I. The United Nations Conference on Human Environment,
Stockholm, 1972

Ever since problems of acid rain and their effects were considered at the global level in Europe, the way for a global conference on environment was made clear. It was in 1972 that the United Nations Conference on Human Environment was held in Stockholm, where for the first time it was recognized that certain global environmental concerns needed global solutions.

Political support for environmental protection was at an all-time high in the early 70s, and it was seen that States were keen to discuss nearly all issues related to ‘the environment’ such as cross border pollution caused by acid rain, marine and river pollution etc. However, the developing countries from the G-77 wanted problems of poverty and social justice to be central themes. There were also other cross-sectoral problems like the terms of international trade, development aid, and access to technology.

There was a palpable need felt to understand the relationship between economic development and environmental protection. The Stockholm Conference attended by more 114 states produced three major documents: a Declaration on the Human Environment; an Action Plan for the Human Environment; and a Resolution on Institutional and Financial Arrangements.
The Stockholm Conference was an initiative taken by the highly industrialized West European countries and USA and other economically developed countries. This conference attempted to highlight problems of environment and proclaim some general principles. Not many developing countries attended the meeting either for lack of resources or more for lack of awareness and appreciation the issues. An emphasis on environmental protection and conservation of resources was essentially viewed as inimical to the priorities of development, to which the newly independent States attached importance. This was also the time when the plea of the same countries at the United Nations for a new international economic order did not gain much support from the developed countries.

The United Nations Conference on Human Environment should nevertheless be seen as an important landmark in the evolution of environmental connection and environmental law, which laid down 26 principles, and some of them do not directly address environmental issues. It proclaimed that man required an "environment of quality" to pursue his fundamental rights to freedom, equality and adequate conditions of life. It noted that man bore a "solemn responsibility" to protect and improve the environment for present and future generations (principle 1) It also provided that States have a responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond limits of national jurisdiction, even while it recognized a sovereign right of States to exploit their own resources pursuant to their own environmental policies (principle 21). In this connection it enjoined States to "develop further" the international law on liability and compensation for pollution and other environmental damage to areas beyond their jurisdiction caused by activities within their jurisdiction.
or control. Other principles dealt with conservation of resources, pollution, developmental issues and some on non-legal topics.

The Stockholm Declaration was not followed by any globally common strategy of international development or encouragement of development of environmentally friendly technologies for production of resources. In the absence of any such common strategies, the living conditions and economic lot of peoples in developing world, had to pursued through the means of technology and resources available to them. This resulted in uneven, uneconomical and environmentally not so friendly development in the developing countries. In this regard, one is reminded of what Smt. Indira Gandhi said at that Conference. She had stated “….. Poverty was the greatest stumbling block to environmental protection”. What she meant was unless poverty is tackled head-on the problem of environmental protection cannot be solved.

One of the important fallouts of the Stockholm Conference was the establishment of the United Nations Environmental Programme, headed by the Executive Director to act as a focal point for environmental action and coordination within the UN System. With the establishment of the UNEP and the focused work of various international agencies including the World Bank, the growing problems of environment in different sectors, particularly in the developing world began to attract the attention of policy makers, environmental lobbies and States. Initially focus was put on whether and climate modification and seabed exploitation, rivers and river basins, enclosed and semi-enclosed seas, transfrontier pollution and ground waters.

In the first decade, UNEP could not make much progress in helping States develop proper environmental for lack of proper resources and constraints faced by developing countries to accelerate their economic
development in an environmentally friendly way. The UNEP thereafter
developed a more focused programme on development of environmental law
through its Montevideo Programme on Development of Environmental Law,
1992 on conclusion of international agreements, development of
international principles, guidelines and standards and provision of
international assistance for national legislation and administration. In the last
several years, a large number of international treaties were concluded under
its auspices. Guidelines on different aspects of environment have been
produced. Several governments upon request were given the assistance in
the drafting of their national environmental legislation. In general where the
treaties are at a global scale, standards set are general and where they
addressed regional or bilateral issues they tend to be more specific and
innovative.

During this period, mention must also be made of several international
conferences on world population (1974), world food (1974), habitat
conference (1976), international women's year conference (1975),
desertification conference (1977) and water conference (1977), conference
on long-term sustainable development (1982), conference on new and
renewable sources of energy (1981), which provided additional philip in the
earlier years to make necessary institutional advances in specific sectors of
environment. The adoption in the Genera Assembly of the 1974 UN
Declaration on the Establishment of a New Economic Order, followed by
adoption of a Charter of Economic Rights and Duties of States was also an
important event in the modern growth of international environmental law.
This Declaration gave currency to the right to development, which in turn
created the need later to reconcile and synthesize the right of development
with the duty to protect environment. This gave birth, as we will see below,
to the concept of sustainable development, which became the theme of the Rio Conference.

