The Effect of the International Court of Justice on Environmental Issues

Abstract

Environmental issues are an important in both domestic and international contexts, and may be subject to an International Court of Justice Decision, or any other international judicial institution. The International Court of Justice (ICJ) is the main judicial body of the United Nations, which has both a contentious and an advisory jurisdiction in its decisions. We study the Court's performance in environmental issues in this article. By examining four issues: first, the contentious and advisory tasks; second, the role of environmental organizations; third, the Trail Smelter case (between the United States and Canada), which is the legal basis of international law in the environmental issues, and; fourth, evaluating the Court's performance in eight judgments in the following cases: 1) The status of the environment in the court; 2) the Corfu case (between Albania and the United Kingdom) ;3) the Lennox Lake case (between France and Spain); 4) the Mills case (between Uruguay and Argentina); 5) the Oder River case (between Poland and some European countries); 6) Aerial Herbicide Spraying (between Colombia and Ecuador). Because of the current contemporary status of international law and international environmental law, the International Court of Justice, has departed from their traditional approach because of the evolution of legal intellectual and thought on environmental issues. They focus on the general order of the international community as well as on pollution issues.

Keywords: International Court of Justice, Environmental Issues, Environmental Cases

Introduction

Important environmental issues such as: the impact of greenhouse gas effects from the consumption of fossil fuels; ozone depletion; the gradual shortage of freshwater reserves; desertification; gradual soil erosion; gradual increase of air pollution; acid rain depositions; increase of toxic wastes and toxic ; deforestation, and; the gradual extinction of biological species are the issues that have caused serious damage to ecosystems and ecological processes of the planet. The International Court of Justice is one of the most important institutions responsible for addressing these environmental challenges (Mir Abbasi, 2013, p. 158).

The International Court of Justice (ICJ), in accordance with Article 92 of the United Nations Charter, is one of the basic pillars of the United Nations. The ICJ became the official successor to Permanent Court of International Justice in 1946. The International Court of Justice has an advisory jurisdiction (Mir Abbasi, 2013, p. 158).

The International Court of Justice has the legal right to vote on regional and global environmental issues and has an advisory jurisdiction (Mir Abbasi, 2013, p. 158).

According to Article 34, paragraph 1, of the Statute of the Court, only nation states can go to the court, therefore, natural persons and legal persons cannot assert claims (Mir Abbasi, 2013, p. 158).

International (e.g., non-governmental) organizations cannot ask the court to resolve their disputes. However, the condition and manner of co-operation between the court and international organizations is specified in Article 34, Paragraph 2 and 3 of the Statute (Dolatshah, 2014, pp. 72-73)

According to the statute and the provisions of the United Nations Security Council, (on October 15, 1946) and procedural law, the International Court of Justice, all United Nations Members, and even non-member states have a responsibility for environmental issues (Dolatshah, 2014, pp. 72-73).

Background:

Fazlollah Mousavi and Hossein Mousavi Far (2015) have evaluated the ICJ's decisions in an article entitled, "The Environmental Dispute between Argentina and Uruguay (2010): Explaining Some Topics and Principles". Uruguay was cited for violating the formal obligations of the Statute, and wasn't responsible for trial obligations related to this judgment.

The authors concluded that, "This vote was one of the progressive votes after the dam's case (the Hungarian-Slovak dispute) in 1997, in which sustainable development, ecological balance, human perception and economic development were investigated. It doesn't show the court's comprehensive judgment, but merely shows the beginning of a hopeful way to global and regional protection of the environment" (Mousavi and Mousavi Far, 2015, p. 606)

Dionysia Theodora Negrinho Puello (2003) investigated the role of the International Court of Justice, especially in environmental disputes, in a paper entitled, "The Role of the International Judicial System in the resolution of Environmental Disputes", which was summarized and translated by Hosein Yazdani (2006) in the Journal of Theology and Law of the Islamic University of Razavi.

