

(2) A PRELIMINARY STUDY ON  
HUMAN ENVIRONMENT

(Prepared by the Secretariat of the Committee)

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## I. INTRODUCTION

Man's capacity to destroy is of course dramatically manifest in his possession of the technologies of mass destruction, but the relatively recent emergence of the environmental issue has revealed the more subtle but no less dangerous risks he faces from the uncontrolled use or misuse of natural resources and the technologies of production. Every nation is affected by pollution of the planet's atmosphere and the oceans whether or not it contributes to that pollution. Some problems such as air and thermal pollution are most severe in industrialised nations; in others, waterborne parasites and desert making are often born out of poverty itself and occur most frequently among those who are least able to afford the necessary measures to cope with them. Thus, the subject of human environment is global in character and of universal concern<sup>1</sup>.

It is important to emphasise that in using the phrase "the human environment", it is necessary to include "all elements both natural and manmade. It embraces urban and rural poverty as well as the dangers of atmospheric pollution from automobiles and factories. It includes the discovery and development of natural resources as well as the inefficient and wasteful use of presently exploited resources. It covers air, water and soil. It includes the methods by which food production can be increased as well as study of harmful agriculture and practice."<sup>2</sup>

A cursory examination of this definition may lead one to pose certain questions: Is the concern for human environment now a new disease of the "development-oriented civilisation" of today? Does not the technological development generate a

1. See Maurice F. Strong "The United Nations Environment"; *International Organisation*, Vol. 26, 1972, page 169.
2. *Ibid.*, page 170.

vicious circle?<sup>3</sup> Does it not imply that the developed nations' burden would eventually pass on to the developing ones?<sup>4</sup>

Understandably, the world community shares little of this negative thinking. The truth is, the increasing awareness and concern about the deteriorating environmental situation has stimulated a new concept not only among the developed but also among the developing countries. To substantiate this point of view, it may be relevant to refer to the Founex Report.<sup>5</sup> The Report focuses the global importance of environmental issues. It points out that "to a large extent, the current concern with environment issues has emerged out of the problems experienced by the industrially advanced countries. These problems are themselves very largely the outcome of a high level of

3. "Increasing technology implies greater energy consumption, which implies increasing industrialisation, which then generates further demands for material goods and services which in turn results in greater consumption of more readily available resources, creating greater environmental problems and dislocations." See Nazil Choucri, "Population, Resources, and Technology: Political Implications of the Environmental crisis." *International Organisation*, Vol. 26, 1972, page 200.
4. "The most important economic consequences of pollution control are likely to be the differences in cost of production between goods produced under demanding pollution controls and those produced free of such controls. These differences have been estimated to range between five and 20 per cent depending on the industry and process. They will affect the sales and profits of the competitors and are likely to result in off-setting taxes and subsidies that may, in turn, provoke retaliatory counter taxes and subsidies." See Humpstone Charles Cheney, "Pollution: Precedent and Prospect", *Foreign Affairs*, Volume, 50, 1972 page 337.
5. A Panel of twenty-seven senior experts in the field of both development and environment met at Founex, in Switzerland, from 4 to 12 June 1971 and prepared a Report which was later discussed in a series of regional seminars on development and environment convened by Economic Commission for Africa (Addis Ababa, 23 to 28 August 1971), the Economic Commission for Latin America (Mexico City, 6 to 11 September 1971), the Economic Commission for Asia and the Far East (Bangkok 17 to 22 August 1971) and the Economic and Social Office in Beirut (Beirut, 27 September to 20 October 1971).

economic development. The creation of large productive capacities in industry and agriculture, the growth of complex systems of transportation and communication, and the evolution of massive urban conglomerations have all been accompanied in one way or another by damage and disruption to the human environment. Such disruptions have indeed attained such major proportions that in many countries they already constitute serious hazards to human health and well-being."<sup>6</sup> Touching on the major environmental problems of the developing countries the Report says: "They are essentially of a different kind. They are predominantly problems that reflect the poverty and very lack of development of their societies. They are problems, in other words, of both rural and urban poverty. In both the towns and in the country-side not merely the 'quality of life', but life itself is endangered by poor water, housing, sanitation and nutrition, by sickness and disease, and by natural disasters. These are the problems, no less than those of industrial pollution, that clamour for attention in the context of the concern with human environment."<sup>7</sup>

Although most of the world's pollution is now caused by the developed countries, the action of the less developed countries has serious effect on the global environment. As they press forward with their own plans for development, it becomes vital to the general welfare as well as their own that they do not make all the same mistakes that the developed countries have made. Most of the developing countries recognise that successful development must take account of environmental factors.

