hampered progress in the Middle East Peace Process back on track and bring the two sides to a new threshold, and will ensure the achievement of a major step towards peace and stability.

D. The General Assembly : Fifty -Third Session

The fifty-third Session of the General Assembly adopted 24 resolutions relating to different aspects of the Palestinian-Israeli conflict, of which 20 resolutions dealt specifically with the Palestine question. Those resolutions dealt with the same subjects as the resolutions adopted during the 52nd Session with one new resolution, entitled "Bethlehem 2000". The subjects addressed in those resolutions included the following: Jerusalem Settlements, refugees and displaced persons, UNRWA, the right to self determination, principles of peaceful settlement, permanent Sovereignty over natural resources, and assistance.

In addition to the resolutions, the General Assembly adopted a new decision, requesting the Secretary General to use the term "Occupied Palestinian Territory, including East Jerusalem", when appropriate, in his reports.

Overall, the 53rd Session reflected and reaffirmed the position of the international community in support of the Palestinian cause and the just struggle of Palestinian people to achieve their rights and also reaffirmed support for the Middle East peace Process and the full implementation of the agreements reached between the sides. Such a reaffirmation by the General Assembly is an integral part of the permanent responsibility of the UN towards the Question of Palestine and in upholding international law and Security Council resolutions as well in this regard.

E. Tenth Emergency Special Session

In an important development, the 10th Emergency Special Session (ESS) of the United Nations General Assembly adopted resolution ES-10/6, which recommends the convening

of a Conference of the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article I. The resolution specifically recommends the convening of the Conference on 15 July 1999 at the UN Office in Geneva and further invites the Government of Switzerland in its capacity as the depository of the Geneva Convention, to undertake whatever preparations are necessary prior to the Conference.

The Session was resumed for the fourth time on 5 February, 1999, since its initial convening in April 1997, to consider "Illegal Israeli Actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory". The resumption came at the request of Jordan, in its capacity as Chairman of the Arab Group, and with support of the Non-Aligned Movement. The Palestinian decision to reconvene the 10th ESS was based on the fact that Israel did not comply with any of the demands made in the previous resolutions of the Session and on the fact that the conference which was recommended three times by the Session, had not yet been convened. the resumption also came in response to the deterioration of the Peace Process and the freeze in the implementation of the existing agreements by the Israeli Government.

On 9 February, the General Assembly adopted resolution ES-10/6 by a vote of 115 in favour and 2 against, with 5 abstentions. the resolution condemns Israeli's lack of compliance, recounts the previously made demands, reaffirms the established position of the international community on Jerusalem and the rest of the Occupied Palestinian Territory and reiterates the call for the Conference. The resolution also maintains the possibility of the future reconvening of the Session.

The convening of the Conference, which represents the first time in the history of the treaty that the High Contracting Parties meet to consider a specific situation, will undoubtedly become a major development in the history of international

humanitarian law and, just as important, in the history of the Palestinian people, the protection of whom is being sought by convening of the Conference. In the words of a delegate, resolution ES-10/6, and e specially the call for the Conference, may just be the beginning of the end of the culture of impunity.

IV. Assessment

It is rather unfortunate to note that despite all these international efforts the violations of the rule of law remain and also, no progress has been made with regard to the implementation of the agreements reached, the situation has continued to deteriorate, and tension has increased in the region as a whole, all as a result of the policies and practices pursued by the Israeli Government in violation of international law.

The AALCC fully supports the ongoing peace process, which began in Madrid, the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 1995, and the most recent Wye River Memorandum, and expresses the hope that the process will lead to the establishment of a comprehensive just and lasting peace in the Middle East. However, there is necessity for commitment to the principle of "land for peace" and the implementation of Security Council resolutions 242 (1967) and 338 (1973), which form the basis of the Middle East Peace Process, and the need for immediate and unfailing implementation of the agreements reached between the Parties.

In fact it is the violation of the rule of law, in other words of the above mentioned agreements, Security Council resolutions, international law particularly the IVth Geneva Convention of 1949, that is hindering the peace process. Following examples are illustrative of the violations made by Israel.

