki, 1992, replacing the 1974 Convention of the same name); Convention for the Protection of the Black Sea against Pollution (Bucharest, 1992); Convention for the Protection of the Marine Environment of the North-East Atlantic (Paris, 1992, replacing two international treaties between the states of this sea area - the Convention on the Prevention of Pollution of the Marine Environment by Dumping from Ships and Aircraft, 1972 and the Convention on the Prevention of Pollution of the Marine Environment from sources located on land, 1974); 1983 Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, etc.

¹⁴ Evteev, *Our Common Future: Report of the International Commission on Environment and Development (WCED)*. (Moscow: Progress, 1989)

¹⁵ Get'man & Lozo, *Legal problems of environmental policy of the European Union and Ukraine*, (Kharkov: Pravo, 2014): 98-119.

¹⁶ Bloed, *The Challenges of Change: the Helsinki summit of the CSCE and its Aftermath*. (Netherlands: Martinus Nijhoff Publishers, 1994)

4. INTERNATIONAL TREATIES IN THE FIELD OF ENVIRONMENTAL PROTECTION

A feature of international legal protection of the environment is the significant role of international acts of a quasi-normative nature (declarations, strategies, guidelines for behaviour, etc.), which are often referred to as “soft law”. These recommendatory documents, serving as an auxiliary source of international law, constitute a significant share in the total volume of international legal material on environmental protection. They have a limited but positive impact on this area of international relations. Let’s take as an example some of the most important international treaties in the field of environmental protection.

UN International Conference on Environmental Protection. Typical in this regard is the first international environmental conference held under the auspices of the UN - the UN Stockholm Conference on the Human Environment, which took place in June 1972 in Sweden¹⁷. During the forum, the main principles of environmental protection and human development were formulated, recommendations were made on activities in such areas as the human environment, the use of natural resources, environmental pollution, international cooperation in the field of environmental protection; the role of education and the public in this matter was defined. The conference identified the main directions of international cooperation in this area. For the first time, a provision was formulated on the need for a careful attitude of countries to their own and extraterritorial natural resources. The important task of creating a global monitoring network was defined.

As a result of this conference, a Declaration of Principles and an Action Plan were adopted. These documents received the approval of the UN General Assembly and became the beginning of the regular UN program on environmental protection. The Soviet Union and the countries of the socialist camp did not take part in this conference.

¹⁷ Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972).

In 1973, the UN launched the United Nations Environment Program (UNEP), which was to coordinate international activities in the field of environmental protection. In 1983, UNEP established the International Commission on Environment and Development, headed by Gro Harlem Brundtland (Norway). The Commission developed the concept of sustainable development, which was fundamentally substantiated and outlined in 1987 in the report “Our Common Future” as the Brundtland report¹⁸. The concept of sustainable development is that the material needs of modern mankind should be met in such a way as not to diminish the possibility of realizing these needs in future generations. The development of world production must necessarily be in harmony with the protection and preservation of the environment. Humanity has no right to “make debts” for which future generations will have to pay. The concept provided for the scientific development and practical implementation of measures to ensure a balance between meeting the needs of the modern population of the Earth and the comprehensive protection of the interests of future generations of people.

II UN Conference on Environment and Development. The largest international treaty of the last decade of the XXth century was the II UN Conference on Environment and Development, held in 1992 in Rio de Janeiro (Brazil) with the participation of heads of states and governments of more than 170 countries of the world. Due to the high level of representation and the importance of the issues that were considered, the Rio-92 conference is sometimes also called the Earth Summit. More than 45 thousand specialists, more than 100 leaders of the countries, more than 10 thousand representatives of public organizations took part in its work¹⁹.

At the II UN Conference, several documents were adopted that summarized its work and set the tasks for further international cooperation: “Rio Declaration on Environment and Development”, “UN Framework Convention on Climate Change”, “Convention on Biological Diversity”, “Declaration of directions for the development, protection and use of forests”.

