



## THE ROAD FROM STOCKHOLM TO RIO+20

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### Abstract

Since the 1972 Stockholm Conference on the Human Environment, ecological pressures on our planet have grown more acute. Yet, modern environmental Law has also continued to evolve and spread within international as well as among national legal systems. In June 2012, the world returns to Rio Brazil for the United Nations Conference on Sustainable Development (the Rio +20 Conference). Held precisely 20 years after the United Nations Conference on the Environment and Development (the Rio Conference) the Rio +20 Conference is intended as an opportunity to move global human society onto a more sustainable path.

This paper begins with the brief description of historical development of liability standard for environmental harm. The paper summarizes the major international initiatives in this regard and seeks to identify the problem areas and the roots thereof to understand the future of the slogan for a new 'global ecological order'

**Keyword: Stockholm Conference, Rio+20, Sustainable Development, Environmental Law.**

### INTRODUCTION

Prior to the 1970s, international environmental law was a fledgling field with less than three dozen multilateral agreements. However with increased awareness in the 70s that the environment must be protected from degradation, International law became a handy tool in the hands of governments and policy makers, for the protection of man's home-the environment. Today, there are nearly nine hundred international legal instruments that are either primarily directed to international environmental issues or contain important provisions on them.

In 1972 representative from 113 nations gathered in Stockholm for the first global environment summit – the United Nation Conference on the human Environment.

### Summary

The Stockholm Conference firmly established the environment and development agenda as an area for consideration within the UN General Assembly. The UN Environment Programme (UNEP) was created, at least in part, as an institutional mechanism to ensure that the environmental concerns highlighted at the conference would not fall by the wayside and to follow up on the Stockholm Action Plan for the Environment, the outcome document of the Stockholm Conference. The United Nations General Assembly laid down as many as 26 principles in the Conference held at Stockholm in 1972.

In 1982 UNEP Governing Council special session to consider ten years of implementation of the Stockholm Action Plan.

### Summary

The Governing Council considered a decade of implementation of the Stockholm Action Plan and determined priorities for the next decade. This review also helped to establish the World Commission of Environment and Development.

In 1992 UN conference on Environment and Development (the Earth Summit), Rio de Janeiro, Brazil.

### Summary

The Earth Summit resulted in many milestone achievements and documents including Agenda 21, which established a set of guiding principles on sustainable development; the Rio Declaration on Environment and Development (Rio Declaration),<sup>2</sup> which helped to define rights and responsibilities for member states dealing with environmental protection and sustainable development; and three landmark multilateral environmental agreements collectively known as the Rio Conventions: the UN Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the UN Convention to Combat Desertification (UNCCD). The preparatory committee for the Earth Summit was the precursor to the UN Commission on Sustainable Development (CSD), which was established shortly after the Earth Summit<sup>3</sup> and served as the preparatory committee for the third decadal review.



In 2002 World Summit on Sustainable Development (WSSD), Johannesburg, South Africa.

**Summary**

Member states endorsed the Johannesburg Plan of Implementation as well as the Cartagena package of IEG reforms. This was a set of basic requirements for a strengthened IEG architecture. It was further elaborated at the 2005 World Summit where member states explored the possibility of a more coherent institutional framework for dealing with the environment under the auspices of the UN. The World Summit led directly to the initiation of the Informal Consultative Process of the Institutional Framework for the UN's Environmental Activities, which in turn recommended further informal engagement on the issue.

In 2009 25th session of the UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF).

**Summary**

Member states launched the Consultative Group of Ministers or High-Level Representatives on International Environmental Governance, which was tasked with developing options for IEG reform through the Belgrade Process. The consultative group held two meetings later in 2009.

In 2010 11th special session of the UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF).

**Summary**

The options developed by the consultative group were proposed at the eleventh special session of the UNEP GC/GMEF in February 2010, who then established a second consultative group<sup>6</sup> to build on these options. The second consultative group met in July 2010 in Nairobi, Kenya, and again in November 2010 in Helsinki, Finland, and created the Nairobi-Helsinki Outcome document.

In 2011 26th session of the UNEP Governing Council/Global Ministerial Environment Forum (GC/GMEF).

**Summary**

The Nairobi-Helsinki Outcome was presented to the twenty sixth session of the UNEP GC/GMEF in February 2011 as a set of recommendations going forward.

In 2012 United Nations Conference on Sustainable Development (Rio+20), Rio de Janeiro, Brazil.

**Summary**

RÍO-F20'S 283-paragraph outcome document "The Future We Want" renewed countries' commitment to sustainable development and called for a wide range of actions. It focused on areas that needed priority attention including jobs, energy, sustainable cities, food security and sustainable agriculture, water, oceans, disaster readiness, as well as reducing poverty and advancing gender equality.