The issue of house demolition, has been a fact of life in the West Bank since 1967. Since the beginning of the peace process, the Israeli government has accelerated the destruction of Palestinian homes. Israel contends that the demolitions are merely an act of law enforcement; however the demolition are in the violation of the law. According to the Ambassador and Permanent Observer of Palestine in UN Dr. Nasser Al-Kidwa "To deprive hundreds of people of their homes is deplorable, but Israel is using this measure as a tool to clear areas of the West bank of a Palestinian presence prior to the final status negotiations". Thus, imposing the "defacto" status.

The Interim Agreement signed in Oslo in 1995, created a situation where most Palestinians live in fragmented enclaves of Areas A and B. Israel which was temporarily in charge of Area C, prevented Palestinian expansion out of those enclaves. House demolition play an important role in enforcing this. Other instruments used are settlement expansion, land confiscation and by-pass road construction, which have continued since the signing of the Oslo Accord in September 1995. The restriction of Palestinian growth is an expansion of the Israeli Jewish settler presence in the West Bank. "Nearly all the houses which have been demolished, or are likely to be demolished are near by-pass roads or settlements, or lie in the path of their expansion. Israel is using house demolition as a means of eliminating, a Palestinian presence in areas which it seeks to retain in any final status arrangement with the Palestinian authority.[1]

This house demolition policy is inhumane, unjust and in flagrant violation of the rule of law contrary to the established principles of international law, it violates the letter and spirit of the Oslo accords which state. "Neither side shall initiate or take any step that will change the Status of the West Bank and Gaza Strip pending the outcome of the final status

[1] Houssari Parastou, "Bulldozed into Cantons", Israeli's Demolition Policy in the West Bank since the signing of the Oslo Agreements; September 1993-November 1997 - p.4.

negotiations" (Article XXXI, of the Israeli-Palestinian Interim Agreement on West Bank and Gaza Strip).

Further Israel's settlement activities violate international law, as well as the private property rights and the collective and individual human rights of the Palestinian people. International law *inter alia* prohibits an occupying power from transferring civilian population into the territory it occupies and from creating any permanent change in an occupied territory not intended for the benefit of the occupied population. The building and expansion of settlements also violates the letter and spirit of agreements the Israeli government has signed with the Palestinians.

In its occupation of the West Bank and Gaza Strip, Israel is subject to the international law of belligerent occupation, which provides special protection for an occupied civilian population (giving its members the status of Protected Persons), while ceding to the occupying Power the right to maintain temporary control. The law of belligerent occupation is found in customary international law, which has evolved from the Fourth Hague Convention of 1907. These norms were codified and elaborated upon in the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, which regulates, *inter alia,* the occupation of foreign territory, and to which Israel is a Party. These legal norms prohibit Israel's Settlement activities, which have all along been condemned.

The Fourth Geneva Convention is paramount and overrides the Oslo Agreements. Israel continues to be subject to the provisions of the Convention in respect of its relations with the Palestinian people, and thus its settlement activities in the occupied territories are in violation of international law. This policy is clearly aimed to divide the occupied Territories into small cantons under Palestinian control, and to prevent the territorial contiguity of Palestinian areas.

These policies and practices of Israel in establishing settlements in the Palestinian territories have no legal validity

and constitute a serious violation of the rule of law which obstructed all efforts in achieving a comprehensive, just and lasting peace in the Middle East. Mr. Kofi Annan, the United Nations Secretary General stated recently that: "Real, tangible progress is the best antidote to violence and the best answer to the force of disruption, distraction and doubt".

In view of the deliberations and resolution of the 37th (New Delhi 1998) Session as well as the development thereafter, the AALCC at its 38th Session (Accra,) would consider the future work of the Secretariat on the topic.

IX. AALCC's SPECIAL MEETING ON EFFECTIVE MEANS OF IMPLEMENTATION, ENFORCEMENT AND DISPUTE SETTLEMENT IN INTERNATIONAL ENVIRONMENTAL LAW

(i) Introduction

At the 259th Meeting of the Liaison Officers, the Secretariat had invited views of the Member States, to suggest a theme for the Special Meeting proposed to be organized within the administrative arrangements of the 38th Session. In response thereto the Government of Singapore had indicated that it favoured environmental law as the possible theme of the Meeting. Subsequently, the item "Law of Environment" was placed on the agenda of the Meeting of the Legal Advisers of Member States of the AALCC held in New York in October 1998.