According to the author, in addition to the jurisdiction of the International Court of Justice in the international judicial system, another important step was creating a permanent seven member specialist unit in 1993 to resolve environmental disputes more effectively. Since members of this unit were not required to have a specific environmental skill, there was doubt that this branch would be able to create a judiciously innovative approach to environmental issues as expected (Negrinho Puello, 2003, quoted by Yazdani, 2006, pp. 215-238).

Naser Rahbar Farsh Pira and Hassan Movassaghi (2017) noted the importance of the International Court of Justice in responding to environment issues in an article entitled, "Establishment of the International Environment Court of Justice from point of international law and jurisprudence view", which stated that: "The human war with its environment is a long battle that resulted in the destruction, massacre and massive killing of animals, plants, waters, weather, natural resources and, eventually, leading to their premature death." International solidarity is needed to protect the environment in the age of environment destruction, earth degradation, and

extinction of animal species (Rahbar Farsh Pira and Movassaghi, 2017, pp. 163 and 170). International meetings of the United Nations General Assembly, in July 1998 (Rome), and in 2010 (Copenhagen), were convened with environmental experts and environmental ministers emphasizing the necessity of establishing an international environmental court, under the supervision of the United Nations (Rahbar Farsh Pira and Movassaghi, 2017, pp. 163 and 170).

Methodology

The study on Court's performance in environmental issues were examined by following issues: first, the contentious and advisory tasks; second, the role of environmental organizations; third, the Trail Smelter case (between the United States and Canada), which is the legal basis of international law in the environmental issues, and; fourth, evaluating the Court's performance in eight judgments in the following cases: 1) status of the environment in the court; 2) the Corfu case (between Albania and the United Kingdom) ;3) the Lennox Lake case (between France and Spain); 4) the Mills case (between Uruguay and Argentina); 5) the Oder River case (between Poland and some European countries); 6) Aerial Herbicide Spraying (between Colombia and Ecuador).

Results and discussion

The International Court of Justice, seated at the Peace Palace in the Hague, (Netherlands), has the main duty of resolving legal disputes between countries as well as answering legal questions for international organizations and specialized agencies of the United Nations and the United Nations General Assembly (Rahbar Farsh Pira and Movassaghi, 2017, pp. 163 and 170).The ICJ has 15 judges, elected for 9 year terms, who can play an important role in environmental issues (Rahbar Farsh Pira and Movassaghi, 2017, pp. 163 and 170). We evaluate the performance of the International Court of Justice.

History of the International Court of Justice and its Advisory duties

The Permanent Court of International Justice was established by the League of Nations in 1920, and was dissolved by a resolution of the United Nations, on April 18, 1946. The Statute of the International Court of Justice is similar to that of the Permanent Court, and even the Procedural Law of permanent court has been adapted without any fundamental change (Wallace, quoted by Zamani and Bahramlou, 2013, pp. 354-355). The rules of Procedural Law have been adopted by the International Court of Justice, but the Statute has not changed. (Wallace, quoted by Zamani and Bahramlou, 2013, pp. 354-355)

There are 15 judges on the court, and no two judges may be from the same country. These judges must be representative of the different principal legal systems, and not be a representative of their own government. If a country refuses to implement and abide by a court decision, a lawsuit can be used to bring the issue to the United Nations Security Council. If a vote is against one of the permanent members of the United Nations Security Council, the permanent member can block the vote using their veto power. With its contentious jurisdiction, it deals with hostilities, and issues a vote for claims, and in its advisory jurisdiction, it provides an

advisory opinion on cases that the United Nations Security Council and the General Assembly of the United Nations requests.

In its contentious jurisdiction, the International Court of Justice has jurisdiction over the following issues: interpretation of an article; any subject related to international law; determination of the legality of any actions that violates an international obligation, and; determination of the type and amount of compensation for violations of an international obligation (Mohsen Zadeh and Samiei, 2016).