¹⁸ Agenda 21. Adopted by the United Nations Conference on Environment and Development. (Rio de Janeiro, 1992)

¹⁹ Hens & Nath, *The World Summit on Sustainable Development*. (Dordrecht: Springer, 2005).

One of the results of the conference was the adoption of an ambitious program of action called “Agenda 21”²⁰. The Declaration is a set of 27 principles, which in many respects echoes the provisions of the Stockholm predecessor. At the same time, the Rio Declaration reflected the cardinal changes that took place in the world in the 1980s of the XXth century. Thus, the idea of sustainable development is the cross-cut in the entire text of the Declaration, the conceptual foundations of which were laid in 1987 in the famous report of the World Commission on Environment and Development. Conceptual Principle 3 of the Declaration states: “The right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations”. It is also important to note that the Declaration seeks to point the general outlines of a new model of international cooperation – “a global partnership to conserve, protect and restore the health and integrity of the Earth’s ecosystem”. Agenda 21 addresses all areas of development, but the main focus is on environmental protection.

XIX Special Session of the UN General Assembly on Sustainable Development.

Another important event at which the problems of environmental protection were considered was the XIX Special Session of the UN General Assembly on Sustainable Development, which was held in June 1997 in New York²¹. This session of the UN General Assembly summed up what had been done in 5 years after the Earth Summit, pointed out the achievements and shortcomings in the work that was carried out in accordance with the decisions taken. As a positive, it was noted that many countries “turned their face” to environmental issues by creating or increasing the status of environmental organizations. At the same time, it was stated that environmental degradation continues, poverty in the world is growing, and the exploitation of natural resources is increasing. The proposal to work out a sustainable development strategy for 50-100 years was supported. One of the priority tasks was the comprehensive development of cooperation in the implementation of the provisions of the conventions and the strengthening of information exchange.

²⁰ Agenda 21. Adopted by the United Nations Conference on Environment and Development. (Rio de Janeiro, 1992)

²¹ Resolution No. A No. A/RES/S-19/2, adopted by the UN General Assembly at the 19th special session (1997).

The role of the UN Commission on Sustainable Development in coordinating activities with other UN agencies dealing with these issues was emphasized.

The World Summit on Sustainable Development. In August-September 2002, the World Summit on Sustainable Development was held in Johannesburg (South Africa)²². It was attended by over 20,000 participants, including over 9,100 delegates and 8,200 representatives of non-governmental organizations. The meeting was devoted to the analysis of the implementation of the adopted decisions and the definition of new tasks.

It was noted that since “Rio 92”, little progress had been made towards sustainable development, further deterioration of the environmental situation and an increase in poverty were taking place. An understanding emerged that in order to solve the problems of the time, it is necessary to constantly implement practical measures. A number of new important areas of activity were concretized:

- by 2010 to significantly reduce the rate of loss of biological diversity;
- to achieve restoration and preservation of stocks of commercial fish species to a level that will ensure a constant catch in the required amount for a long time;
- by 2015, to halve the number of people who are unable to use basic sanitation services;
- by 2020, minimize the harmful effects of the use of chemicals on the environment and human health²³.

The signing of new agreements was not planned at the summit, but a plan for further work was developed and the executors were identified. The problems of energy development, including the use of alternative energy sources, were widely discussed.

²² Hens & Nath, *The World Summit on Sustainable Development*. (Dordrecht: Springer, 2005).

²³ Hens & Nath, “The Johannesburg Conference Environment Development and Sustainability”, 5(2003): 7-39.

Since in the near future these sources will not be able to completely replace the operation of nuclear, thermal and hydroelectric power plants, the main attention was paid to energy-saving technologies and fuel and energy balance. A program of production and consumption activities for the next decade was agreed, taking into account the interests of both developing and developed countries. It was noted that the dialogue between government, public organizations and businesses should be brought to a qualitatively new level of partnership, which should contribute to solving the problems facing humanity. In this case, the interests of all parties should be taken into account. In addition, the idea of forging partnerships between rich countries and developing countries to jointly develop plans for the implementation of the necessary measures was announced.