The discussion therein revealed a general support for environmental law', as the theme topic for the Special Meeting. Accordingly the Secretariat identified three aspects of International Environmental Law for consideration at the Special Meeting which included: (i) principles of international environmental law; (ii) effective means of enforcement, implementation and dispute resolution in international environmental law; and (iii) harmonization of trade, investment and environment.

At the 262nd Meeting of the Liaison Officers held on the 4th February, 1999, it was generally agreed that the Special Meeting on Environment should focus its discussion on item, "Effective Means of Implementation, Enforcement, and Dispute Resolution in International Environmental Law". Accordingly

the Special Meeting was held in conjunction with the Accra Session on the 20th April 1999.

Thirty-eighth Session: Discussions

The Special Meeting on 'Effective Means of Implementation, Enforcement and Dispute Settlement in International Environmental Law was convened within the administrative arrangements of the 38th Session of the Asian-African Legal Consultative Committee. The Meeting was chaired by the President of the Thirty-eighth Session of the Committee Mr. Martin A.B.K. Amidu, Deputy Minister of Justice and Deputy Attorney General of Ghana. Mr. Sirilius Matupa, Senior State Attorney, Government of Tanzania was elected the Rapporteur of the Special Meeting.

The *Deputy Secretary-General* Mr. Ryo Takagi while introducing the Secretariat study welcomed the delegates and experts and expressed the hope that the deliberations would find the Special Meeting helpful to Member States. He thanked the UNEP and expressed the Secretariat's gratitude to Dr. Donald Kaniaru, Acting Director, Division of Environmental Policy Development and Law and Mr. Lal Kurukulasuriya, UNEP, Chief, Environmental Law and Institutions, for their help in the publication of the Asian-African Handbook on Environmental Law. In his view the implementation of international agreements were impeded chiefly because of lack of resources, technology and absence of trained personnel. In the light of this, he felt that the topic chosen for the Special Meeting, was an important one, as it would help Member States to find ways and means to improve capacities for enhanced implementation, compliance and enforcements of international legal agreements.

The *President* invited the experts Mr. Donald Kaniaru, UNEP and Mr. Larsey Mensah, Deputy Director, Environmental Protection Agency, Government of Ghana to make their presentations.

Dr. *Kaniaru* traced the role of the organization in the development of international environmental agreements a mandate granted to it by Chapter 38 of Agenda 21. In this regard, he outlined the role of UNEP wherein a long-term, Montevideo Programme for the Development and Periodic Review of Environmental Law for the 1990's, was adopted by the Governing Council in 1982. This Programme, he added, facilitated the drawing up of a number of international and regional conventions such as the Vienna Convention for the Protection of the Ozone Layer 1985, the Montreal Protocol on the Substances that Deplete the Ozone Layer 1987, the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal 1989, the Convention on Biological Diversity 1992 and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998. Furthermore, he also highlighted the pioneering role played by the UNEP in the development of Regional Seas Programmes and actions plans, besides the assistance rendered in drawing up regional instruments and a number of soft laws. The soft laws which have been handled by the Programme include the areas of shared natural resources, weather modifications, and information exchange on hazardous chemicals, marine pollution from land-based sources and environmental impact assessment.

Speaking on the topic of the Special Meeting, Dr. Kaniaru said the UNEP's Montevideo Programme for the 1990's is aimed at increasing the capacity of states in participation, negotiation and implementation of international legal instruments. In this regard, he urged Member States to avail themselves of the UNEP assistance in their endeavour to draw up 'coherent and cost-effective schemes', for implementing international legal instruments at all levels.

Another important element for enhancing implementation, he felt, was improving technical infrastructures at national levels. In this regard, he provided an account of the technical assistance provided by the UNEP and its endeavour with International Union for Conservation of

Nature (IUCN) to disseminate information on environmental law, wherein a Joint Environmental Law Information System has been developed.

On the issue of enforcement, he noted that the UNEP plays an important role in assisting States to strengthen capacities in carrying out the responsibility of improving reporting systems and thereby enhancing compliance.

Dispute avoidance in the view of the UNEP, is one of the objectives of the Montevideo Programme. Mechanisms such as collection of data, reporting, fact finding, inquiry notification, inspection, compliance procedures, consultation and others, he added, were found in a number of international legal instruments. In this regard, he mentioned the institution of an International Expert Group, which prepared a very useful study on dispute avoidance and settlement and submitted the same to the Governing Council in February 1999. In this regard, he was of the view that the UNEP and AALCC could play an important role in facilitating dispute avoidance, by providing technical expertise, fact finding services and other administrative and logistical support.