According to Article 96 of the United Nation's charter, and chapter four of the Statute, Articles 65 to 68, and Articles 102 to 109 of the New Procedural Law, the court has advisory jurisdiction. An advisory vote is not binding. (Nguyen Coke Dean, quoted by Habibi, 2013, pp. 321-322)

The jurisdiction of the ICJ is different from the jurisdiction of domestic courts in sovereign nations. In domestic law, courts have general jurisdiction, and all members of the community are subject to it, but the International Court of Justice does not have a decisive role. The jurisdiction of the Court was approved at the San Francisco Conference, in 1945 (Ziaei Bigdeli, 2017, p. 520).

The rules of the International Court of Justice were adopted at the first meeting in 1946, and amended in 1972, 1978, and 2005. According to Articles 40, 43, and 46 of the Statute of the Court, the legal procedure for hearing any claim requires three steps:

Step 1: Submit petitions to the Chief of the Court and register at the special registry.

Step 2: The claimant gives his or her written petitions to the court, and the court forwards it to the opposing party and asks for a reply.

Step 3: Oral presentations (in French or English) are made by lawyers and representatives of both parties.

In accordance with Article 159 of the Statute of the Court, the decisions of the Court must be executed. The judgments issued by the Court are final and cannot be reversed. However, a country can request a retrial within 6 months after the discovery of a new issue related to the decision, if it affects the vote, and the country was not aware of the matter, and the unawareness did not occur to neglect. retrials rarely occur.

Global Environment Organizations

A. UN Environment Program (UNEP)

The International Court of Justice plays an important role in resolving environmental disputes. In addition, the United Nations Environment Program coordinates the environmental activities of its members states, and promotes the participation of countries in implementing the strict policies affecting nature (Shilton and Case, 2015). UNEP was founded in 1973, following the United Nations Conference on the Human Environment. Its central office is in Nairobi, Kenya. This organization is active in issues related to the Earth's atmosphere, promoting

environmental knowledge, providing guidance to control harmful chemicals, trans boundary air pollution, and pollution of international waterways. (Shilton and Case, 2015).

B. The World Meteorological Organization (WMO)

The founding document of this organization was signed in 1947, and it is an international organization which was established in 1950. It is a successor to the International Meteorological Organization, which was established in 1873, and was categorized as a United Nations specialized agency in the fields of climate, hydrology, and geophysics.

One of the main goals of this organization is to facilitate global collaboration and to establish a network of meteorological stations to collect meteorological observations, increase the use of meteorology in aeronautics, seafaring, water and agriculture, and promote of applied hydrology, and research and training in meteorology.

We can also mention the other global (non-governmental) environmental organizations:

C. the International Union for the Conservation of Nature (IUCN)

D. Greenpeace

E. World Wide Fund for Nature (WWF)

F. the Intergovernmental Panel on Climate Change (IPCC)

In addition, there are several global organizations that act independently, or in conjunction with these institutions on environmental issues.

The Trail Smelter Case, The basis for international environmental law

The Trail Smelter case was concerned with the activity of a zinc and lead smelting factory in Trail British Columbia, seven miles from the United States border with Canada. The factory was previously owned by Americans, when operations was stopped by a US court after farmers complained about the damage to their crops. Then in 1906, Canadians, in accordance with Canadian law, purchased the factory from the American landowners, and re-activated the zinc and lead smelting factory, which released pollutants in the air, such as lead ash and sulfur compounds.

Release of materials such as sulfur dioxide and sulfuric acid in the surrounding environment poisoned plants and agricultural life. Canadian farmers complained to the Canadian judicial authorities, and received damages. Farms were hurt from sulfur clouds in Washington state. The US government complained, and demanded heavy reparations from the company .The company refused, and this led to the International Arbitration of the case in 1935 .