From a legal perspective, the Conference evolved important environmental principles for international environmental regulation and control that highlighted the historical significance and an insight into the relationship between the rich, and the poor countries. Principle 21 of the declaration affirmed the responsibility of states to ensure that the activities within jurisdiction or control did not cause damage to another state or beyond another jurisdiction, for e.g. in area such as the high seas or outer space. Principle 1 linked environmental protection to human rights norms, stating that man has ‘the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment for present and future generations’.

Moreover, the first environmental mega-conference successfully identified the terms of what is now a continuing global environmental debate. In so doing, it laid the foundations of the international system of environmental law and defined the terms of the global debate on the environment and development. For instance, the core principle that a nation state’s sovereignty over the use of its own environmental resources should not impact negatively on other states was negotiated at Stockholm, as were many others.

The period from Stockholm till the United Nations conference on environment and development witnessed a study growth of international activities and also environmental treaties and international institutions. It is also important to note that one of the natural fallout of the Stockholm conference was the need for an international environmental organization.
Much before the Rio conference important efforts were made at the international level towards drawing up an action plan for world conservation and sustainable development. The General Assembly in 1982 adopted the World Charter for Nature which although a non binding instrument as being viewed as “an important symbolic expression of an intent among nations to achieve a more harmonious and sustainable relationship between humanity and the rest of the bio-sphere- between mankind and earth. In 1980 the IUCN, UNEP and WWF, UNESCO and FAO prepared a World Conservation Strategy. This Strategy, which is credited with having coined the term sustainable development, in a major way influenced international legal developments and also emphasized key objectives. While time and space does not allow us to have a more focused discussion on the strategy it is important to know and understand that it recommended: a commitment to principles of sustainable society, a comprehensive system for environmental law its implementation and enforcements; legal and administrative controls for such implementation and development of national and international standards and use of sound, benign environmentally friendly technologies, compensation for damage caused by hazardous substances; liability redress and adoption of international environmental agreements to strengthen the need for environmental protection and sustainable development.

Based on the World Charter of Nature as well as the World Conservation Strategy, a new commission called the World Commission on Environmental Development was established in 1983. This Commission headed by the former Norwegian Prime Minister Gro Harlem Brundtland re-examined issues regarding environment and development as well as proposed new policies and actions towards achievement of sustainable
development. The Commission identified a number of priorities areas for legal and institutional change; the governance, international organization and regional bodies were called upon to integrate environment in to their developmental goals. Reinforcement was sought for environmental protection, strengthening of the UNEP as the principles source of environmental data assessment and reporting. It was also recognized that international law should keep pace with the expanding scale of impacts on the ecological basis of development. The Commission also called for international financial institutions such as World Bank, IMF and other regional development banks to provide assistance for pollution control. The commission also established which is now a regular body called as the Commission on Sustainable Development (CSD).


In 1992 the United Nations Conference on Environmental Development (UNCED) was held in Rio De Janeiro, Brazil. The conference attended by 176 states and thousands of non-governmental organizations adopted 3 non binding instruments: the Rio Declaration on Environment and Development (the Rio Declaration); a Non legally Binding Authorities Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all types of forest (the UNCED forest principles), and Agenda 21. Two treaties were also opened for signature -the convention on Biological diversity, and the UN Framed work convention on climate change. Two other texts, the Rio Declaration on Environment and Development and the action programme known as Agenda
have also been adopted which are general in scope but have proved to be of important source for the future course of environmental law.

The UNCED was also an occasion to revisit some of the fundamental concerns of environmental protection and economic development. As opposed to the Stockholm Conference, which was based on an ‘ecological approach’, UNCED was basically ‘anthropocentric’ in nature.

The Rio Declaration on Environment and Development consisted 27 principles some of which have since played a prominent part in the development of environmental law notably the principle of sustainable development (Principle 4), precautionary principle (Principle 15), the "polluter pays principle" (Principle 16) and the environmental impact assessment (Principle 17). The Declaration is anthropocentric unlike the Stockholm Declaration and the World Charter for Nature. Principle 1 proclaimed that human beings are at the center of concerns for sustainable development and that they are entitled to a healthy and productive life informally in nature. The Declaration also referred to transboundary effects of activities in Principle 2 similar to Principle 21 of the Stockholm Conference. Principle 10 concerns public participation and Principle 13 once again reiterated the need for States to develop the law of liability. Principles 18 and 19 referred to obligations of States notify others in case of emergencies and with respect to projects, which may affect their environment.

The Rio Conference was the second major milestone in the development of international environmental law after the Stockholm Conference. The significant difference between the two is that at Rio almost all the States of the world as well as non-governmental agencies in great number along with
all UN and other international organizations participated in its work. Further environment has been viewed as a common concern even if the North South divide still had its impact on the deliberations. The main point was even the developing countries saw protection of environment as a necessary part of their development as opposed to their earlier fear that such a protection would actually hinder their developmental goals.