Concluding his presentation, Dr. Kaniaru called for increased collaboration between AALCC and the UNEP, noting that this could go a long way in serving global and community interests in the task of preserving the environment.

The Expert from the Republic of Ghana, while stating that all states are equally bound under international law, called for reaffirmation of the principle of common but differentiated responsibilities. As regards implementation of an international environmental agreement, he was of the view, that financial assistance and technical knowledge need to be provided at the national level. A number of principles and procedures such as reporting, environmental impact assessment, precautionary rule, polluter pays and tradable permits helped better implementation.

As regards the enforcement, he was of the view that though States had the primary responsibility to enforce environmental law at the national level, non-governmental organizations had begun to play an important role in the field of environmental management. On the issue of liability, he was of the view, that apart from state responsibility, civil liability regimes such as those provided in the Vienna Convention on Civil Liability for Nuclear Pollution Damage, 1971 and the International Civil Liability Convention 1969, must also be established for redressing injuries suffered by private parties.

He expressed the view that redressal for environmental pollution would essentially involve issues such as definition of environmental damage, the standard of care that is required, the threshold of liability and the nature of the remedy involved.

On the issue of dispute avoidance, he felt mechanisms such as notification; consultation, prior informed consent and environmental impact assessment could play an important role in avoiding environmental disputes. Furthermore, he stated that formal or institutional dispute mechanisms in the form of the International Court of Justice (ICJ) or the European Court of Justice (ECJ), were available for the resolution of environmental disputes. Apart from these time-tested modes of settlement and arbitration procedures, he was of the view that UNCLOS'82 provided a unique regime for dispute settlement. He also highlighted the importance of the Special Environmental Chamber established by the ICJ in 1993, for dealing with environmental disputes.

Following the presentation by the two experts, delegates of eight Member States made statements. These included Pakistan, Kenya, the People's Republic of China, Nigeria, Arab Republic of Egypt, Ghana, Sri Lanka, and Japan. Indonesia provided a written statement to the Secretariat of the Committee. The discussion that followed raised a number of issues concerning environment.

Delegates expressed the view that the legal interface between the environment and trade, be discussed, especially

with regard to environment related disputes coming before the WTO. A reference was made to the Shrimps Case, wherein the exports of shrimps from developing countries was objected to, for not using turtle excluding devices. Such cases, it was felt, often affected the economic development under the guise of protecting the environment.

Capacity building in the area of framing legislation at the national level, with the help of UNEP was also stressed upon. Capacity of states, it was felt, was the primary element for improving efforts for negotiating, implementing and enforcing agreements. In this regard, some delegates called for allocation of new and additional financial resources to developing countries, to enable them to meet the escalating costs incurred in fulfilling commitments under a number of conventions. Some delegates also urged for replenishment of the funds of the Global Environmental Facility (GEF) and other such agencies.

Views were also expressed that dissemination of information and creation of public awareness were vital for implementation of environmental regimes. In this regard, delegates commended the efforts of the UNEP and AALCC in preparing a Handbook on Environmental Law. This Handbook, delegates felt, would help in enhancing knowledge on the international law on environment, spreading awareness and also aiding government officials and environment enforcing personnel in AALCC Member States.

A view was also expressed calling for "preservation of environment" and 'sustainable development'. It was noted that this, would entail formulation of international commitments acceptable to all and recognize the common but differentiated responsibilities of states. It was observed in this connection that non-compliance with international obligations should not lead to counter measures. Instead, it was felt that monitoring agencies could play an important role in improving the effectiveness of environmental implementation regimes. Moreover, an opinion was also expressed whereby state commitments should be based on a graduated approach

relying on capacity of states. Examples appended include the framework convention/protocol approach found in UN Climate Change Convention and the Montreal Protocol on the Depletion of the Ozone Layer.

Rejoinder by Resource Persons:

The UNEP resource person while appreciating the views of Member States on diverse issues relating to environment commended the efforts of Ambassador Chusei Yamada, Member of ILC in preparing a background paper on the Long-term work Programme of the Commission, on the Law of Environment. He was also of the view that the AALCC Handbook was only the beginning and efforts would be undertaken in the future to bring out other works on environmental law, with detailed commentaries.