The Arbitration Tribunal had rejected most of the United States' claims concerning Determination of Damage to the State of Washington from January 1, 1932. The Arbitration Tribunal charged Canada with $78,000 in fines to compensate for losses to trees, pastures, and land from 1932 to 1936. The Tribunal focused on preventing the introduction of lead and zinc dust produced by Canadian factories in the United States. (Vosoughi Far, 2017, pp. 144-145).

Performance of the International Court of Justice in Environmental Issues

Importance of Environmental Issues in the International Court of Justice and the Process of International Environmental Law Formation

The field of international law was initially relegated to negotiating relations between countries, but today, other controversial issues, such as environmental rights, have made international environmental law an important part of the international order. The International Court of Justice has focused on international environmental law, especially after establishing the special division in 1993. Limitation of the court in environmental issues resulted in establishing a permanent environmental division with five permanent UN Security Council members, in accordance with, the Statute, Article 26, paragraph 1, (1993). However, international environmental law is quite distinct from general international law, and has been regulated, by the Stockholm Conference in 1972.

International environmental law milestones:

- ***Convention for the Preservation of Wild Animals, Birds and Fish in Africa*** (also known as the "London Convention" of 1900) to conserve various wildlife species in Africa
- ***Convention between the United States and Other Powers Providing for the Preservation and Protection of Fur Seals*** in 1911
- ***International Convention for the Regulation of Whaling*** in 1946

The issue of environmental pollution of the land, sea, and air in the post-World War II era was an important international issue. In 1954, the “International Convention for the Prevention of Pollution of the sea by oil”, and later in 1971, the “Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material” were established. At the Stockholm Conference, in 1972, the most important threat to the international community was seen as human environmental pollution, and the United Nations General Assembly approved environmental co-operation between countries in a resolution in 1995. At the Rio de Janeiro Conference on Environment and Development in 1992, sustainable development was considered. After this conference, human beings, and a healthy and productive life, were considered in harmony with nature.

The International Court of Justice has issued decisions on environmental issues, especially in disputes between countries. Issuing verdicts on environmental matters requires the cooperation of environmental organizations.

The performance of the International Court of Justice in the case of environmental issues in the Corfu Strait (between Albania and England) in May 1947:

On May 15, 1946, British warships were attacked while crossing the Corfu Strait in the coastal waters of Albania. That year, on October 22, two British warships collided with mines while passing through the Strait, and the mine blast caused damage to the ships and killed 44 British officers and seamen. (Cook Dean et al., Quoted by Habibi Z, 2017, p. 175).

In addition, on November 12 and 13, units of the British Navy cleared the Albanian coastal waters from the mine damage without the consent of the Albanian government and referred the case to the Justice Department in Albania.

The United Nations (ICJ) condemned Albania in the Corfu Strait case for not communicating to all countries, including British ships, about the threat of mines, and ensuring safe passage of all countries through the Corfu Strait. Albania was held responsible for the damage caused by the mine blast, and ordered to pay the British compensation. Also, the ICJ condemned the mine 'sweeping' by Britain without the consent of Albania (Mousazadeh, 2016, p. 319 - 318).

In this decision, the International Court of Justice, favored the theory of error in the face of two traditional views (error and danger).

Due to the technical nature of the case, the Court reviewed the case with a group of experienced maritime officers, requesting an expert opinion with complete impartiality (Jennings 2014, p. 14)

In this case, the ICJ Tribunal voted based on the “Rights of Rome”, in other words "everyone must use his property in such a way that does not harm other property".

The Tribunal's Performance in the Cuban Gabi - Taghi Marcus Case:

In 1977, Hungarian and Czechoslovakia signed a treaty to build a large dam on the Danube River, for electricity production, flood control, shipping, and improving the delta's ecosystem.

During the project, in the early 1980s, Hungary stopped the work for environmental reasons including concern about groundwater contamination, and damage to wetlands in that region. The complaint was referred to the International Court of Justice. The Court concluded that the Hungarian concern about its environment, caused by the Cuban Gabi - Taghi Marcus plan, was not recognized (e.g., did not happen yet), and these risks were not imminent.

