

Principles of
Environmental Conservation and Sustainable Development:
Summary and Survey

A Study in the Field of International Law
and Related International Reports

Prepared for the Earth Charter Project
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INTRODUCTION

The summary overview and the survey of principles of environmental conservation and sustainable development contained in this report have been prepared as an aid and resource in support of the endeavor to identify the core values and principles that should be considered for inclusion in an Earth Charter. These materials are designed to identify and clarify the major principles of environmental conservation and sustainable development that have been formulated to date in international law and related reports and documents. The survey shows that a significant worldwide consensus is emerging around a number of basic principles among legal experts, government leaders, and NGOs, and at the United Nations.

In its 1987 report to the United Nations, Our Common Future, the World Commission on Environment and Development (WCED) recommended creation of a new charter or universal declaration on environmental protection and sustainable development.

Building on the 1972 Stockholm Declaration, the 1982 Nairobi Declaration, and many existing international conventions and General Assembly resolutions, there is now a need to consolidate and extend relevant legal principles in a new charter to guide state behaviour in the transition to sustainable development. It would provide the basis for, and be subsequently expanded into, a Convention, setting out the sovereign rights and reciprocal responsibilities of all states on environmental protection and sustainable development. The charter should prescribe new norms for state and interstate behaviour needed to maintain livelihoods and life on our shared planet, including basic norms for prior notification, consultation, and assessment of activities likely to have an impact on neighbouring states or global commons.¹

In line with this recommendation, the Secretariat of the United Nations Conference on Environment and Development (UNCED) proposed creation of an Earth Charter at an early meeting of the United Nations Preparatory Committee as plans were being made for the 1992 Earth Summit. The proposal attracted wide support from world leaders, national and international bodies, legal institutes and non-governmental organizations (NGOs). A number of draft Earth Charters were circulated by a variety of concerned groups. However, intergovernmental agreement on "new norms for state and interstate behavior" proved very difficult. Even though the Rio Declaration on Environment and Development enunciated a number of fundamental principles, it fell short of the aspirations that many leaders, NGOs and people at large had for the Earth Charter. Therefore, at the conclusion of the Earth Summit, Maurice F. Strong, the UNCED

¹Our Common Future, Report of World Commission on Environment and Development (WCED), (New York: Oxford University Press, 1987), pp. 332-33.

Secretary General called for ongoing international efforts to reach agreement on an Earth Charter.²

A new Earth Charter Project was formally initiated in 1994 through the collaborative efforts of Maurice F. Strong and the Earth Council and Mikhail S. Gorbachev and Green Cross International with the support of the government of The Netherlands.³ This collaboration was facilitated by Prime Minister Ruud Lubbers of The Netherlands and Jim MacNeill, the former Secretary General of the World Commission on Environment and Development. The initial phase of the Project was managed by an international Earth Charter Steering Committee and by Ambassador Mohamed Sahnoun, who served as Executive Director of the Project. The first international workshop on the Earth Charter was held at The Peace Palace, The Hague, The Netherlands, May 20-31, 1995, and was attended by representatives of a wide range of organization and groups, who came from over thirty countries and diverse cultures. The secretariat for the Earth Charter Project has been established at the Earth Council headquarters in Costa Rica. In the near future an international Earth Charter Commission will be assembled with responsibility for overseeing preparation of a draft Earth Charter that will be submitted to the peoples and nations of the world for their consideration and endorsement.

In the light of the international consultations conducted during the early phases of the Project, the current intention is to create a relatively brief and succinct document that sets forth principles that are fundamental in character, universal in applicability, and enduring in their validity. The Earth Charter should provide clear guidelines for the conduct of nations and peoples regarding the environment and sustainable development, ensuring the future health and integrity of the Earth as a secure home for humanity and other forms of life.⁴ It must be written in language that is inspiring and easily translatable into all languages. To achieve its purpose, the Earth Charter must build on the great wisdom traditions of the world, the insights of science, the growing world literature on global ethics and the ethics of environment and development, and earlier declarations, charters, and covenants, which include documents created by a variety of

²"The Earth Charter: A Joint Initiative of the Earth Council and Green Cross

International," a Report prepared by the Earth Council and Green Cross International in connection with the Earth Charter Workshop, The Peace Palace, The Hague, May 31, 1995, Part One, 1.1.

