CHAPTER: III

MEASURES UNDER UNITED NATIONS – STOCKHOLM CONFERENCE – 1972:

3.1. INTRODUCTION:

The evolution of environmental issues on the agenda of International Institutions can be better understood by dividing the post war periods into three periods defend by two major land mark meetings the United Nations Conference on human environment, which was convened in Stockholm in June, 1972 and United Nations Conference on Environment and Development (UNCED), otherwise known as ‘Earth Summit’, which was held in Rio de Janeiro in June, 1992. Although United Nations Charter does not explicate mention the environmental or conservation resources, the U.N. convened its 1st environmental conference in 1949 and hosted many negations prior to the Stockholm in 1972.

The first or Pre-Stockholm era extends to 1948, the year in which the UN General Assembly adopted a resolution to convene the Stockholm conference 4 years later. However, the Stockholm declaration was not the first step in the International efforts in the protection of the Environment. There were several other steps taken by the U.N. from time to time, i.e., prior to 1968. However, these steps were in piece meal manner and the outer peace treaty, 1966 etc.,

The second or the Stockholm era, spans 2 decades from 1968 to 1987. It encompasses the 1972, Stockholm conference, including the extensive array of precautionary meetings in the years preceding it, as well as the implementation of its recommendations over the following decade.

The Stockholm conference became the prototype for spate of major world conferences, sometimes referred to as, ‘Global town meetings’, which focused worldwide attention on International issues. In 1989, the United Nations adopted the ‘Basel convention on the controls of Transboundary Movements of hazardous wastes and their disposal’s, 1989, which is aimed at controlling improper treatment of hazardous wastes
and mitigate the damages arising out of Transboudary movements and disposal of such wastes.

In 1972, U.N. also adopted the ‘convention’ for the Protection of World cultural and natural heritage, 1972. The conduct of hostilities does not relieve states of their responsibilities to the environment. The 1977 convention, on the prohibition of Military or any other hostile use of environmental modifications techniques and protocol 1 of the 1980 conventional weapons treaty prohibits mode of warfare having a severe and long term effect on the environment and requires respect to be shown for the natural environmental and its protection from severe wide spread and lasting damage. Even in UNCLOS, 1982 reference was made to the general obligation to protect and reserve the environmental lay down in article 192. In 1982, U.N. also adopted another convention on conservation of marine living resources.

The third, or Rio de Janeiro era, commences in 1987 with the release of the influential report of the Brundtland Commission, entitled ‘Our Common Future’ which set the stage for the earth summit and follow-up efforts to implement the summit’s lengthy and elaborate plan of action entitled agenda 21.

The U.N. on Environment and Development (Rio, 1992) provides a platform for putting flesh on the bones of sustainable development in International Law and to address the concern, noted in the Brundtland Report, of the ‘Sectoral’ and ‘Piece meal’ nature of International Environmental Law.

The concept of “Sustainable Development” was brought into common use by World Commission on Environment and Development (the Brundtland Commission) in its 1987 Report over Common Future. The World Commission on Environment and Development was set up by the General Assembly of the United Nations in the year 1983. Brundtland Report defines Sustainable Development as follows:-

“Sustainable development is development that meets the needs of the present without compromising the ability of the future generations to meet their own needs.”\(^1\)

According to the Brundtland Report, it contains two key concepts:

i) The concept of needs, in particular the essential needs of the world’s poor, to which overriding priority should be given.

ii) The idea of limitations imposed by the State of Technology and Social organization on the Environment’s ability to meet present and future needs.\(^2\)

Brundtland Report emphasizes that sustainable development means an integration of economic and ecology in decision-making at all levels.

Further it clarifies that the critical objectives for environment and development policies that follows from that concept of sustainable development include – reviving growth, changing quality of growth, meeting essential needs for jobs, food, energy, water and sanitation, ensuring the resource base, reorienting technology and managing risk, and merging environment and economics in decision making. Thus in its broadest sense, the strategy for sustainable development aims at promote harmony among human beings and between humanity and nature.\(^3\)

Since, none of the U.N. agencies existing in 1972 was prepared to take primary responsibility for implementing the action plan adopted at Stockholm conference, the General Assembly in 1972 created UNEP to become the Institutional Focus for environmental activities within the U.N. system. However, UNEP’s role was limited to primarily to catalyzing and coordinating environmental programmes both by nations and other international organizations. Apart from it, the General Assembly, in December, 1992 also adopted a resolution providing for the establishment of a commission on sustainable development, to monitor and facilitate efforts to implement the diverse goals and recommendations of the Earth Summit, in particular the Declaration on the Environment and Development or Agenda 21 and the Statement of forest principles.

Agenda 21, in particular, is built on the recognition that the world’s natural and cultural resources are the ultimate basis of survival and that, however monetarily prosperous a country or people may be, it cannot live without fresh air and water,

\(^2\) Ibid.
\(^3\) Our Common Future- The World Commission on Environment and Development, 43 (1987) at 65.
productive soil, biological resources, and the diversity of cultures that has in the past shown us sustainable ways in which to harness these natural elements. The two conventions recognized that urgent action was needed to tackle two of the greatest threats to humanity’s survival.

Agenda 21, legally binding conventions on biodiversity and climate change, a framework of principles on the conservations and use of forests, and a series of declarations were the result of the Rio Summit. Together these constitute an impressive commitment to taking the world away from the self-destructive path of conventional “development”.

In 1990, at the suggestion of France and Germany, the World bank took the lead in setting up an experimental program named the ‘Global Environmental Facility’ (GEF) to provide funds on favorable terms to low and middle income countries for environmental projects that would have global benefits. Later, the GEF has become a key instrument for dispersing funding for environmental projects in development countries.

Apart, from it, International Environmental Protection Act which was passed in 1983 authorizes the president to assist countries in protecting the maintaining the Wild Life Habitat and provides as active role in conservation by the Agency for International Development (AID).

In 1992, UN adopted a convention on the “Transboundary effects of Industrial accidents”. The convention applies to the prevention of and response to industrial accidents capable of causing transboundary effects, including the effects of such accidents caused by natural disasters.

In 1993, U.N also adopted a convention on the applicability of the development, production and stock-piling and use of chemical weapons and on their destruction, the purpose of which was to prohibit and eliminate all chemical weapons.

In 1994, the International law commission has also drafted articles on the Law of the Non-navigational uses of International water courses and to protect the ecosystem and the marine environment.
In 1995, U.N. entered into an ‘Agreement on straddling fish stocks and Highly migratory Fish stocks’ etc.,

**Art.30 of Charter of Economic rights and duties of states thus provides that:**

‘The Protection, preservation and enhancement of the environment and future generations is the responsibility of all states. All states shall endeavor to establish their own environmental and developmental policies in conformity with such responsibility. All states have 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. All states should co-operate in evolving International norms and regulations in the field of environment’.

Thus, recognition by the International community of the link between the environment and development has already produced a substantial body of law, which is one of the fastest growing areas of International Law in contemporary society.

While great progress was made between the Stockholm and Rio conference in establishing International Environmental Institutions, laws and policies to address problems such as marine pollution, depletion of the Ozone layer, it appears that advancement of the global environmental agenda has faltered since, 1992.

However, International Environmental governance will demand a great deal of more attention in the new centuries.

**3.2 Pre-Stockholm Era (Prior to 1968):**

The Stockholm declaration adopted by U.N. in 1972 was considered as first step in the International efforts on the protection of the environment. But in fact, there were several other steps taken by U.N. prior to 1968. However, these steps were in piece-meal manner. One of those steps was the adoption by the U.N. of the ‘Universal declaration of Human Rights, 1948’.

Philippe sands pointed that, prior to the establishment of U.N. in 1945; there was no International forum in which to raise Environmental issues. The failure of the League
to prevent World War II, the perceived need was for the charter to remedy those of the
League’s deficiencies that there were thought to have contributed to that failure together
with the violation of human rights that had occurred in the course of these events.
Moreover, there was no consciousness in 1945, of any need to protect the environment,
except on ad hoc basis outside the U.N.