The Court also argued that Hungary was clearly aware of this condition at the time of the signing of the treaty, so Hungary had no right to suspend the Cuban Gabi - Taghi Marcus plan and stop it in 1982.

The Cuban Gabi - Taghi Marcus Case was a great opportunity for the International Court of Justice to deal with some aspects of public international law, in particular, treaties and the responsibility of parties under the law. “There is a conflict between the law of treaties and responsibility, and these two branches of law will come together to achieve the stability of international legal relations."(Vokel, 2015, quoted by Henjani,2017, p. 229)

The International Tribunal of Justice's Performance in the Lake Lancashire Case:

The Lake Lancashire case was a dispute between France and Spanish in 1957. France proposed to change Lake Lancashire's path, but Spain worried about its environment and sued in the International Court of Justice. The court examined the construction, water diversion, and the introduction of environmental risks in Spain, due to the volume of water received by that country.

In this judgment, the court preferred prevention to compensation. "Finally, the arbitration court argued that France could enforce its rights, but could not ignore the interests of Spain, and Spain could claim its rights and interests." (Momtaz, 2014 quoted by Ramezani Ghavam Abadi, 2017, p. 65) to the harmless use of land is a principle of international environmental law, as stated in the Stockholm Declaration 1972. This is related to the “Rights of Rome”, which states: "Use your property and not harm other property".

The International Court of Justice's performance concerning the mills on the river between Uruguay and Argentina:

Argentina presented a lawsuit to the ICJ on May 4, 2006, which mentioned that despite the treaty of February 26, 1975, Uruguay’s main objective was to establish a joint mechanism for the optimal and logical use of the Uruguay River. Argentina claimed that Uruguay violated agreement related to the Uruguay River statute by issuing a license to build a factory along the border of the river.

The ICJ confirmed that Uruguayan statute violated the treaty between the two countries, but did not order substantive penalties. The ICJ did not consider Uruguay to be in conflict with the statute, and asked Argentina to submit evidence of violations of the statute.

The case of Argentina and Uruguay was perhaps the first truly environmental case brought by the International Court of Justice, although the international law was related to both international environment law and treaty law.

Finally, we can cite the Lee evaluation which states: "In this judgment, the Tribunal cited the principles of optimal reason using, a commitment to informing, a commitment to environmental assessment, a commitment to prevent environmental damage, by citing the Statute of the Uruguayan River Commission and somehow attempt to develop customary international law." (Lee, 2017)

The International Court of Justice's Performance in Oder River Case:

This case was between Poland and other European countries on whether the Oder River and the branches of this river, the Warta and the Tets, should flow from Poland.

The territorial jurisdiction of the Oder International Commission was raised in the International Court of Justice, and was recognized, based on the principle of common interest in environmental law. (Lee, 2017)

In this judgment, the court considered the boundary rivers as a common interest, and implicitly confirmed that reasonable exploitation of the boundary rivers is possible only within the framework of sustainable cooperation and development.

In this case, the environmental judgment of the Tribunal was as follows: When a waterway passes through the territory of more than one country, all neighboring countries have the same rights to use the entire river route, and the preferential advantage of a country against other countries is prohibited.

The International Court of Justice decision on the distribution of airborne toxic substances (airborne herbicides) by Colombia along the border areas with Ecuador:

A poisonous herbicide named Glyphosate (trademark: Roundup) is harmful to humans, other living organisms and the environment. Spraying began in 2000, and reports of symptoms of skin, irritation, eye and infectious diseases, were brought to Ecuador's authorities.

Ecuador's diplomatic efforts failed in 2003-2005. Ecuador inevitably sued the Colombian government, referring to Article 31 of the Bogotá Accords (April 30, 1948) and Article 32 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (approved in 1988). They submitted a petition to the International Court of Justice on March 31, 2008.