The Founex Report also stresses that developing countries must view the relationship between development and environment in a different perspective. In their case, development becomes essentially a cure for their major environment problems.<sup>8</sup> However, the report makes it very clear that "each country must find its own solutions in the light of its own problems and within the framework of its own political, social, and cultural values. The formulation of environmental goals,

6. *Ibid.*, page 10

7. *Ibid.*

8. *Ibid.*, pp (10-11)

as indeed the formulation of economic and social policies in general, falls entirely and exclusively within the sovereign competence of the developing countries."<sup>9</sup>

The first and foremost task for the developing countries is to identify their basic environmental problems. Next, will be the formulation of an "environmental strategy" which would have to be socially acceptable and administratively feasible. In that process, few of their legislation and regulations would either have to be revised or replaced. To deal with novel environmental problems new enactments would have to be made. The experience of the developed countries and the guidance from the international organisations would be most useful in that respect.

The present study undertaken by the Secretariat is of a preliminary nature and is intended to introduce the subject and its development. The first part of the study examines the preparations for and the outcome of the 1972 United Nations Conference on the Human Environment held in Stockholm. The second part reviews the progress in the first two years of the newly born child in the United Nations organisation family — the United Nations Environment Programme. Since the Stockholm Declaration on the Human Environment is a document of great legal significance and contains a wealth of material to guide the development of environment law, the third part contains an analysis of some of the basic principles from a legal standpoint. In that connection, a survey of international agreements and conventions dealing with various environmental problems is also made.

9. *Ibid.*, page 22.

## II. U.N. CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, 1972

### Background

The idea of convening an international conference on the human environment first originated in the forty-fifth session of the Economic and Social Council of the United Nations. In its Resolution 1346 (XLV) the Council stressed, *inter-alia*, the urgent need for intensified action at the national and international level, to limit and, where possible, to eliminate the impairment of the human environment. It emphasised that due attention to the problems of the human environment was essential for sound economic and social development. It recommended that the General Assembly, at its twenty-third session, consider the desirability of convening a United Nations Conference on the problems of the human environment.

The General Assembly at its twenty-third session endorsed the recommendations of the Economic and Social Council and resolved to convene a United Nations Conference on the Human Environment in 1972. This marked the beginning of the preparatory process in which the whole United Nations system became actively engaged. At its twenty-fourth session, the General Assembly laid down further guidelines for the preparation of the Conference. It affirmed that "it should be the main purpose of the conference to serve as a practical means to encourage, and to provide guidelines for, action by governments and international organisations, designed to protect and improve the human environment and to remedy and prevent its impairment, by means of international co-operation, bearing in the mind the particular importance of enabling the developing countries to forestall the occurrence of such problems."<sup>1</sup>

1. Resolution 2581 (XXIV)

The General Assembly established a Preparatory Committee consisting of Argentina, Brazil, Canada, Costa Rica, Cyprus, Czechoslovakia, France, Ghana, Guyana, India, Iran, Italy, Jamaica, Japan, Mauritius, Mexico, The Netherlands, Nigeria, Singapore, Sweden, Togo, the U.S.S.R., the U.A.R. (Now Egypt), the United Kingdom, the U.S.A., Yugoslavia and Zambia.