**EVOLUTION OF ENVIRONMENTAL LEGISLATION IN INDIA**

For any country the effective way of control pollution and degradation of resources is to combine traditional laws, with modern legislation. A country should adopt relevant environmental safeguards- designed to protect their limited resources. As far as India is concerned, the Ministry of Environment and Forests is the nodal agency at the Central level for planning, promoting and coordinating the environmental programmes, apart from policy formulation. A number of enforcement agencies assist the Ministry of Environment and Forests, in executing the assigned responsibilities.

It is known fact that in the economic development of any country industries play a pivotal role. It is also an equally known fact that the industries are the major contributors to the pollution of environment. In Indian the Central Pollution Control Board monitors the industrial pollution prevention and control at the central level, which is a statutory authority attached to the Ministry of Environment and Forests. At the State level, the State Departments of Environment and State Pollution Control Boards are the designated agencies to perform these functions

Contrary to the public opinion, the well-known Environment (Protection) Act (No. 29 of 1986) came in to existence in 1986- after 14 years of Stockholm Conference on Human Environment. A cursory analysis of its Preamble makes it obvious that the objectives of the enactment are three fold. 1. Protection of the environment 2. Improvement of environment 3. Prevention of



hazards to a) human beings b) other living creatures, c) plants and d) property. This is an umbrella legislation, which covers from Radio- Active Substances disposal to use of plastic bags. All the notifications, rules and regulations dealing with the environmental protection are the subsidiaries of this Act.

It relates to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property. This Act provided for coordination and planning of the nationwide programmes for the prevention, control and abatement of environmental pollution, laid down standards for the quality of environment, restricted certain areas to establish industries, laid down procedures for the prevention of accidents in such industries and handling hazardous substances. Above all the Act barred the jurisdiction of the Civil Courts in respect of the actions done under the directions of the Central Government. This Act was further amended in 1991. The Environment (Protection) Rules, 1986 came into being for the first time in 1986 followed by First Amendment Rules, Second Amendment Rules, Third Amendment Rules and Fourth Amendment Rules in 1998, 1999, 2001, 2002, 2003, 2004 and 2006. Whenever, the rules were amended it was not without a good reason, such as setting up standards for the industrial area or laying down standards for pulp and paper industries, issuing guidelines for disposal of solid wastes, drilling cutting and drilling fluids of shore and on shore for drilling operations, setting up standards for boilers, using of agricultural waste as fuel and guidelines for the ginning mills etc. As the human activity increased in scientific and technological fields the need to amend the rules increased.

### **SOURCES OF INTERNATIONAL ENVIRONMENTAL LAW**

International environmental law derives its content from four main sources:

- International agreements (also called treaties, conventions, international legal instruments, pacts, protocols, covenants)
- Customary international law
- General principles of law
- Other/ new sources (e.g., court decisions (case-law), resolutions, declarations, doctrine, recommendations given by world organizations etc).

### **ORGANIZING PRINCIPLES**

International environmental law is heavily influenced by a collection of organizing principles. As with international law, the chief guiding principle is that of sovereignty, which means that a state has full power in its own territory to do as it pleases (subject to international laws it has agreed to). All other international environmental law principles evolved with this principle in the background and to varying degrees have either supported it or modified it to some extent.

Some of the organizing principles of international environmental law include:

- The precautionary principle
- the polluter pays principle
- The principle of sustainable development (Brundtland Report, WSSD) - integration of environmental protection and economic development
- Environmental procedural rights
- Common but differentiated responsibilities
- Intergenerational and intra-generational equity
- Common concern of humankind
- Common heritage
- Partnership (WSSD)
- Requirement to conduct a comprehensive environmental impact assessment

### **ENVIRONMENTAL PROBLEM FACED BY THE DEVELOPING COUNTRY**

- The increasing use of agricultural monoculture
- Continued high-volume use of agricultural pesticides and fertilizers
- Adverse health impacts from large-scale enterprises (e.g., construction of hydroelectric power plants, sugar and alcohol production, soybean agriculture, raising of livestock)
- The lack of basic sanitation and solid waste treatment for much of the Brazilian population
- Increased deforestation and forest burning, the persistence of asbestos and heavy metals
- The unequal distribution of water or lack of clean drinking water



## CONCLUSION

*The Future We Want* (United Nations 2012), the zero draft of the outcome document from Rio+20, listed seven priority areas: job creation, food security, water, energy, sustainable cities, oceans, and natural disasters. Unfortunately, Human Health was hardly mentioned. This is in contrast to Rio-92, where health was viewed as a major theme in Chapter 6 of Agenda 21 (United Nations 1992).

Although environmental concerns could be dated back to early 1900s, its necessity to act promptly has been obvious just a decade ago after the discovery of the ozone layer depletion. Starting then, the world has taken some initiatives to implement rules and regulations regarding various environmental concerns through treaties, protocols, declarations and agreements. However, international law has its own constraints; it has been very difficult to take actions against states and individuals on the grounds of sovereignty. Such that some countries are still trying to convince themselves that it is not an imminent threat. The rate at which the world is taking action against environmental problems is at a snail's pace considering the fact that environmental problems are already knocking on our door steps.

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