The U.N.O. declared the ‘Universal declaration of human rights, in 1948 in which
it recognized the right to live, dignity of every human being, and to live with the pure
environment, equal rights etc. although the UN charter does not explicitly mention the
environment or conservation of resources, the U.N. convened its first environmental
conference in 1949 and hosted many negotiations prior to the Stockholm conference in
1972.

In the year 1966, the U.N. adopted unanimously, ‘The Treaty of principles
governing the activities of the states in the exploration and use of outer space including
the Moon and the other celestial bodies’. It was known as the ‘Outer Space Treaty’, the
object of which is to keep the outer space free from environmental pollution. It prohibits
throwing of Nuclear Wastes, chemicals etc., into the outer space.

Apart from these, the ‘International Meteorological Organization’ was established
in 1872 to standardize and coordinate the collection of meteorological data to improve
weather forecasts.

The ‘International Joint Commission’ formed by the U.S. and Canada in 1909,
has a long history of resolving transboundary environmental issues that have arisen
between two countries, especially those pertaining to the lakes and river system along
their 3,000 mile shared boarder.

There was very little consciousness of environmental problems, when the U.N.
was established immediately after the II World War. Thus, even though the new
organization was given a significantly broader mission that of League of Nations,
especially on Economic, Social and humanitarian matters, no mention was made of the
Natural Environmental in the U.N. Charter.
The International Commission was established in 1946 to regulate the harvesting of whales, because stocks of major whale species were becoming seriously depleted.

No major International Organizations existed whose primary mission was broadly Environmental, in contrast to the economic realm in which the three powerful Bretton Woods Institutions – The world bank international Monetary Fund (IMF) and the GATT shaped the development of an increasingly Integrated world economy.

This decentralized social approach to International Environmental problems had become well Entrenched during the pre-Stockholm era and has proven difficult to change even in the face of compelling arguments for a more integrated and coordinated approach to the Environment.

The subject of Environmental conservation had been dealt with by International Conventions, for example Article. IX, the treaty of 1967 of the principles Governing the activities of State in the exploration and use of outer space including the Moon and Celestial Bodies provided, “State parties to the Treaty shall pursue studies of outer space including the Moon and other celestial bodies and conduct exploration of them so as to avoid their harmful contamination and also adverse change in the environment of the Earth resulting from the introduction of the extraterrestrial matter and where necessary shall adopt appropriate measures for the purpose”.

3.3. STOCKHOLM ERA (1968-1987)

International guidelines for protecting the environment have been laid down in a host of legally non-binding international instruments adopted by U.N. Conference or bodies. The principal one’s is the ‘Stockholm declaration’ passed by 1972, U.N. conference on human environment.

The U.N. Conference on the human environment held at Stockholm from June 5 to June 16, 1972⁴ may rightly be reckoned as the first major attempt to solve the global problems of conservation and regulation of human environment by international agreement on a universal level. It mobilized and concentrated the attention of the

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international cooperation for environment conservation. In the conference 113 states were participated, including India and accepted the declaration.

The declaration on the human environment is contained in Section I of the report of the United Nations Conference on the human environment is one of the most significant achievements of the U.N. Conference on the human environment, 1972. Starke has compared it with the universal declaration of human rights, 1948 and says that it “was essentially a manifesto, expressed in the form an ethical code intended to govern and influence future action and programmers, both at the national and international levels”.

The declaration on the human environment is divided in two parts – first part proclaims seven truths about man in relation to his environment and contains general observations such as those men is both creature and moulder of his environment which gives him physical substance and affords him the opportunity for intellectual, moral, social and spiritual growth; the protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world. It is the urgent desire of the peoples of the whole world and the duty of all governments in the developing countries. Most of the environmental problems are caused by under-development, the natural growth of population continuously, presents problems on the preservation of the environment and adequate policies and measures as appropriate, and to face these problems; and a point has been reached in history when we must shape our actions through the world with a more prudent case for their environmental consequences.

The part II of the Declaration on the human environment enunciates 26 principles. These principles provide the basis of an international policy for the protection and improvement of the environment. The object of the Stockholm declaration was to pass our mother earth to the coming generations in clean and healthy conditions. A wave of public concern about the environment led by NGO’s in Europe and North America began

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5 Olmstead, note 14, at p. 253.
building during the late 1960’s and peaked during the early 1970’s i.e., during Stockholm era.

Some of the important principles relating to environmental protection in the Stockholm declaration are as follows:-

1. Man has the fundamental right to freedom, equality and adequate conditions of life, in environment of that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.\(^8\)

2. The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the present and future generations through careful planning or management as appropriate.\(^9\)

3. The capacity of the earth to produce vital renewable resources must be maintained and wherever practicable restored or improved.\(^10\)

4. The heritage of wild life and its habitat should be safeguarded.\(^11\)

5. The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the people of all against pollution should be supported.\(^12\)

6. States shall take all possible steps to prevent pollution of the seas by substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea. (Principle 7)

\(^{8}\) Stockholm Declaration, 1972 Principle 1.
\(^{9}\) Ibid Principle 2.
\(^{10}\) Ibid Principle 3.
\(^{11}\) Ibid Principle 4.
7. Economic and social development is essential for ensuring a favorable living and working environment for man and for creating conditions on earth that is necessary for the improvement of the quality of life. (Principle 8).

8. State should adopt an integrated and coordinated approach to their development planning.\(^{13}\)

9. Education in environmental matter is essential and mass media should help in this.\(^{14}\)

10. Scientific research and development in the context of environmental problems, both national and multinational must be promoted in all countries, especially the developing countries. (Principle 20)

11. Principle 21 provides that states have, in accordance with the charter of the United Nations 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 or states or of areas beyond the limits of national jurisdiction.

12. According to principle 22, “states shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction”. These two principles 21 and 22 represent “the most significant consensus that has been reached in the field of international co-operation among states respecting environmental preservation”.\(^{15}\)

13. Principle 26 states that the man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States

\(^{13}\) Ibid Principle 11.  
\(^{15}\) Olmstead, note 14, P. 252.
must strive to reach prompt agreement in the relevant international organs, on the elimination and complete destruction of such weapons.

The Stockholm declaration also drafted the action plan for human environment and its development, which required

a) The global environmental assessment programme known as ‘earth watch’.

b) Environmental management activities; and

c) International measures to support the national actions of assessment and management.

The functions of Environmental Assessment (Earth Watch) include evaluation and review to provide the basis for identification of the knowledge needed and to determine the necessary steps to be taken, research to create new knowledge of the kinds specially needed to provide guidance in the making decisions, monitoring to gather certain data in order to determine and predict important environmental conditions and trends, and information exchange to disseminate knowledge within the scientific and technical communities and to ensure the decision makers at all levels shall have the benefit of the best knowledge that can be made available in the forms and at the time in which it can be useful.

Environmental management covers functions designed to facilities comprehensive planning that takes into account the side effects of man’s activities and thereby to protect and enhance the human environment for present and future generations.

Lastly, international measures to support the national and international actions of assessment and management relate to measures required for the activities in the other two categories i.e., environmental assessment and environmental management and include educational training and public information, organizational arrangements and financial and other forms of assistance.
With the above discussion, the main contributions of the Stockholm conference of 1972 on the human environment comprise of:

i) The Declaration on the Human Environment;

ii) The Action Plan for the Human Environment;

iii) The Resolution on Institutional any Financial Arrangements;

iv) Resolution on designation of a World Environment day;

v) Resolution on nuclear weapons tests; and

vi) Decision to refer to government's recommendation for section at the national level.

With the inspiration of the Stockholm declaration, some other global conventions on the preservation of environment were convened such as:-


Thus, the Stockholm declaration influenced all the state governments and several states brought legislation on the environment.