UN Conference on Sustainable Development “Rio +20”. 20 years after the Earth Summit, in the same place, in Rio de Janeiro, in June 2012, the UN Conference on Sustainable Development was held, which was named “Rio +20”. It was attended by representatives of the governments of 172 countries, including 108 leaders of the countries and governments, more than 2,400 representatives of industrial organizations, representatives of private business, about 40 thousand participants in total. The Conference summed up the results of the work done, focused on the main problems and outlined the ways for their solution. Despite the dissatisfaction of some representatives of public organizations, the final document “The Future We Want”²⁴ was adopted. It reflected the decisions of the Conference, as well as the program of further actions and activities.

Kyoto Protocol. One of the significant implementations of the ideas of the UN Framework Convention on Climate Change, which was adopted at the Earth Summit in Rio de Janeiro in 1992, into the practical activities of mankind, were activities aimed at combating anthropogenic climate change and reflected in the so-called Kyoto Protocol²⁵.

²⁴ Assembly, Resolution adopted by the General Assembly on 27 July 2012. (Norfolk, USA: United Nations, 2012)

²⁵ Breidenich, Magraw, Rowley & Rubin, “Kyoto Protocol to the United Nations Framework Convention on Climate Change”. American Journal of international law, 92(1998): 315-331.

Like any general document, the convention had a declarative character, did not contain specific indicators and specific deadlines. That is why in December 1997 in Kyoto (Japan) an additional document was adopted - the Kyoto Protocol, in which it was supposed to achieve a reduction in greenhouse gas emissions in the period from 2008 to 2012 by 5.2%, that is, to reduce and stabilize the amount of greenhouse gases at the 1990 level. The industrialized countries assumed the main obligations to implement the provisions of this protocol. Thus, the EU countries had to reduce emissions by 8%, the USA - by 7%, Japan and Canada - by 5%. Ukraine and Russia pledged to keep emissions at 1990 levels. And developing countries, including China and India, did not make any commitments.

The signing of the protocol lasted from March 1997 to March 1999, and its effect was envisaged for the period from 2008 to 2012. This protocol came into force in February 2005, and it was signed and ratified by more than 190 countries.

Paris Agreement. The general principles and provisions set out in the Kyoto Protocol, however, turned out to be insufficient for the practical implementation of the mechanisms and procedures envisaged by it. This led to the adoption in 2015 of the Paris Agreement, which is a separate document under the UNFCCC and not an amendment to the Kyoto Protocol²⁶.

The Paris Agreement is an agreement under the UN Framework Convention on Climate Change that regulates measures to reduce carbon dioxide in the atmosphere from the year 2020. The agreement was prepared to replace the Kyoto Protocol during the Paris Climate Conference and was adopted on December 12, 2015, and signed on April 22, 2016. The aim of the agreement (under Article 2) is to “intensify implementation” of the UNFCCC, in particular to keep the global average temperature rise “well below” 2 °C and “make efforts” to limit the temperature rise to 1.5 °C. The parties to the agreement announced that the peak of CO₂ emissions should be reached “as soon as possible”.

²⁶ Paris Agreement, Paris agreement. In report of the Conference of the Parties to the United Nations Framework Convention on Climate Change. 21st Session (Paris, 2015)

The participating countries determine their contributions to the achievement of the declared common goal on an individual basis, and revise them every five years. The agreement refers to the inadequacy of currently proposed national contributions and to “ambition” and “progress” as they are revised. At the same time, the text of the agreement does not provide for any coercive mechanism, both in relation to the declaration of national goals and in ensuring the obligation to achieve them.

5. ROLE OF INTERNATIONAL ORGANIZATIONS IN SOLVING ENVIRONMENTAL PROBLEMS

International environmental organizations play an important role in solving environmental problems in the world. According to their legal status, they are divided into non-governmental and intergovernmental organizations. Intergovernmental environmental organizations are: the United Nations Environment Program – UNEP, which includes the Senior Management Team, the Secretariat and the Environment Fund; UN Commission on Sustainable Development, under the UN Economic and Social Council - ECOSOC; International Atomic Energy Agency - IAEA; World Health Organization - WHO; World Meteorological Organization - WMO and other organizations²⁷.