The Preparatory Committee held four sessions. During its first session, held in New York from 10 to 20 March 1970, the Committee discussed the organisational structure of the Conference. It defined the programme contents, relevant topics for discussion and recommendations for action. The second session was held in Geneva from 8 to 19 February 1971. The Committee prepared a provisional agenda for the Conference and discussed the possible form and content of a declaration on the human environment. The Committee also held a preliminary discussion on the question of marine pollution, monitoring or surveillance, pollutant release limits, conservation, soils, training, information exchange and gene pools. The Committee recommended the establishment of inter-governmental working groups to deal respectively with marine pollution, monitoring, conservation and soils and preparation of a declaration on the human environment. At the third session, held in New York from 13 to 24 September 1971, the Committee was engaged in reviewing the progress of the substantive work of the Conference. A preliminary discussion on the draft declaration was also held. The fourth session of the Committee was held in New York from 6 to 17 March 1972. The Committee dealt primarily with the international organisational implications of recommendations for action, including the financial implications. The draft declaration on the human environment also came up for discussion.

In complying with the intent of the General Assembly,<sup>2</sup> the United Nations Conference on the Human Environment was convened at Stockholm from 5 to 16 June 1972.

Representatives of 113 States invited in accordance with General Assembly Resolution 2850 (XXVI) took part in the

2. (See footnote on next page)

Conference<sup>3</sup>. Besides, a large number of observers from the U.N. Agencies and inter-governmental and non-governmental organisations were also represented.

#### Agenda of the Conference

The agenda of the Conference included a wide range of subjects such as: declaration on the human environment; planning and management of human settlements for environmental quality; environmental aspects of natural resources management, identifications and control of pollutants of broad international significance; educational, informational, social and cultural aspects of environmental issues; development and environments, and international organisational implications of action proposals. These items were allocated to three main committees established by the Conference at its first plenary meeting. The First Committee dealt with human settlements and non-economic aspects; the Second Committee with natural resources and development aspects; and the Third Committee with pollutants and organisational aspects.

#### Brief summary of the general debate

In his opening statement to the Conference, the Secretary-General of the Conference Maurice F. Strong, stated that the

2. At its twenty sixth session, the General Assembly adopted a resolution 2849 (XXVI) in which it approved the provisional agenda and the draft rules of procedure for the Conference. It requested the Secretary-General to invite the States Members of the United Nations & members of the Specialised Agencies to participate in the Conference. It further requested the Secretary-General to circulate in advance of the Conference a draft declaration on the human environment; a draft action plan constituting a blueprint for international co-operation to protect and enhance the present and future quality of the environment for human life and well-being and draft proposals for organisational and financing arrangements needed to pursue effectively the work of the United Nations system of organisations in the environment field.
3. Although all members of the United Nations and of its specialised agencies were invited to attend, the Soviet Union and most other Eastern Countries did not participate on the ground that certain non-members, like the German Democratic Republic, were not being allowed to take part in the Conference on equal basis.

Conference was launching a new liberation movement to free men from the threat of their thralldom to environmental perils of their own making. He warned that this movement could succeed only if there was a new commitment to liberation from the destructive forces of mass poverty, racial prejudice, economic injustice and the technologies of modern warfare. He felt that the developing countries could ill-afford to put uncertain future needs ahead of their immediate needs for food, shelter, work, education and health care. In his view, environmental factors must be an integral part of the development strategy.

Looking beyond the Conference, he stressed the need for :

(a) New concepts of sovereignty, based not on the surrender of national sovereignties but on better means of exercising them collectively, and with a greater sense of responsibility for the common good;

(b) New codes of international law which the era of environmental concern required, and new means of dealing with environmental conflicts;

(c) New international means for better management of the world's common property resources;

(d) New approaches to more automatic means of financing programmes of international co-operation which could include levies and tolls on certain forms of international transport or on the consumption of certain non-renewable resources.

The general debate covered a vast range of environmental problems facing the mankind today. Several speakers from the developing countries recognised that while their priority was development, until the gap between the poor and the rich countries was substantially narrowed, little, if any, progress could be made in improving the human environment. They, however, agreed that environmental considerations would have to be incorporated into their national development strategies in order to avoid the mistakes made by developed countries in their development, to utilise human and natural resources more efficiently, and to enhance the quality of life of their peoples.