3.4. Various International conventions:


\(^{16}\) 13 International Legal Material, 1974 P. 352.
i) This is the first international agreement expressly for the protecting of the Marine Environment from pollution originating from land (other than dumping). It was adopted at Paris in 1974 and signed by 14 Western European countries and applies in North Atlantic Ocean.

ii) Convention on protecting of Marine Environment of Baltic Sea Area, Helsinki, 1974:

In this convention, 7 Baltic States agreed to take all appropriate legislative, administrative and other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea area.

iii) Draft Convention for the protection of Marine Environment, against pollution in the Mediterranean (Barcelona):

This convention is contrast to Paris and Helsinki convention made only limited statements of obligations for the prevention of pollution from land-based sources. It calls upon the parties to prevent and abate pollution of the Mediterranean Sea.

iv) Law of the Convention, 1982:

Art. 207 of the convention make provisions for the control of land-based sources of pollution. The provisions in this article set up a framework for the following of 3 levels of rule making and enforcement of standards for Marine Pollution control.

2. Convention relating to prevention of pollution by dumping of harmful substances:

i) Brussels resolution on international cooperation concerning pollutants other than oil, 1969: This was adopted at international legal conference on marine pollution damage held under IMCO

auspices at Brussels in November, 1969. The member states favored the extension of the above international convention to pollution by other agents other than oil.

ii) Oslo convention on dumping, 1972\textsuperscript{18}:-

It came into force in 1974 and the first international agreement to control dumping. It is a regional instrument and was signed by 12 western European states to apply to north-east Atlantic and parts of the Arctic Ocean.

3. Convention relating to prevention of pollution by Radio Active Substances:-

i) Antarctic Treaty, 1959:- It prohibits nuclear explosions and disposal of radio active waste materials in Antarctica and provides for inspection of all the areas in the Antarctic by observers of the contracting states. (Art’s V. VII)

ii) Nuclear Test Ban Treaty, 1963\textsuperscript{19}:- It provides for putting an end to the contamination of man’s environment by Radio Active substances and permits no nuclear explosions in the 3 parts of the biosphere, namely, atmosphere, outer space, under water, including territorial waters or high seas. (Art. 1)

iii) Treaty on the principles governing activities of the states in the exploration and use of outer space including the moon and other celestial bodies in 1967:-

Article VI, VII, IX of the treaty provides that, it is the duty of every state launching an object into an orbit or beyond to take precautions or to avoid injury to other states or other permanent change in the environment of the earth or the contamination of the

\textsuperscript{18} 11 International Legal Material, 1972, P.262.
\textsuperscript{19} UNTS Vol. 480, p.43.
upper atmosphere and outer space and the celestial bodies and the earth.

iv) Treaty for prohibition of nuclear weapons in Latin America, 1967, i.e., Tlateloco treaty, 1967:- Under this treaty, the contracting parties have agreed to carry out explosions of nuclear devices for peaceful purposes and to inform the IAEA, the nature of the nuclear device the source from which it was obtained, the place and propose of explosion etc.,

v) Treaty on non-proliferation of nuclear weapon, 1968\textsuperscript{20}:- this treaty promotes further the determination expressed by the parties to the 1963, NTBT in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and continue negotiations to this end.

vi) U.N. General Assembly Resolution (1971) on the urgent need for suspension of Nuclear and Thermo Nuclear Tests\textsuperscript{21}:- It emphasizes the need to keep as much of the planet free of radioactive wastes as possible. Its primary concern is stated to be the injury to animal and human life, the fear that such fall out may poison the earth’s atmosphere for decades to come.

vii) Treaty on prohibition of employment of nuclear weapons and other weapons of mass destruction on the Sea Bed and Ocean Floor and sub-soil, thereof, 1971:- This treaty is also a measure of environmental protection so far as its object is to prevent radioactive contamination of the environmental area to which it relates. Parties have pledged not to implant or emplace any nuclear weapons or any other types of mass destruction, for storing, testing or using such weapons.

\textsuperscript{20} International Legal Material, 1968, p. 809-817.
3.5. Earth Summit or Rio de Janeiro Convention, 1992 UNCED:-

In continuation of Stockholm declaration, 1972 and the Nairobi declaration, 1982 third declaration is called ‘Rio Declaration’. It is an international conference on Environment held in Rio de Janeiro (Capital of Brazil) on 3rd June, 1992, wherein more than 150 Governments participated. This was the largest UN Conference ever held. UNCED’s mission was put the world on a path of sustainable development which aims at meeting the needs of the present with compromising the ability of future generations to meet their own needs. The earth summit was held with the view to provide principles for economic and environmental behaviour for individuals and nations of the World Community. In reality UNCED heralded a new global commitment to sustainable development, premised on interconnectedness of human activity and environment.

The Earth Summit produced the following Documents:-

1. **Rio Declaration on Environment and Development:** - The Declaration contains 27 principles which seek to guide behavior of nations towards more environmentally sustainable patterns of development. In principle 1 of this declaration states that, “human beings are at the centre of concerns for sustainable development. They are entitled to healthy and productive life in harmony with nature.” This statement makes it clear that the well being of the individual is actual measure of sustainable development.

   Principle 2 of the Declaration imposes duty on the states that while exploiting their own resources pursuant to their own environmental and developmental policies; it is their responsibility to ensure that their activities do not cause damage to the environment of other states.

   Principle 3 lies down, “the right to development must be fulfilled so as to equitably meet development and environmental needs of present and future generations.” In this way the concept of “intergenerational rights” has been recognized in this principle.

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According to Principle 4 of the Declaration in order to achieve sustainable development, environmental protection shall constitute an integral part of development process and cannot be considered in isolation from it.

According to Principle 5, eradication of poverty is an indispensable requirement for sustainable development and all states and all people are required to cooperate in this essential task. This Principle is of particular importance to the developing countries which face the problem of poverty. Reference may be made in this context that our former Prime Minister Mrs. Indira Gandhi while speaking at the Stockholm Conference has categorically said: “of all the pollutants we face, the worst is poverty. We want more development. This fact has been given cognizance in Rio Declaration in order to achieve sustainable development. Eradication of poverty is indispensable and in their way developmental process and environmental protection must go hand in hand together.

According the Principle 8 of the Declaration in order to achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption.

Principle 9 requires an international transfer of scientific knowledge needed for sustainable development.

In Principle 10 recognition is given to the fact that environmental issues are best handled with the participation of all concerned citizens, at the relevant level.

As the law is regulator of human conduct, Principle 11 requires all the states to pass effective environmental legislation.

Principle 12 provides that the States to cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Principle 13 provides that the States shall develop national law regarding Liability and Compensation for the victims of pollution and other environmental damage.
Principle 15 incorporates the “Precautionary Principle” according to which where there are threats of serious or irreversible damage, lack of full certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation.

Principle 17 recognizes the need for having Environmental Impact Assessment (EIA) for proposed activities that are likely to have a significant adverse impact on the Environment.

According to Principle 25, “peace, development and environmental protection are interdependent and indivisible.” In the last, Principle 27 provides that States and people shall cooperate in good faith and in spirit of partnership in the fulfillment of the principles embodied in the Declaration and in the further development of international law in the field of sustainable development.

2. Agenda 21:- Agenda 21 is a dynamic programme. It was adopted at UNCED as voluntary action plan. It is known as Agenda 21 because it is intended to provide an agenda for local, national, regional, and global action into the 21st century. UNCED Secretary, General Maurice called agenda 21 “the most comprehensive, the most far-reaching, and if implemented, the most effective programme of international action ever sanctioned by the international community.” Boutros Ghali, the United Nations General Secretary, in the opening address to the United Nations General Assembly, in September 1992 said that Agenda 21 is a “a comprehensive and far-reaching programme for sustainable development and it constitutes the centerpiece of international cooperation and coordination activities within the United Nations System for many years to come. Remarking further he observed that building on the spirit of Rio, the implementation of Agenda 21, must be seen as an investment in our future. Agenda 21 comprises hundreds of pages of recommended actions to address environmental problems and promote sustainable development. It also represents an experimental process of building consensus on a “global work plan” for economic, social and environmental tasks of the United Nations as they evolve over time. Agenda 21 is a very comprehensive document which outlines the basis for action, objectives, activities and means of implementation. It is divided into following four sections.
Section 1: Social Economic Dimensions – This section includes recommended actions for sustainable development, co-operation, poverty, consumption, demographics, health, human settlements and integration of environment and development in decision making.