Along with intergovernmental environmental organizations, non-governmental environmental organizations also participate in the protection of the global environmental law and order. Currently, there are more than 500 such organizations in the world, the most significant and authoritative in the field of environmental activities among them are: International Union for Conservation of Nature and Natural Resources - IUCN; Greenpeace; World Wildlife Fund - WWF; BirdLife International; World Federation for Animals and other organizations.

²⁷ Kopylov & Mishlanova, “Contribution of international organizations to solving environmental problems”, *Mezhdunarodnoye pravo i mezhdunarodnyye organizatsii*, 2 (2014): 223-236.

Intergovernmental environmental organizations in their activities are guided by the principles of international legal environmental protection and, unlike non-governmental environmental organizations, have real leverage against violators of international environmental standards.

These measures of influence consist in the imposition of economic sanctions on the states that do not comply with the established international rules for environmental protection, the exclusion of these states from applicants for international economic assistance and other international legal measures for environmental protection.

However, numerous developing countries and international advocacy organizations have argued that wealthy countries have a climate debt with the poor countries, including compensation for their high levels of emissions (mitigation debt) and an adaptation debt, as a result of the costs of the impact of climate change²⁸. Since the environmental conflicts are embedded in global economic structures, a substantial downscaling of the global social metabolism to a more sustainable and socially just environment is needed²⁹.

Recently, the UNEP published a Global Climate Litigation Report that shows how governments and corporate actors are compelled to pursue more ambitious climate change mitigation and adaptation goals. In fact, the role of fundamental human rights related to a safe climate and a healthy environment now see in the constitutions of over 100 countries, because people are holding their governments to account and challenging the non-enforcement of climate-related laws and policies³⁰.

²⁸ Crespo, “Cambio climático, adaptación y mujeres indígenas: reflexiones desde América Latina y el Caribe”, *Revista Europa del Este Unida*, (2018): 62-73.

²⁹ Scheidel et al, “Environmental conflicts and defenders: A global overview”, *Global Environmental Change*, 63 (2020): 102104.

³⁰ United Nations Environment Programme. *Global Climate Litigation Report: 2020 Status Review*. (Nairobi, 2020).

6. CONCLUSIONS

Despite the fact that the fundamental importance of a natural factor in the process of social development was identified almost two centuries ago, until the mid-60s of the twentieth century, environmental protection was not considered as an independent problem. Only the scientific substantiation in the 70-80s of the last century of the global problems of our time made it possible to single out the legal norms related to the protection of the environment into a special group. The understanding of the approaching critical situation in the development of human civilization, which arose among scientists and intellectuals, was adequately perceived by the UN, which provided a deep study and popularization of the problem and turned environmental protection into the most important task of international cooperation.

Currently, the system of international legal regulation of environmental protection has an internal structure, stable relationships, as well as its own regulatory framework. Today, according to the UN Environment Program, more than 300 multilateral agreements in this area have been registered. Despite the certain declarative nature of a number of concluded agreements and the absence of mechanisms for forcing the participating countries to fulfil their obligations, over the past decades, measures have been developed and filled with practical content that should lead humanity out of the crisis. The implementation of these measures to protect the environment is connected with difficulties; their implementation is hampered by global crises and corruption, the commercial interests of transnational corporations, etc. However, there is no positive alternative to the international legal protection of the environment. Unfortunately, the current organization has been devised for a pre-globalization era, which hampers the understanding of the complexity of environmental issues. In our globalized world is needed sound environmental governance that promotes the rules, policies and institutions that shape how humans interact with the environment.

Perhaps, revitalising the existing system would lead to an increase in resources allocated and to developing better coordination among nations, because, without strong environmental laws

and institutions, we will be unable to protect and restore our planet. On the other hand, the creation of new global environmental governance could be contemplated, including the recovering of trust and empowerment of all countries, since current environmental problems are no longer limited to economic and geographic boundaries.

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