While agreeing absolutely that participation at international conferences by developing countries was important, he noted with concern that despite UNEP's efforts to provide some assistance, not all countries availed themselves of this assistance.

The UNEP expert felt that soft laws being non-binding instruments helped to build consensus on matters related to the environment, than hard laws that entailed binding obligations. He was of the opinion that capacity building was indeed, the need of the hour and the UNEP is playing an important role in providing the necessary assistance.

The *Expert from Ghana* fully supported the views of some delegates that the interface between environment and trade be studied. He was also of the view that hazardous wastes regulated by the Basel regime at the international level and the Bamako Convention regionally played an important role in preserving the environment of the region.

The *Secretary General* called for enhancing the capacities of States, information sharing by the UNEP with Member States of its knowledge on dispute avoidance and

settlement and also assistance to States to participate in the international conferences.

Concluding Remarks

The deliberations during the course of the Special Meeting did bring to notice some salient aspects:

(i) International environmental law is largely based on treaties following a sectoral approach. Delegates expressed concern that an integrated and comprehensive approach is needed to address global environmental problems.

(ii) A number of delegates felt that with increasing liberalization and expansion of trade the legal interface between trade and environment needed to be studied.

(iii) A view was expressed supported by a number of participants that capacity building of States was very important for effective implementation, which would involve technology transfer and financial resources to developing and least developed states.

(iv) On the issue of enforcement, delegates agreed that States alone enforce international obligations relating to environment.

(v) There was a novel suggestion that alternate dispute resolution (ADR) could be an important method of settling environmental disputes.

The **Rapporteur of the Special Meeting Mr. Sirilius Matupa, Senior State Attorney, Government of Tanzania** in his report on the Special Meeting on Effective Means of Implementation, Enforcement and Dispute Settlement in International Environmental Law" recalled that the Meeting was convened on the 20th of April, 1999 within the administrative arrangements of the 38th Session. It was chaired by the President of the 38th Session, Mr. Martin A.B.K.

Amidu, Deputy Minister of Justice and Deputy Attorney General of Ghana. Experts for the Special Meeting included Mr. Donald Kaniaru Director of Environmental Law Centre, UNEP and Mr. Larsey Mensah, Deputy Director, Environmental Protection Agency, Government of Ghana.

Apart from the introduction provided by the Deputy Secretary General, Mr. Ryo Takagi, Mr. Kaniaru's presentation mainly focused on the work of the UNEP in the field of environment. Speaking on the topic of the Special Meeting, he said that the UNEP's Montevideo Programme for the 1990's aims at increasing the capacity of states in participation, negotiation and implementation of international legal instruments. He urged Member States, to avail themselves of the UNEP assistance, in their endeavour to draw up "coherent and cost-effective schemes" for implementing international legal instruments at all levels.

Another important element for enhancing implementation, he felt, was improving technical infrastructure at all levels. On the issue of enforcement he noted that UNEP plays an important role in assisting States to strengthen capacities in carrying out the responsibility of improving reporting systems and thereby enhancing compliance. Speaking on dispute avoidance, he was of the view that the UNEP and AALCC could play an important role in facilitating dispute avoidance, by providing technical expertise, fact finding services and other administrative and logistical support.

The *Expert from Ghana* (Mr. Larsey Mensah) speaking on enforcement, was of the view that though States had the primary responsibility to enforce environmental law at national level, non-governmental organizations had begun to play an important role in the field of environmental management. As regards implementation of an international environmental agreement, he was of the view, that financial assistance and technical knowledge need to be provided at the national level. A number of principles and procedures such as reporting, environmental impact assessment, precautionary rule, polluter

pays and tradable permits, would help better implementation of the environmental conventions.

Following the presentations by the two Experts, delegates of eight Member States made statements. These included: Pakistan, Kenya, China, Nigeria, Egypt, Ghana, Sri Lanka and Japan. Indonesia provided a written statement to the Secretariat of the Committee. The discussions that followed raised a number of issues.