Section 2: Conservation and Management of resources for Development

This section is concerned with the protection of the atmosphere, integrated approach to the planning and management of land resources, combating, deforestation, managing fragile ecosystems, promoting sustainable agriculture and rural development, conservation of biological diversity, environmentally sound management of solid water and sewage-related issues, and safe and environmentally sound management of radioactive wastes.

Section 3: Strengthening the Role of Major Groups – This section includes global action for women towards sustainable development, children and youth in sustainable development, recognizing and strengthening the role of non-governmental organizations for sustainable development, local authorities’ initiatives in support of agenda 21, strengthening the role of business and industry, scientific and technical community, and strengthening the role of farmers.

Section 4: Means of Implementation – This section is concerned with financial resources and mechanisms, transfer environmentally sound technology, cooperation and capacity building, science for sustainable development, promoting education, public awareness and training, national mechanisms and international cooperation for capacity building, international institutional arrangements, international legal instruments and mechanisms, and information for decision making.

3. Forest Principles – There are a set of non-legally binding authoritative principles for a global consensus on the management, conservation and sustainable development of all types of forests. Section II of Agenda 21 includes specific recommendations for combating deforestation. Forests are related to the entire range of environmental and developmental issues and opportunities, including the right to social-economic development on sustainable basis. There is an urgent need for consistent action for
conserving and sustaining forest resources. Many experts and States have expressed their dissatisfaction with the end results because no legally binding convention on forests emerged from the Rio Conference.

1. **Convention on Climate Change and on Biodiversity** – The World Community at Rio Conference was unanimous on two points i.e., to prevent global climate change and eradication of biological diverse species. Accordingly, two conventions - that are “Convention on Climate Change” and “Convention on Biodiversity” were finally signed by the representatives of more than 150 countries. The Convention on climate change requires the States to take steps to reduce their emissions of gases which contribute to global warming. But no set time frame for achieving the target could be fixed because of insistence on the part of U.S. negotiations.

The convention on biodiversity requires the States to take steps for protection and sustainable use of the world’s diverse plant and animal species. Section II of the Agenda 21 contains specific recommendations to improve the conservation of biological diversity and the sustainable use of biological resources, as well as to support the convention on Biological Diversity. U.S. President Bush had refused to sign the biodiversity convention on the ground of intellectual property rights, however, the U.S. has changed its stand during Clinton’s regime and now it has signed the biodiversity convention. It may be pointed out that these two conventions can be seen as first step towards implementing the concept of sustainable development following the Rio Declaration.

While speaking on Earth Summit, the U.N. secretary General, Boutros Ghali in his opening address to the U.N. General Assembly in 1992 observed that it “marked an important milestone in awakening the world to the need for development process that does not jeopardize future generations.” His view is that Rio Conference achieved consensus in more that one areas. First, it secured a set of arrangements between governments which makes a significant advance in international cooperation on development and environmental issues. Secondly, it marshaled political commitment to these arrangements of the highest level and placed the issue of sustainable development at the heart of the international agenda. Thirdly, it opened the paths for communication and cooperation between official and non-official organizations working towards
developmental and environmental goals. Fourthly, it led to enormous increase in public awareness that ought to facilitate the adoption of policies and the allocation of additional resources to fulfill the task.

Maurice Strong, the UNCED chief, described it as the ‘Parliament of the Planet’.

3.6. UNEP, 1972 (UNITED NATIONS ENVIRONMENTAL PROGRAMME):

None of the U.N. agencies existing in 1972 was prepared to take primary responsibility for implementing the Action plan adopted at the Stockholm conference.

Towards that end the General Assembly created UNEP to become the institutional focus for environmental activities within the U.N. system. However, UNEP’s role was limited to primarily catalyzing and coordinating environmental programs both by nations and other international organizations. With strong, effective leadership from it’s first 2 executive directors Maurice strong of Canada and Mostafa Tolba of Egypt, UNEP was remarkably successful in using its modest resources to carry out the mission set forth for it at the Stockholm conference.

The organization has done much to gather, compile, and disseminate a variety of environmentally relevant information through the components of its Earth Watch program. UNEP’s Global Resource Information Database (GRID) integrates environmental data for geographical units ranging from local to global levels in forms that are useful to planners and policy makers. It has also been notably successful in stimulating the development of International environmental law and policy.

In 1981, the Governing council of UNEP adopted an ambitious plan for the development of international environmental law known as Monte video program. The UNEP’s activities include a) Environmental assessment and b) Environmental Management and supporting measures. The program identifies a comprehensive set of 26 substantive environmental issues which the world community currently faces. These are divided into 10 major headings such as i) Atmosphere ii) Oceans iii) Water iv) Terrestrial eco systems v) Coastal and Inland systems vi) Lithosphere vii) Human settlements and environment viii) Human health and welfare ix) Energy, industry and
transportation x) Peace, security and the environment. On each issue, specific problems are noted and general and specific objectives are identified.

UNEP’s efforts have included provisions for the Secretariat of the Convention on International Trade in Endangered Species of Wild fauna and flora (CITES). Another recent effort is increased geographical protection for wild life under the Convention on the Conservation of Migratory Species of wild animals (CMS).

3.7 U.N. COMMISSION ON SUSTAINABLE DEVELOPMENT: -

The General Assembly adopted a resolution in December, 1992 providing for the establishment of a Commission on Sustainable development. It would monitor and facilitate efforts to implement the diverse goals and recommendations of the Earth Summit, in particular the Declaration on the environment and development or Agenda 21 and the statement of Forest principles.

The United Nations Commission on Sustainable Development (UNCSD) is a functional Commission of the United Nations Economic and Social Council (ECOSUC) and it owes its origin to chapter 38 of the Agenda 21 which is most extensive document of the Rio summit. This commission was set up on 16 February 1993 as a Commission of the Economic and Social Council according to Article 68 of the U.N. Charter. When its 53 temporary members were elected, particular care was taken pursuant to the principle of “equitable geographical distribution,” to ensure a balance between the continents and between the developed and developing world. In June, 1993 its first session was held in New York. The main task of the Commission is to ensure the effective follow-up of the Rio Conference, as well as to enhance International Cooperation and rationalize the inter-governmental decision making capacity for the integration of environment and developmental issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international level. Moreover, the Commission is expected to assess reports from UN member’s countries, of all the UN Committees concerned with environment and developmental issues and of the relevant non-governmental organizations. It is also the function of the activities they undertake to implement agenda 21 and the problems they face such as the problems related to financial resources and
technology transfer and other environment and development issues they find relevant. The Commission is required to provide appropriate recommendations to the General Assembly, through Economic and Social Council on the basis of integrated consideration of the reports and issues related to the implementation of Agenda 21. This action provides an opportunity for broad based commission to come closer to a solution to at least some of the problems linked with putting sustainable development into practice and to help provide this instrument for action with more clearly defined and thus more easily workable content.