Many speakers endorsed the statement of the Secretary-General of the Conference that there need be no clash between the concern for development and the concern for the environment. However, they felt that support for environmental action must not be an excuse for reducing development, and there must be a substantial increase in development assistance with due consideration for environmental factors. Many speakers urged the relaxation of protectionist trade barriers against their products; others warned against the danger that developed countries might raise the prices of their goods to meet costs incurred on environmental reforms.

Many speakers from both developing and developed countries, agreed that the ruthless pursuit of gross national product, without consideration for other factors, produced conditions of life that were affront to the dignity of man. The requirements of clean air, water, shelter and health were undeniable needs and rights of man.

The need for regional co-operation among developing countries was mentioned by many speakers. Some said that it was only through national initiatives and work that the problems of developing countries could be solved; others added that such initiatives and work should be undertaken with regional and global co-operation.

Several speakers expressed concern at the inadequacy of existing knowledge concerning environmental problems, and stressed the urgent need to initiate international research programme the results of which would be freely available to all.

#### Action Plan

The Action Plan outlined in document A/Conf.48/5 was in general well received. Many speakers emphasised that the value of the preparatory process and of the Conference would be completely negated unless they resulted in positive action by individual nations, regional organisations, inter-governmental organisations, non-governmental organisations, and the United Nations.

### Environment Fund

The proposed Environment Fund was supported by many speakers. Several delegations announced their intention of making contributions to the Fund. Concern was expressed by some representatives of developing countries that the Fund might be regarded by some developed countries as an alternative to development assistance. Some speakers emphasised the need to use the Fund to help developing countries meet the additional environmental costs incurred in their development programmes. Several speakers endorsed the argument that "the polluter must pay".

### Population

Several speakers expressed regret that population problems took so minor a place in the agenda of the Conference. They argued that all strategies for development and environment would be fatally damaged unless the rate of population increase was reduced. Other speakers said that the population increase was not the problem; the real challenge was the fact that so large a number of people of the world had such a small expectation for a fruitful, happy and long life. In the opinion of certain delegations, there was incompatibility between population growth and preservation of the environment.

### Conservation

It was emphasised by several speakers that conservation of natural resources must be an integral part of sound development and environmental programmes. Many speakers described actions taken in their countries to protect areas of land and its wild life. The preservation of all forms of life on the planet was described by many speakers as being a crucial part of the strategy to enhance and protect the human environment now and in the future.

### Marine pollution

The problem of marine pollution was stressed by many speakers. Contamination of the oceans had global consequences,

affecting peoples many thousands of miles away from the source of pollution. Mention was made of natural disasters at sea, oil discharges, excessive use of pesticides and atmospheric pollution, which eventually contaminated the sea. Several speakers welcomed recent international action to curtail ocean-dumping. Particular reference was also made to the problems of certain seas, which could be solved only by regional co-operation and action.

### Other issues

A considerable number of important matters affecting the human environment — both immediately and in the future — were raised in the general debate<sup>4</sup>. Many speakers described actions which their countries or organisations had taken or proposed to take in order to solve particular national, regional and international environmental problems. The environmental effects of pesticides and fertilisers were mentioned by several speakers, some of whom urged the development of safe and cheap alternatives to those pesticides and fertilisers that had been found to be harmful. Some speakers were highly critical of the development of supersonic aircraft, which, they claimed, could have harmful global effects. Others pointed to the ever present problems of natural disasters, and put forward suggestions for improved advance warning and for steps to limit damage. Many speakers stressed the importance of preventive action and the necessity of taking early steps to discover and prevent serious environmental hazards. To that end, the importance of the exchange of scientific and technological information and experience, through the proposed referral system, was mentioned by several representatives.

Some delegations emphasised that any discussion of the problems of the human environment could not exclude international conflicts, the supersession of human rights, apartheid, nuclear testing, and the proliferation of armaments. Other representatives argued that such matters, although of substantial importance, should be discussed in other organs of the United Nations and were not appropriate to the Conference.

4. See Document A/Conf. 48/14, pp (80-85).