³Ibid.

⁴"The Earth Charter: A Joint Initiative of the Earth Council and Green Cross

International," Part One, 1.1; "Proposal for Phase II of Earth Charter Project," November, 1995, Earth Charter Management Committee.

non-governmental groups as well as legal instruments endorsed by states. It must draw heavily on the experience of those peoples whose cultural practices and belief systems most effectively promote environmental protection and sustainable living. In addition, through a process of extensive world wide consultation and consensus building involving all parts of civil society, it must set forth a fresh, integrated, and more complete vision than has yet been realized of the shared concerns and fundamental values and guidelines that are essential to the future well-being of humanity and the larger community of life on Earth.

International law is one especially important source of ideas upon which those concerned with the Earth Charter can draw. This "Summary and Survey" endeavors to provide a concise overview of the principles relevant to the Earth Charter that have been articulated in international law and related international documents. The "Summary of Principles" in Part One organizes the principles considered under nine categories and provides a brief statement describing each principle. This material could, of course, be organized in a variety of different ways, and some principles fit easily under more than one category. The "Survey of Principles" in Part Two provides a variety of examples of the way each principle has been actually formulated in different specific documents. The various formulations of each principle are presented chronologically so that a reader can trace the development and evolution of a principle. The material in Part Two also shows the degree to which there is a wide consensus around a particular principle. In some cases, a principle may have been affirmed and reaffirmed in many major international documents, but in other cases, the support for a principle may not be as significant.

Some selectivity regarding which documents to include in the "Survey" has been necessary because the body of relevant international law is large. For example, the UN Interagency Committee for Sustainable Development recently identified over seventy international legal instruments which may be considered part of international law for sustainable development.⁵ Among the legal documents surveyed are the most important soft law documents in the environmental and sustainable development law field, including the Stockholm Declaration (1972), World Charter for Nature (1982), Rio Declaration (1992), and Agenda 21: Programme of Action for Sustainable Development, which is a lengthy forty chapter legal instrument approved by 177 governments and endorsed by the General Assembly of the United Nations. While these soft law documents are very significant statements of the common concerns, aspirations, and responsibilities of the international community, they are not viewed as having the same binding force as other legal instruments.

⁵Mary Pat Williams Silveira, International Legal Instruments and Sustainable Development: Principles, Requirements and Restructuring, Willamette Law Review (Spring 1995), p. 5.

Materials have also been included from a variety of international treaties and conventions that are sometimes described as hard law documents, such as the Convention on International Trade in Endangered Species (1975), the United Nations Framework Convention on Climate Change (1992), and The Convention on Biological Diversity (1992). These legal instruments set forth very specific binding obligations and duties. Among the documents surveyed is the new Draft International Covenant on Environment and Development prepared by the Commission on Environmental Law of the World Conservation Union (IUCN), which attempts "an integrated legal framework" for "existing and future international and national policies and laws on environment and development."⁶ This Draft Covenant, which presents an especially significant new synthesis of legal principles, was introduced at the United Nations in 1995.

In addition, the "Survey" draws on material from a variety of reports prepared by important commissions, legal experts groups, and international organizations. For example in this category one will find excerpts from Our Common Future (1987), the report of the World Commission on Environment and Development, and the IUCN/UNEP/WWF report on Caring for the Earth: A Strategy for Sustainable Living (1991), which updates their earlier World Conservation Strategy. The reports included in the "Survey" have all involved broad international participation, and they reflect the emerging international consensus.