After its fifth session in April 1997, the UNCSD was to report back to a special session of the United Nations General Assembly in June 1997 on the progress that has been made in the implementation of Agenda 21. This requirement and annual reviews conducted by the Commission have maintained pressure on national governments to make some progress. In many cases Official Development Assistance (ODA) agencies prepared reports to the Commission to show how their aid programmes are helping the development countries to implement Agenda 21. Since the inception of UNCSD, Countries of Organization for Economic Cooperation and Development (ECD) have made various commitments to promote environmental and sustainable development policies in their development assistance activities.23

The establishment of the Commission on sustainable Development was a sound step but its success depends on many factors. The CSD will have to rely on political rather than legal authority to integrate global environmental and economic policies. Its success lies heavily on the quality of participation from national governments, including the reports and information they provide, the technical expertise and political authority their delegates bring and, the degree to which these governments reinforce the CSD’s decision through national representatives to other international forums. If the consensus on global sustainable development goals can be built up and if the developed and developing nations reinforce that consensus through their national and international efforts, the commission can in turn greatly strengthen their collective capacities to tackle environment and development problems.

The year 2000 is the target date for articulating a set of internationally accepted indicators of sustainable development that can be used to track the progress that has been made more systematically. It has proven to be a lively and open forum for continuing discussions among governments, international organizations, and NGO’s on how to carry out the plan of action on environment and development set forth in Agenda 21. It has stimulated the creation of sustainable development commissions in at least 117 countries, including a body in the U.S., led by the Vice-president and nearly 2,000 cities in 64 countries have adopted environmental plans.

The problem lies in the failure of governments to follow through on commitments made at Rio de Janeiro and the gulf that continues to exist between North and South on the relative priority that should be given to preserving the environment as opposed to economic development and reducing poverty. The U.N. General Assembly created the CSD, to implement the Agenda 21, the elaborate plan of action prepared at the time of Rio declaration, rather than assigning the responsibility to UNEP, because UNEP was viewed as being too narrowly focused on environmental problems to carry out the broad range of proposals adopted at Rio de Janeiro conference.

Thus, the principle of sustainable development, a balancing concept between the energy and development has been accepted as a part of the customary law, and the commission on Sustainable development has played an effective role in achieving its objective of prevention of environmental degradation.

3.8. GLOBAL ENVIRONMENTAL FACILITY (GEF):

In 1990, at the suggestion of France and Germany, the World Bank took the lead in setting up an experimental program named the GEF, to provide funds on favorable terms to low and middle-income countries for environmental projects that would have global benefits. Northern Governments established the GEF to demonstrate environmental leadership to domestic constituencies and to preempt developing countries efforts to control the International environmental agenda at the 1992, UNCED. The World Bank was given the central role in the GEF because of its perceived efficiency in
handling large amounts of money. World Bank being the dominant partner administers the GEF’s trust fund and manages the program’s application process.

The creation of the GEF prior to the Rio Earth Summit allowed the U.S. and its G-7 partners to define global environmental problems as they perceived them and to establish the limits and scope of their responsibilities in assisting developing countries. Furthermore, the existence of the GEF has proved a convenient way for the G-7 nations to side step the more ambitious North-South funding plan outlined in Agenda 21. The GEF’s first phase, which ran from July, 1991 through July 1993, was designed as a trial to see if it could be an effective mechanism or dispensing assistance in support of major environmental treaties. GEF was set up during the 1992 Earth Summit with 27 members initially.

In April 1998, India, in the three day first ever Assembly of U.N. Sponsored Global Environment Facility told the industrialized nations to enforce stringent emission norms and limit pollution levels to save the world from an impending ecological disaster as their high levels of economic activity and consumption were causing serve environmental degradation. Mr. Atal Behari Vajpayee, Prime Minster of India while inaugurating the Assembly warned the industrialized nations that global warming and climate change could damage the ecology severely.24

GEF Chairman, Mohammed T.E.L. - Ashry released a global environment report titled “Vaulting the Global Environment – Actions and Investments in 21st century.” It is said in the Report that funding to solve environment problems is still inadequate compared to the magnitude of threats and problems. It is thus clear that new and additional resources are urgently needed by the GEF, national governments and other international organizations to address environment problem.25

What is necessary to note is that environmental objectives have become developmental objectives. It is not the problem of the individual nation alone. The fact is that it is a global problem and as such solutions have to be sought at global levels.

24 South must check pollution: P.M., The Tribune, 1,2 April,1998.
25 Ibid
Sustainable development is the only answer. Four areas have been selected for the operation of the facility. These areas are as follows:

1. Protecting the Ozone layer,
2. Limiting Green house Gas Emissions,
3. Protecting Biodiversity and
4. Protecting International Waters.

3.9. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, 1982:-

The IIIrd important convention on Law of the Sea, 1982 i.e., UNCLOS, 1982 represents an important step forward in international environmental law, for it raises to binding treaty status the ideals of principle 21 of the Stockholm declaration and strives to balance environmental protection and resource management with the requirements of free navigation. The convention sets forth a contracting party’s general obligation, ‘To protect and preserve the marine environment’, and the rights of states to exploit their natural resources pursuant to their policies are stated in terms of a recognized ‘duty’ towards the marine environment.

Parties are obligated to take necessary steps, ‘To prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practical means at their disposal and in accordance with their capabilities.’ Developing states are given special status in recognition of their, ‘Obvious limits ….and the special duties of those, who have the technology and economic means to protect the oceans’.

Art.207 (4) of the Convention calls for taking into account, ‘The economic capacity of developing states and their need for economic development’ in setting standards regarding pollution from land-based sources. Apart from it, Art.202 of the convention, provide Scientific and technical assistance to developing states from industrial countries. Art.203 of the Convention, require the preferential treatment of the developing countries by International financial organizations. Art. 207 of the convention make provision for the control of land-based resources of pollution. The provisions in this
article set-up a frame work for the following of 3 levels of rule-making and enforcement of standards for marine pollution control.

Thus, UNCLOS, 1982 also contains provisions relating to environmental protection adopted by the participating and signatory states of that convention.

3.10. WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT (WCED):

The main challenges before human kind are, to preserve peace, to eradicate poverty and to conserve the environment. In 1987, two important documents on global environment were adopted, both of which contributed towards enhancing environmental awareness. The first document was the ‘Environmental perspective to the year 2000 and beyond’, and the 2nd was the seminar report of the World commission on environment and development (WCED) entitled ‘Our Common Future’.

The WCED, headed by Mrs. Gro Harlem Brundtland, PM of Norway, has over 3 years made a deep study of the major problems of the human race, held hearings in different parts of the world and had submitted a report, which has identified the common concerns of the human environment; population, food supply, health, energy etc., It has delineated away in which human kind can, through united endeavor, extricate itself from the morass created by its short-sighted attitude towards the grave problems of the environment. In its report, WCED, based upon its three years of hearings and study, outlined a series of imperatives that were necessary for the world community to be able to achieve environmental protection and sustainable development.

WCED, besides, pointing out the importance of national policies, emphasizes the responsibilities of international financing institutions and transnational enterprises in protecting the environment. It articulates the need for management of orbital space and global commons such as the Oceans and Antarctica. The success of human being such as increasing human life expectancy etc have been traditionally divided into failures ‘development’ and failures in the management of our human environment. ‘Poverty’, which is one of the major cause and effect of global environment problems, was behind the establishment in 1983 of WCED by the U.N. General Assembly.
The commission is an independent body, linked to, but outside the control of governments and the U.N. system. The WCED’s mandate gave its three objectives such as:-

i) To re-examine the critical Environment and development issues and to formulate realistic proposals for dealing with them.

ii) To propose new forms of International Co-operation on the issues that will influence policies and events in the direction of needed changes.

iii) To raise the levels of understanding of commitment to action of Individuals, Voluntary organizations, Institutions and Governments.

Thus, WCED has played a key role by considering ways and means by which the International Community can deal more effectively with Environmental concerns.

**SUMMARY OF PROPOSED LEGAL PRINCIPLES FOR ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT ADOPTED BY THE WCED EXPERTS GROUP ON ENVIRONMENTAL LAW:**

I. **General Principles, Rights and Responsibilities:**

1. **Fundamental human rights:** - All human beings have the fundamental rights to an environment, adequate for their health and well-being.

2. **Inter-Generational Equity:** - States shall conserve and use the environment and natural resources for the benefit of present and future generations.