Colombia's air pollution issue was decided in the court, in the area of "harmless use of land", and relied on the legal doctrine used in the arbitration of the Trail Smelter case. "The principle of harmless use of land as one of the principles of international environmental law plays a decisive role in protecting the environment." (Ramezani Ghavam Abadi, 2017, p. 58)

Colombia, pursuant to Article 4 of the Bogotá Accord, provides: as long as the bilateral scientific commissions do not announce definitive findings of their studies on the effects of Glyphosate, there is no basis for initiating of proceedings by the court. In contrast, Ecuador claims that Colombia's air pollution along the Ecuadorian border caused serious problems to people, farms, animals, and the natural environment.

Also, what makes this case important is the plan for the prevention of cross-border damages as a result of harmful activities, and how the International Court of Justice dealt with this case:

The urgent need for rethinking and emphasizing on compliance with international law on contemporary environmental issues and crises.

The role of the International Court of Justice in environmental issues demonstrates that international environmental law, and its implementation tools, lack of effectiveness in solving contemporary environmental crises and requires governments, multinational corporations, the United Nations, the International Court of Justice, and related institutions to rethink and emphasize the compliance with international law environmental issues and crises.

International law, in particular international environmental law, and consequently the International Court of Justice, diverges from the traditional approach and does not merely deal with pollution but with natural conditions and the biosphere. “The development of international environmental law principally occurred as a result on legislative processes. Broad statements of environmental principles, together with increasingly technical environmental standards and regulation, have been articulated in a spectrum of bilateral and multilateral treaties, and in resolutions, declaration and other soft – law instrument.” (Stephens, 2016, p.12)

Daniel Buddha Nasci (2017) in his article entitled, “The Legitimacy of International Governance: A coming challenge for International Environmental Law?, in confirmation of this view, staled “Until now, international lawyers have tended to focus on what environmental

standards are needed and how those standards can be made effective. But as decision – making authority gravitates from the national to the international level, the question of legitimacy will likely emerge from the shadows and become a central issue in international environmental law."

In order to control the growing environmental problems and crises, in implementing the principle of the Stockholm Declaration No. 21, emphasizing control of trans-boundary destructive effects, is required.

In the field of international law, Principle 21 of the Stockholm Declaration is particularly relevant. It reads as follows: "states have, in accordance with the charter of the U.N. and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction." (Sand, 2016, p. 30)

"Compliance is one of the most central questions in international law. Without a theory of compliance, we cannot examine the role treaties, customary international law, or other agreements. Nor can we consider how to improve the functioning of the international legal system, or develop a workable theory of international legal and regulatory cooperation." (House and Teitel, 2015)

An important and significant point in international law, according to Klabbers's book, "An Introduction to International Institutional Law", (2012), Cambridge University Press imperative that the executive bodies work to resolve environmental issues and crises. Because environmental crises have gone beyond local conditions and have an unhealthy and dangerous regional and global aspect, the expert intervention of the relevant international organizations is necessary.

Conclusion

Subsequently, all member states of the United Nations are members of the International Court of Justice and have the right to refer cases to the court. According to Article 34 of the Statute, the court has criminal and advisory authority.

According to Article 59 of the Statute, the court's opinions are binding and closed by the court, and only in the case of discovering a new topic, can the Tribunal can request a retrial.

Since the establishment of the Tribunal, more than 150 criminal and advisory decisions have been issued.

The International Court of Justice is not a compilation of international regulations. Also, the decisions issued by the Court are contradictory in nature. The International Court of Justice has a developmental role in the introduction of applied principles in international environmental law because of the special status of the Court in the international arena.

The International Court of Justice deals with environmental cases that are minor issues or second-degree cases. The founders of the International Court of Justice are trying to bring environmental values from the margins.

References

1. Coke Dean, Nguyen et al. (2017). Public International Law, Habibi Translation, Hassan, Volume II, Second Edition, Tehran: Ettelaat Publications.

2.Dolatshah, Hojjat (2014). United Nations Charter, Tehran: Maid Publications.