The other Principles contained in Rio Declaration could be categorized into three groups. One group related to developmental concerns of developing countries: eradication of poverty (Principle 3), special priority for development of developing countries. (Principle 6), capacity building (Principle 9). These principles were addressed in the form of legal guidelines. A second group of principles addressed the world economic order: common but differentiated responsibilities, including special responsibility of developing countries, protect global environment (Principle 7), reduction and elimination of unsustainable patterns of production and consumption and promotion of democratic policies (Principle 8), encouragement for supportive and economic system, condemns discriminatory trade policy measures or disguised restrictions on international trade as well as unilateral actions (Principle 12), prevention of re-location and transfer to other States of activities and substances that cause severe environmental degradation or are harmful to human health (Principle 14). These are addressed more in the nature of economic policies or guidelines.

In addition to the above two categories, another category of principles focused on public participation. Principle 10 of the Rio Declaration recognized for individuals a right to information, participation and remedies in environmental matters. Principles 20 to 22 stressed the importance of the
participation of categories such as women, youth and indigenous peoples. These were formulated more as guidelines and not as legal norms.

Agenda 21 consists of 40 Chapters with 115 specific topics. It is an action programme covering socio-economic dimensions, conservation and resource management, strengthening the role of non-governmental organizations and other social groups such as trade unions, women and youth and measures of implementation. Its chapters deal with different sectors such as atmosphere, biological diversity, the oceans and fresh water resources. Its chapter on international legal instruments insists on particular aspects of treaty making process through universal participation. Improvement in the efficacy of international environmental law and the integration of environment and development policies in international treaties. Further it emphasized the need for environmental standard setting and establishment of procedures and mechanism to promote and review the implementation of treaties, in particular the establishment of efficient and practical reporting systems.

Agenda 21 also pays particular attention to national legislation. It recognizes the importance of laws and regulations suited to country specific conditions and to enable States to implement their obligations resulting from international treaties.

Following the Rio Conference, environment has come to be recognized as important element of all human activities. For example, the 1994 Marrakech Charter created the World Trade Organization as well as all the treaties created regional free trade zones mentioned the environment as a
specific field for cooperation. Another major global instrument is 1982 Law of the Sea Convention also devoted special attention to marine environment. But in the post Rio phase marine pollution started receiving greater attention. Similarly States parties to the Antarctic treaty developed the Madrid protocol concerning environmental aspects of Antarctica. The 1994 Paris Treaty on Desertification is another result of growing concern for environment.

Despite an evolving international law of environment setting out in many cases concrete obligations and duties for States, a lot of legal ground still needed to be covered in different sectors of environment. This is particularly so in establishing suitable international and national standards and deciding applicable and pragmatic procedures for implementation and enforcement of such standards. UNEP's Governing Council mandated a position paper to identify the future course of action following the Rio Conference. Among other things the position paper found that: international environmental law has developed certain characteristics particularly important for achieving sustainable development. International environment law reflected an integrated approach by taking into account social and economic development goals. International environmental law also recognized the disparities in relative development levels, allowing for differentiated implementation schedules, financial resources and technology transfers as ways to assist developing countries in meeting their international obligations. International environmental law also reflected a growing role for non-State actors and recognizes the need for all stakeholders to participate in environment and development decisions. More generally, in moving toward sustainable development, international environmental law is inspiring new and innovative concepts, principles and ideas, and developing
facilitating and enabling mechanisms and procedures in areas such as implementation, compliance, dispute avoidance, and dispute settlement. It is thereby played an increasingly important role in promoting the integration or environment and development and providing an effective legal and regulatory framework for implementing Agenda 21.

In addition environmental concerns have begun to impact upon other major sectors of international relations and law. Thus the relationship between trade and environment on the one hand, environment and human rights on the other have become a source of their own development of law involving both principles of content and procedure. With more and more conflicts taking place around the world the need for protecting environment in times of armed conflict and hence the relationship between environment and international humanitarian law had also gained some significance.