3. **Conservation and Sustainable use:** - States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere shall preserve biological diversity and shall observe the principal optimum sustainable yield in the use of living natural resources and ecosystems.

4. **Environmental Standards and monitoring:** - States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.
5. Prior environmental assessments:- States shall make or require prior environmental assessments of proposed activities which may significantly affect the environmental or use of a natural resource.

6. Prior notification, access and due process:- States shall inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in a administrative and judicial proceedings.

7. Sustainable Development and Assistance:- States shall ensure that conservation is treated as an integral part of a planning and implementation of development activities and provide assistance to other states, especially to developing countries in support of environmental protection and sustainable development.

8. General Obligation to Cooperate: - States shall co-operate in good faith with other states implementing the preceding rights and obligations.\(^\text{26}\)

It is thus evident that for achieving sustainable development, economy and ecology will have to merge. Environment concerns must become an integral part of the decision making at all levels and sustainable development must become the overriding goal of all governments.

It was in 1991 that World Conservation Union, United Nations Environmental Programme and World Wild Fund, jointly produced a document called “caring for the earth: A strategy for sustainable living” which defined the “sustainability” as a characteristic or state that can be maintained indefinitely whereas “development” is defined as the increasing capacity to meet human needs and improve the quality of human life.

\(^{26}\) Our Common Future- The World Commission on Environment and Development, 43 (1987) at 348-349.
II. Principles, Rights and Obligations concerning Transboundary Natural resources and Environmental Interferences:

9. Reasonable and equitable use: - States shall use Transboundary Natural resources in a reasonable and equitable manner.

10. Prevention and Abatement: - States shall prevent or abate any Transboundary environmental interference which could cause or causes significant harm (but subject to certain exceptions provided for in article 11 and 12).

11. Strict Liability: - States shall take all responsibility precautionary measures to limit the risk when carrying out or permitting certain dangerous but beneficial activities and shall ensure that compensation is provided should substantial transboundary harm occur even when the activities were not known to be harmful at the time they were undertaken.

12. Prior Agreements when Prevention costs greatly exceed harm: - States shall enter into negotiations with affected state on the equitable conditions under which the activity could be carried out when planning to carry out or permit activities causing transboundary harm which is substantial but far less than the cost of prevention. (If no agreement is reached then Article 22 is solution.)

13. Non-discrimination: - States shall apply as a minimum at least the same standards for environmental conduct and impacts regarding transboundary, natural resources and environmental interferences as are applied domestically (i.e., do not do to others what you would not do to your own citizens).

14. Problems: - States shall cooperate in good faith with other states to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental interferences.
15. **Exchange of Information:** States of origin shall provide timely and relevant information to the other concerned states regarding transboundary natural resources or environmental interference.

16. **Prior Assessment and Notification:** States shall provide prior and timely notification and relevant information to the other concerned states and shall make or require an environmental assessment of planned activities which may have significant transboundary effects.

17. **Prior Consultation:** States of origin shall consult at an early stage and in good faith with other concerned states regarding existing or potential transboundary interferences with their use of a natural resource on the environment.

18. **Co-operative arrangements for environmental assessment and protection:** States shall co-operate with the concerned states in monitoring, scientific research and standard setting regarding transboundary natural resources and environmental interferences.

19. **Emergency Situation:** States shall develop contingency plans regarding emergency situations likely to cause transboundary environmental interferences and shall promptly warn, provide relevant information to and co-operate with concerned states when emergencies occur.

20. **Equal Access and Treatment:** States shall grant equal access, due process and equal treatment in administrative and judicial Proceedings to all persons who are or may be affected by transboundary interferences with their use of a natural resource of the Environment.

21. **Third State Responsibility:** State shall cease activities which breach an International obligation regarding the Environment and provide compensation for the harm caused.

22. **Peaceful Settlement of Disputes:** States shall settle Environment disputes by peaceful means. If mutual agreement or solution or on other dispute
settlement arrangements is not reached within 18 months, the dispute shall be submitted to conciliation, and if unresolved, there after to arbitration or Judicial settlement at the request of any of the concerned states.

3.11 International Environmental Protection Act of 1983:-

This act authorizes the president to assist the countries in protecting and maintaining wild life habitat and provides an active role in conservation by the Agency for International Development (AID). It further provides that AID shall use the world conservation strategy as an overall guide for actions to conserve biological diversity.

Funds are explicitly denied for actions that significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas. To provide biological diversity, the President is authorized to assist countries in protecting and maintaining wild life habitats in developing sound wild life management and plant conservation programs.

Each country developing strategy statement or other country plan prepared by AID shall include an analysis of actions necessary in that country to conserve biological diversity along with the extent to which the actions proposed for support meets identified needs. Projects supported under the Act shall include close convention with and involvement of local people at all stages of design and implementation.

Whenever feasible, the Act’s objective shall be accompanied through projects managed by appropriate private and voluntary organs, or international, regional or national NGO’s active in the region or country where the project is located. The Administrator of AID co-operatives with International organizations, both governmental and non-governmental, the Act provides that, it shall took to the world conservation strategy, prepared by the IUCN – the world conservation Union, in partnership with the UNEP and the World Wide Fund for nature (IUCN/UNEP/WWF, 1980) as an overall guide to conserve biological diversity. It shall enter into long term agreements in which the recipient country agrees to protect ecosystems or other wild life habitats. It shall also ensure that the environmental profiles sponsored by it, include information needed for biological diversity conservation.
The Act also provides that the AID shall deny direct or indirect assistances for actions which significantly degrade national parks or similar protected areas, or introduce exotic plants or animals into such areas.


The second United Nations Conference on Human Settlements, (Habitat-II) was held in Istanbul, Turkey from June 3 to June 4, 1996. The conference adopted ‘Habitat Agenda’. This Agenda contains a preamble, a statement of goals and principles, and six commitments for governments in support of its objectives and strategies for implementation of the global plan of action. It was intended to be a global call to action and a guide towards the achievement of sustainable development of the world’s cities, towns and villages into the first two decades of the next century.


In the Earth Summit of 1992, conducted on climate change or green house emission it was decided that a review conference would be convened after a period of five years. Accordingly, a conference on climate change was convened at Kyoto in Japan during December 1 to 11, 1997 where in the progress made during the past five years was reviewed and future plans were chalked out by fixing strategies and objectives for the future. The conference was attended by representatives of more than 150 countries.

After vigorous and untiring efforts of eleven days, the conference succeeded in taking certain solid decisions. At the end of the conference it was decided that the degree of emissions of the green-houses gases prevalent in 1990 would be reduced by 8%, 7% and 6% by European Union, America and Japan respectively, between 2008 and 2012. Similarly targets of 21 other industrial countries were also fixed similar reduction requirements. It required ratification by at least 55 members of UN Framework convention on climate control.
Thus, this accord strengthened the 1992 convention on climate change by setting limits on industrialized nation’s emission of greenhouse gases. The governments are required to take steps such as converting coal fired power plants to gas, encouraging development of more fuel-efficient automobiles and lifting subsidies that keep fossil fuel prices low. There was strong opposition from India, China and many other developing countries. Accordingly the paragraph calling for voluntary participation of developing nations in binding targets was deleted from the draft of the protocol. They stood firm on their position that it was for the “major polluters” to cut down on their heat-trapping emissions and help developing countries with advanced technologies and funds to promote clean industries. Thus, inspite of Kyoto Protocol, it is not possible to say that by 2012, the world would be safe from the green-house effect.

3.14. EARTH SUMMIT PLUS FIVE:

Earth summit plus five was a special session of the UN General Assembly held in New York in June 1997 to find out the progress of nations in furtherance of the Rio Conference Declaration held 5 years back in 1992. It was called so because it was held after 5 years of the “Earth Summit” in Rio de Janeiro. This conference was represented by 170 nations besides hundreds of environmental specialists and NGO’s., who made a week-long conference based upon the Agenda 21.