3.Klabbers, Jan (2012). An Introduction International Institutional Law. Cambridge University Press. The Edition Building, Cambridge C B2 2RU, United Kingdom.

4. Miri Abbasi, Eyyed Bagher (2013) Public International Law, Volume II, Tehran: Mizan Publication.

5. Mohsen Zadeh, Saed and Samiei (2016). Environmental Rights (Theories and Procedures), Law Office and Parliamentary Affairs (Environmental Protection Agency), First Edition, Tehran: Khorsandi Publication.

6. Mousa Zadeh, Reza (2016). General International Law, Second Edition, Tehran: Ministry of Foreign Affairs Publication.

7. Sand, Peter H. (2016). The Effectiveness of International Environmental Agreements: A survey of Existing Legal Instruments. Grotius Publications L.T.D., Cambridge, England.

8. Shilton, Dina And Case, Alexander (2015). Booklet of Environmental Law, Translation of Abdollahi, Mohsen, First Edition, Tehran: Khorsandi Publication.

9. Stephans, Tim (2016). International Courts and Environmental Protection. Cambridge studies in International and Comparative Law. Cambridge University Press. The Edinburgh Building, Cambridge cB2 8RU, U.K.

10. Wallace, Rebecca (2013). International Law, Zamani Translation, Seyyed Qasem, Bahramloo, Mahnaz, Tehran: Institute of Legal Studies and Research.

11. Ziyaei Bigdeli (2017). International Law, Tehran: Ganj Danesh Publication.

12. Ziyaei Bigdeli, Mohammad Reza et al., (2016) Votes and Advisory Opinions of the International Court of Justice, First Edition, Tehran: Allameh Tabatabai University Publication.

Publications

1. Augorino Poulo, Theodora Dionisa (2013). The Role of the International Judicial System in Resolving Environmental Disputes, Yazdani Translation, Hossein, Theology and Law of the Islamic University of Razavi, No. 19, 2016, pp. 215-238.

2.Bodansky, Daniel (2017). The Legitimacy of International Governance: A coming challenge for International Environmental Law? American Journal of International Law. Publisher: Cambridge University Press.

3. House, Robert (2015). Beyond Compliance: Rethinking Why International Law Really Matters. Journal of Global Policy, Volume 1, Issue 2, pp.127-136.

4.Lee, Michael K. (2017). The Uruguay Paper Mill Dispute: Highlighting the Growing Importance of NGOs and Public Protest in Enforcement of International Environmental Law, Sustainable Development Law & policy, No.71.

5. Ramezani Ghavam Abadi, Mohsen, A Looking at the Principle of Harmless (Sustainable) of the Land in International Environmental Law, Journal of Environmental Sciences, Vol. 4, No. 4, Summer 2017, pp. 74-75).

6. Rahbar Farsh Pira, Nasser and Movassaghi, Hassan. Establishment of the International Court of Justice from the perspective of international law and jurisprudence, Jurisprudence and Fundamentals of Islamic Law Scientific -Research Quarterly, Fourth Year, No. 13-12, Summer and Autumn 2017-12-29.

7. Vosoughi Far, Babak (2017). Air Pollution Theorem (Ecuador v Colombia), Trailer Smelter 21st Century, International Law Magazine, Presidential International Legal Affairs Center, Nineteenth, No. 47, pp. 139-158.

8. Vokel, Philip (2015). Reconciliation of international treaties and responsibility law based on The International Court of Justice vote on 25 September 1997 about the Cuban Gabi- Taghi Marcus Case (Hungary-Slovakia), Henji translation, Seyyed Ali, Journal of Legal Research No.25-26, pp.183-229)

9. Mousavi, Seyyed Fazlallah, Mousavi far, Seyed Hossein (2015). Argentina and Uruguay environmental dispute (2010), Explaining Some Topics and Principles, Public Law Studies Journal, Volume 45, Issue 4, Winter 2013, pp. 589-608