Apart from the above a more effective implementation, compliance and enforcement of international agreements and conventions is recognized as a matter of priority. Dispute resolution and avoidance through formulation of appropriate guidelines early warning systems and offer of assistance and training by competent international organizations is another area of contemporary focus for the development of environmental law. This naturally leads to the establishment of suitable treaty bodies and secretariats to coordinate international and national efforts.
III. The UN General Assembly Special Session on Sustainable Development (Earth Summit II), New York, 1997

Soon after Rio, the UN General Assembly requested a formal review of the implementation of Agenda 21. The UN General Assembly Special Session on Sustainable Development (UNGASS) was held in New York five years after Rio. Although its formal task was to review Agenda 21, UNGASS (or ‘Earth Summit II’, as it became known) was inevitably portrayed as a litmus test of government’s support for, and record of, implementing sustainable development. The Meeting produced two main outcomes: a six-paragraph ‘statement of commitment’ and a ‘Programme of Action for the Further Implementation of Agenda 21’. The organizers had hoped to keep the conference agenda narrow and focused, but as soon as the meeting opened the agenda began to broaden, as different groupings pushed their own pet concerns. In the end, the Meeting struggled even to agree upon a statement on common concerns such as forests, climate change, trade, and globalization. The UNGASS did, however, agree upon a new programme of work for the UNCSD, agreed to setting up of blessed the local agenda 21s process, and paved the way for the ten-year review of Rio I in 2002.

IV. The World Summit for Sustainable Development: Johannesburg, 2002 (Rio +10)

The World Summit for Sustainable Development (WSSD) was the main follow-up to the 1992 Earth Summit. It was expected to be as high profile and significant as Rio, and to provide the opportunity for concrete steps to be taken towards implementing the principles agreed at earlier mega-conferences. The preparations for the WSSD had begun in May 2001, with the first of a series of four global preparatory conferences and a number
of regional and national consultation exercises to set the agenda and propose solutions. It was expected to be the first major environment and development conference to have a formally structured official input from a wide range of ‘major groups’ of stakeholders identified at Rio e.g. youth, farmers, businesses, women. It also provided an opportunity for world leaders to recover some of the ground they lost in 1997, by ratifying global agreements such as the Kyoto Protocol and the Conventions on Biodiversity and Desertification).

Various problems had cropped up in the implementation of Rio Declaration and the action programme Agenda 21. To review these problems and issues connected, the United Nations decided to hold the world summit on sustainable development at Johannesburg in South Africa from 26 August to 4 September 2002. Two sessions, one from 30 April to 2 May 2001 and the second from 16 to 17 January 2002 of the preparatory committees were had been held at the UN headquarters. In the context of the World Summit on Sustainable Development (WSSD) several themes came into focus: globalization and sustainable development; eradication of poverty and achieving sustainable livelihoods; changing unsustainable patterns of consumption and production; promoting health through sustainable development; accessing energy and improving energy efficiency; sustainable management of ecosystems and bio-diversity; managing the world's fresh water resources, near coastal zones, problems of small island States, conservation and management of ocean resources; securing adequate finance and technology transfer; implementing sustainable development initiatives for Africa; and strengthening the system of international governance for sustainable development.
V. Conclusions

To sum up many of these mega events brought on the agenda of the international community the core issues of environment. It is difficult to state precisely what the contributions from these conferences are. As stated by Prof. Peter Haas, we believe that it is “...incredibly difficult to measure their direct contribution to environmental problem solving”. In his view, which I fully endorse, it is possible to evaluate them according to some of the intermediate functions that they have individually or collectively sought to perform. These for the sake of convenience may be categorized as: setting global agendas; facilitating ‘joined-up’ thinking; endorsing common principles; exercising leadership by defining new objectives; building institutional capacity; and making global governance more legitimate in the eyes of governments, business, and civil society by promoting social inclusiveness.

One may also see that the Millennium Development Goals and the Environment that speak of the need to “Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources; Reduce by half the proportion of people without sustainable access to safe drinking water; Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020” still remain a distant dream. The Secretary General’s 2007 Report on the Millenium Development Goals pertaining to environment deals largely on the threat of climate change. It reads “…The United Nations is also called upon, and is uniquely positioned and able, to protect the global commons. In particular, I am convinced that climate change, and what we do about it, will define our era, our global legacy, and ultimately us. The Intergovernmental Panel on
Climate Change has unequivocally affirmed the warming of our climate system, and linked it directly to human activity. I believe this is just the kind of global challenge that the United Nations is best suited to address. I am gratified by the universal recognition that the United Nations climate process is the appropriate forum for negotiating future global action. Now, we need a comprehensive agreement under the United Nations Framework Convention on Climate Change that tackles climate change on all fronts, including adaptation, mitigation, clean technologies, and resource mobilization. All countries must do what they can to reach an agreement by 2009, and to have it in force by the expiry of the current Kyoto Protocol commitment period in 2012. To this end we must spare no effort”.

While it is legally incorrect for the SG to say that a new convention on climate change is needed, his statement clearly lays down the parameters of what is expected of a UN process!

However, it also needs to be known that States require resources to implement the obligations or commitments agreed upon at these conferences. This is not to deny the signal contribution of the Rio principles of common but differentiated responsibilities, common concern of humanity from the Law of the Sea Convention and others.

As I have covered many of the principles on rights and obligations in my lecture notes of session II, it may not be necessary to deal with them now.