Razali Ismael, Malaysian diplomat who was chairman of the summit said: “the slim results were pretty sobering,”. It was found in the conference that the plants, oceans, forests and atmosphere are still in trouble, and its population of poor people is growing. One of the disappointments was on global warming and the increase in green house gases.

India and other Third world countries sharply attacked western nations for their move to reopen contentious matters such as labour standards and human rights in an attempt to introduce new issues in Agenda 21. On global environmental protection Non-

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27 Pact on the Global Warming, the Tribune, 1, 12 December, 1997.
29 Ibid.
Governmental Organizations (NGO’s) also felt that the industrialized countries were trying to introduce these new elements to divert attention away from their non-fulfillment of promises made at the Earth Summit in Rio.

However, delegates agreed on few concrete remedies in such critical areas such as global warming. Environmentalists gave a call to create a “World Environment Court” to solve international environmental disputes. In this conference it was concluded, “we are deeply concerned that overall trends are worse today than they were in 1992.” The rhetoric which followed its core theme was, indeed, a resounding expression of failure a face saving device.

“We commit ourselves to work together in the spirit of global partnership to reinforce our joint efforts to meet equitably the needs of the present and future generations.”

Thus the Earth Summit plus 5 adopted a programme of action for the protection of environment and for meeting the needs of the present as well as the future generations.

3.15 Millennium Conference:

The conference is entitled as ‘on the Threshold of the New Millennium’ held in Tokyo on January 2000. The conference examined key issues related to the terms of human development, environmental conservation, peace, governance and security at the global level. The issue discussed and recommendations arrived on issues like globalization and its impacts, challenges for human development and environmental conservation unpredictability and potentially critical developments. According to millennium conference Sustainable Development requires economic efficiency, social equity human security and ecological stability, transfer of technology and financial resources are needed to promote.

3.16 Stockholm convention on Persistent Organic Pollutants (POPs):

In December 2000 representatives of 122 governments finalized legally binding treaty for implementing international action on certain persistent organic pollutants. POPs

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has been opened for signatures in May 2001 and entered into force on May 2004. India became signatory to this convention on January 2006. The convention sets out control measures covering 12 chemicals. The control provisions call for eliminating production and the use of intentionally and unintentionally produced POPs.

The persistent organic pollutants are chemical substance that persist in the environment, bio accumulate through the food web, and pause a risk of causing adverse effects to human health and environment. These POPs are present in pesticides, industrial chemicals and unwanted by-products of industrial processes. Thus actions are made to reduce and climate change, use and releases of thus substance are all far by international community. A health related exemption has been granted for DDT. The convention designates financial support from development countries to developing world through GEF.

The United Nations Secretary General, Kofi Annan, said in his final address that “Johannesburg is meant to find other way, a part that improves standards of living while protecting the environment, a path that works for all people. Today and tomorrow the relationship between human society and the natural environment is the core concern of Johannesburg, and is what sets Johannesburg apart from other UN conference and Summits”. The outcome of the 10-day summit saw nations pledge to halve the number of people without water and sanitation by 2015, and to seek renewable energy sources.

However, the summit has been criticized for failing to set concrete targets and Oxfam says the agreement is “a triumph for greed and self-interest, a tragedy for poor people and the environment.” The results of the Johannesburg Summit have been criticized in subsequent years as being too vague and for setting weaker goals than those agreed upon in previous summits. The resolutions passed at the summit also lack the provisions for substantial enforcement, making it difficult to assess what progress was actually made.

3.17. EARTH SUMMIT 2002/JOHANNESBURG DECLARATION:

Another Earth Summit was held at Johannesburg, South Africa, from 26th August to 4th September, 2002. The Earth Summit was the consequential follow up action the
decision of the 1992 Earth Summit held at Rio de Janeiro and the Kyoto summit on Global Warming 1997. Since nothing mush has happened after Rio to justify such a big event, Shri Ashok Khosla, who played a major role in the Non-governmental movement at Rio in 1992, refused to attend the Earth Summit, 2002. A host of other leaders also did not attend the summit, inter alia, for the reason of lack of clear agenda.

While the 1992 Rio Summit witnessed 130 heads of the states present, the response to Johannesburg Summit was reportedly lukewarm, for that less than 100 leaders have attended it. Among the Prominent absentee include U.S. President and Indian Prime Minister.

The latest statistics reported in the context of 2002 Earth Summit provide that Air Pollution has become a major killer with 3 million people dying every year. Carbon emissions are doubled in 3 decades thereby making global warming a serious threat. Apart from it, 40% of the world population is facing chronic shortage of Fresh Water for daily needs. Contaminated Water is killing about 2.2 million people every year. During this Summit, a declaration known as “The Johannesburg Declaration on sustainable Development” was adopted.

3.18. WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT, 2002:

The world summit on sustainable development held in 2002, it provided that the good governance within each country and at the international level is essential for sustainable development. It also provided that Peace, Security, Stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.

Apart from them, it also provided that poverty eradication and changing unsustainable patterns of consumption and production is utmost essential in the present context. However, in order to ensure a dynamic and enabling International economic environment, it is important to promote global economic governance through addressing the international finance, trade, technology and investment patterns that have an impact.
on the development prospects of developing countries because good governance at the international level is fundamental for achieving sustainable development.

Apart from all these, a firm commitment to the ideals of the United Nations System and other multilateral institutions and promoting the improvement of their operations, is utmost essential to achieving the Sustainable development as desired by the U.N.?  


Delhi declaration, 2002 was said to be a land mark and a new approach to the issue of climate change. The conference was attended by over 170 countries. The Delhi Declaration was also noteworthy for its emphasis on the need of the U.S.A., Russia and other developed countries to ratify the Kyoto Protocol on the reduction of GHG (Green House Gases) emissions.

One of the aims of the conference was to consider as to whether and to what extent the approaches, goals and methods agreed upon in the Johannesburg Earth Convention 2002 being the basis for Co-operation. The Conference also noted that the signs of changes in weather, including global warming alteration of rainfall and temperature patterns are becoming apparent. It was realized that sustainable development will be a success only if the vagaries in the climate change are addressed.

While the European Union and other developed countries at the conference insisted that the developing countries should make commitment for reduction of Green House Gas (GHG) Emissions beyond 2012, the developing countries led by India maintained that it was not possible in as much as their contribution to the problem was far less than that of the developed countries.

3.20. UNITED NATIONS WORLD SUMMIT, 2005:

The United Nations World Summit was held from 14-16 September, 2005 in New York, U.S.A. in which 150 State heads were participated. The Summit discussed progress forwards the Millennium development goals and a reform of the UN. It is the largest ever assemblage of world leaders, gathered at UN head quarters. The summit had been
originally conceived as a follow up to the anti-poverty goals of 2000 Millennium Summit. The world has set a clear agenda of achievable goals for sustainable development; emphasis is also on poverty reduction and health care anti-Malaria efforts, education, all developing countries to adopt national plans\textsuperscript{31}. In September 2005, the UN convened a world summit that brought together the heads of most member states, calling the Summit “a once-in-a-generation opportunity to take bold decisions in the areas of development, security, human rights and reform of the United Nations”. Kofi Annan had proposed that the Summit agree on a global ‘grand bargain’ to reform the UN, revamping international system for peace and security, human rights and development, to make them capable of addressing the ordinary challenges facing the UN in the 21\textsuperscript{st} century.\textsuperscript{32}

World leaders agreed on a compromise text, including the following notable items.

- The creation of a peace building commission to provide a central mechanism to help countries emerging from conflict.

- An agreement that the international community has the right to step in when national governments fail to fulfill their responsibility to protect their citizens from atrocious crimes.


- An agreement to devote more resources to UN’s Office of Internal Oversight service (OIOS).

- Several agreements to spend billions more on achieving the Millennium Development Goals.