The *Rapporteur* in his concluding remarks raised some salient aspects which had emerged during the Special Meeting:-viz. (i) The law on environment is largely based on treaties and is a complex web of rights and obligations. (ii) These complexities need to be addressed by looking into the legal interface between trade and environment as sustainable development largely depends upon the balance of this interface (iii) A view which was supported by a number of participants was that capacity building of States is very important for effective implementation. In this regard, views were unanimous, that technology transfer and financial resources were needed for increased capacity, especially, for developing and less developed States, (iv) On the issue of enforcement, delegates agreed that States alone, by and large, enforce international obligations, with respect to environment; and (v) There was a novel suggestion that alternate dispute resolution (ADR) technique could be considered as another important method of settling future environmental disputes.

The *President* then invited comments from the floor.

The *Delegate of Kenya* said that the report was a fair reflection of the proceedings and it be adopted.

The *Delegate of China* shared the view of the delegate of Kenya.

The *Delegate of Sudan* observed that the issues relating to environment were very relevant to the developing countries, because maximum damage to environment is done by the

developed countries. He felt that the concept of burden sharing should be introduced to redress the damage caused to environment by the developed countries. Furthermore, the UNEP should play a more active and comprehensive role in the field of international environmental law.

The *Delegate of Pakistan* felt that the concerns expressed by States should be reflected in greater detail.

The *Delegate of Egypt* observed that a number of points had not been fully reflected, for instance the concluding remarks should have reflected the concerns of Egypt and Pakistan, the issue of trade vis-a-vis environment law needed further elaboration.

The *President* asked the Secretariat to take into consideration the views expressed by the delegates while finalizing the Report. He also requested the delegates to assist the Secretariat in this regard.

Thereafter the report was adopted unanimously.

(ii) Decision on the "Special Meeting on International Environmental Law"

(Adopted on 23.04.1999)

The Asian-African Legal Consultative Committee at its Thirty-eighth Session

Appreciating the efforts of the Secretary General to convene the Special Meeting on "Effective Means of Enforcement, Implementation and Dispute Resolution in International Environmental Law";

Having considered the Doc. No.AALCC/XXXVIII/Accra/99 Sp.1 prepared by the Secretariat:

1. *Expresses* its gratitude to the Government of Ghana for hosting the Special Meeting on International Environmental Law;

2. *Expresses* its gratitude to the UNEP and other experts for their contribution to the success of the Meeting;

3. *Appreciates* the publication of the "Asian-African Hand Book on Environmental Law" by the Secretariat, in co-operation with UNEP;

4. *Requests* the Secretary General to explore the possibility of organizing further meetings for in depth consideration of the issues raised in the Special Meeting in co-operation with UNEP, United Nations agencies and other inter-governmental organizations engaged in environmental law matters; and

5. *Adopts* the Report of the Special Meeting.

(iii) Secretariat Study: "Special Meeting on Effective Means of Implementation, Enforcement and Dispute Settlement in International Environmental Law

International Law of Environment: From Stockholm to Rio De Janeiro

The growth of international law of environment, from Stockholm, 1972 to Rio, 1992 is a product of numerous conventions, customs, principles, judicial decisions, teachings of publicists and other hortatory principles.[1] While the Rio Conference was successful in bringing in a new concept of sustainable development with a plan of action in Agenda 21, its main contribution, however, lies in the development of a number of soft laws. As opposed to 'hard laws' where treaties provide for binding obligations, 'soft laws', are largely norm creating, wherein through international consensus States agree to certain norms and principles, which at a later stage are formulated into binding obligations in a treaty.[2] Principle 21 of the Stockholm Declaration is one good example, which exhorted States to frame a number of conventions on Transboundary pollution and damage.

One of the important matters of concern in the field of international environmental law is ensuring compliance of agreements and thereby improving their effectiveness. The Vienna Convention on the Law of Treaties 1969, provides that every treaty must be complied with in good faith, as *pacta sunt servanda* is the cardinal principle upon which the whole edifice of law of treaties is based. A breach of an International

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[1] See generally, Geoffrey Palmer, "New ways to make International Environmental Law, *American Journal of International Law*, vol.86, (1992), pp.259-283.

[2] For an excellent analysis of hard law vs. soft law debate see Chistine Chinkin, "Challenge of Soft Law": Development and Change in International Law" *International and Comparative Law Quarterly*, vol.58, 1989, pp.850-866.