**The Kyoto Protocol:**

The Kyoto Protocol which is entered into force on 16\textsuperscript{th} February, 2005 is an important milestone in international actions to combat climate change. Under the protocol

\textsuperscript{31} Hagen Jonas, “2005 World Summit” UN Chronicle, 1\textsuperscript{st} September, 2005.

\textsuperscript{32} UN Department of Economic and Social Affairs, Division of Sustainable Development; ‘Johannesburg Summit’, 24 March 2003.
industrialized countries are legally bound to reduce their combined emissions of six major green house gases. The international carbon trading market based approach will improve the efficiency and cost-effectiveness emissions cuts. The Clean Development Mechanism (CMD) will move from an early implementation phase to full operations. The Protocol adaptation fund will start preparing itself for assisting development countries to cope with the negative effects of climate change. India is also parts to the Protocol but do not have emissions reduction targets.

Therefore, reducing the risks of global warming will require active engagement of entire international community. This Protocol lead to the climate change convention to achieve new policies and approaches to meet the climate change challenges.


The Government of Indonesia hosted the conference at the Bali, International convention Centre and brought together more than 10,000 participants, including representatives of over 180 countries together which observe from inter-governmental and non-governmental organizations and the media.

The Conference of the UN framework Convention on climate change (UNFCCC) held in Bali overcame considerable wrangling and produced the Bali action plan, a basic but promising road map to 2009, when major economics must decide on new actions to reduce green house gas emissions. All countries will need bold initiatives on emission cuts beyond 2012 when existing Kyoto Protocol commitments expire. It may disappoint many that the UNFCCC dropped from its conference resolution the quantified emission reduction targets sought by the European Union due to opposition, chiefly, from the United States. But the Bali resolution accepts the scientific evidence and emphasizes the “urgency” for combating climate change. It is now incumbent on the big emitter to deliver on cuts and technology assistance, and for other countries to plan mitigation efforts. Developed countries must, as per the Bali plan, adopt ‘measurable, reportable and verifiable emission limits and reductions,’ while developing countries can emphasizes mitigation rather than emit reduction. The U.S. which emits the most GHGs and is a
Kyoto skeptic, obviously felt compelled to endorse the Bali plan under global moral pressure.33

India’s intervention at the United States climate change talks to push through an amendment to a road map for the future fight against climate caused several adjournments and behind-the-scenes discussions, but in the end the entire G-77 and Chine, the largest negotiating block of developing countries, as well as the European Union expressed their support. After refusing to support the Indian amendment, the United States delegation faced a barrage of strong protests from a number of developing countries. The U.S. being isolated and forced the change later, agreed to join the consensus. The credit is given to the strong unity and initiative by the developing countries, the power of which he hoped could be carried over to other global negotiations.34

The Bali Action Plan provides opportunities for China and India to reduce their carbon footprint and to strive for mitigation without compromising on economic growth. The UNFCCC has agreed, as part of the road map, to help protect and expand forests through special funding rainforests in equatorial countries and some parts of India are seen as low-cost carbon sinks; they need only a small investment per tonne of avoided carbon dioxide (released by deforestation). This provision can fund forestry schemes and generate income for rural and tribal communities. India, which contributed to key Bali amendments on access to clean technologies, can also tap the Adaptation Fund under the Kyoto Protocol, the governance mechanism of which has been agreed upon, to cope with climate change. While pursing these options, India should not wait for obligatory requirements to launch far-sighted actions. It can easily leapfrog old technologies in high emission sectors – power, transport, lighting and building. It can do by calibrating policy and seeking out advanced technologies. The most promising of these appears to be carbon capture and within close reach, although a grand climate framework may still be two years away.35

34 Priscilla Jebaraj, “India plays a key role in Bali negotiations”, The Hindu, 16 December, 2007..
35 Ibid.
The conference culminated in the adoption of the Bali Roadmap, which charts the course for a new negotiating process to be concluded by 2009 that will ultimately lead to a post-2012 international agreement on climate change. Ground-breaking decisions were taken which form core elements of the roadmap. They conclude the launch of the Adaptation Fund as well as decisions on technology transfer and on reducing emissions and deforestation. These decisions represent various tracks that are essential to achieving a secure climate future.  

The Bali Conference also agreed on a new programme to scale up investment for the transfer of clean technologies to developing counties. It was widely agreed in Bali that for poorer countries to avoid the same development mistakes of industrialized countries, they would need newer and cleaner technologies. Deforestation, which causes 20 percent of all greenhouse gas emissions, also figured on the agenda in a major way for the first time in climate change discussions. Countries agreed on a range of measures to study and assess the issue – including finding out just how to calculate emissions from deforestation, as well as encouraging demonstration projects that can address the needs of local and indigenous communities.

3.22. CONCLUSION:

The serious concern for the protection of Global Environment by preventing its degradation existed even prior to the convening of Stockholm Conference in 1972, the International Meteorological Organization established in 1872 and the Universal Declaration of Human Rights, 1948 are the step taken during the pre-Stockholm period.

In 1972, United Nations Conference on Human Environment (UNCHE), adopted Stockholm declaration, which marked the beginning of Stockholm era. This era saw a growing tendency to view the environmental in a holistic way. Apart from it, the Stockholm declaration is considered as the 1st International Conference on Human

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Environment. With the inspiration of Stockholm conference, various global conventions on the protection of the environment were adopted in the later years.

In the continuation of the Stockholm declaration 1972 Nairobi Declaration, 1982, the 3rd major International Conference which is described as ‘Parliament of the Planet’ was convened at Rio de Janeiro in 1992, in which the Agenda 21 was formulated. Apart from it, UNEP (United Nations Environmental Programme) was created by the UN General Assembly in 1972 and in 1992 a resolution for the establishment of a common on sustainable development was adopted by it.

In 1990, GEF was created by the northern parts to demonstrate environmental leadership to domestic constituencies and to provide funds on favorable terms to low and middle income countries for environmental project that would have global benefits. Even the 3rd UNCLOS, 1982 also represents an important step forward in international environmental law. In 1983, International Environmental Protection Act was passed which provides an active role in conservation of the environment by the agency of International development. The Habitat-II, 1996, Earth Summit Plus 5, Kyoto Protocol, 1997, The Johannesburg declaration on sustainable development, 2002, World Summit on sustainable development, 2002, Delhi Declaration, 2002, Kyoto Protocol, 2005, United Nations Climate Change Conference at Bali 2007, projects the efforts and steps taken by U.N. in promoting the awareness among the states and thereby stressing the need of environmental protection.

Apart from these various conventions adopted by UN relating to International environmental protection, various specialized agencies such as WHO, FAO etc, have also undertaken the responsibility for the protecting the environment by recognizing it, as matter of international concern and thereby in order to prevent pollution by the environment had prepared several guidelines, to be followed by the member states and to co-operate with one another whenever the occasion requires on particular issues.

Thus much of the International Law relating to Environmental Protection emerged under the auspices of UN; which provided a way for further convening of several conferences regionally and globally, thereby enabling the States to take further steps for
environmental protection for their states, (by abiding to the rules and regulations of the conventions adopted by them as a member state) and thereby contribute their role in protecting the environment, which is not only a matter of International concern but which is utmost required on part of every state for ensuring its survival and also of the globe.

The world is not environmentally uniform. Nations differ in their environmental resources, in terms of quality and quantity. In view of this, no single solution works everywhere to protect ecology. The environmental inequalities in the world are paralleled by economic ones, which are major obstacles to satisfy the basic human needs, especially in developing countries, and a barrier to the harmonious development of mankind. The economic development now enjoyed by the developed countries was sometimes achieved without due regard to the preservation of human environment, and today they are considered as the champions of human rights protectors. However, it is rightly pointed out that the general principles and prescriptions of international law are applicable to the problems of transnational pollution and environmental degradation. Therefore, the global environment has been adequately protected through Local, Regional, National and International laws, Policies, Treaties and Conventions and maintained the ecological balance particularly in India.