At the end of the "Summary and Survey" is a bibliography of sources that identifies the legal status (legal document, soft law, etc.) of the various documents surveyed. In the "Survey" all legal documents (hard law) and soft law legal instruments are identified as such with an (LD) or (SL). The Earth Charter will be designed as a soft law document. It is, however, important to remember that some documents like the Universal Declaration of Human Rights are initially accepted as soft law instruments but over the years acquire increasing binding force among those who have endorsed them.

The statement of each principle in Part One, the "Summary," is based on the material in Part Two, the "Survey." Following the statement of each principle, the relevant sections of Part Two are identified by numbers in parentheses (). The language used in formulating each principle in the "Summary" is for the most part borrowed from various formulations employed in the legal documents cited in the "Survey." In a few cases some significant phrases like "the community of life" are employed which are derived from one of the reports consulted rather than from an international legal document. This has been done when a concept or phrase seems especially significant from the perspective of the Earth Charter Project. The origin of the ideas and language used in the statement of each principle in Part One will be evident if the relevant section of the "Survey" in Part Two is consulted.

⁶Preamble, Draft International Covenant on Environment and Development prepared by the IUCN Commission on Environmental Law

The "Summary and Survey" focuses attention primarily on what the evidence suggests is the emerging international common ground in the area of environment and development. However, those using this report should keep in mind that the documents upon which it is based each have their own distinct orientation and emphasis, reflecting the particular context in which they were written. In this sense these documents are different. When analyzing this material, the most common approach of scholars and legal experts has been to compare and contrast documents, noting both differences and similarities regarding the principles involved. Such studies are often instructive, and a reader can use the "Survey" to compare and contrast the position of different legal instruments and reports on specific principles. It is also noteworthy that some principles are not cited at all in certain documents, which in some cases may reflect an important difference in viewpoint. The summary of legal principles in Part One should not be interpreted to mean that there are no such differences. Preparation of an Earth Charter will require that some complex issues be addressed, and much dialogue and deliberation within and between diverse groups throughout the world will be required. The "Summary and Survey" seeks to facilitate and advance the process of dialogue and deliberation by putting roughly twenty-five years of international study, debate, and treaty making pertaining to environment and development in a perspective that may be helpful.

It is not part of the purpose of this "Summary and Survey" to propose that all of the principles cited belong in the Earth Charter. They do not. However, it is hoped that this report will help to provide essential background material for deciding what should be considered for the Earth Charter. One challenge is to reflect on the principles presented here and to identify the core values and principles at work in this material. Some of these core values may have already been clearly formulated but some may only be implicit and require fresh conceptualization. Furthermore, the Earth Charter should include some ideas and principles that go beyond what may be found in existing international environmental and sustainable development law documents and reports. After reviewing carefully what has been formulated to date, the further challenge is to decide what is missing and needs articulation. It is in this regard that the world's wisdom traditions, the new science, and contemporary philosophical reflection as well as fresh insights emerging out of grass roots experience may be very helpful. In order to draw on the most creative thinking in all cultures and to ensure a wide sense of ownership of the Earth Charter when it is finally drafted, the consultation process for producing the Earth Charter has been designed to be as inclusive as possible and highly participatory.

Several important documents contain attempts to formulate a brief list of core principles, and several such lists may be found in the appendices to this report. Included are the five General Principles cited in the World Charter for Nature, the eight General Principles, Rights and Responsibilities proposed by the World Commission on Environment and Development, as well as the Commission's Tokyo Declaration, and the nine principles of sustainable living put forth in Caring for the Earth. These lists, which may be found in Appendices I, II, and III, continue to be instructive when one is reflecting on core values and principles for an Earth Charter.

In recent years a number of major efforts have been made to identify the core values and principles at work in international environmental law and in the international law of sustainable development. For example, the World Conservation Union's Draft International Covenant on Environment and Development includes a section on Fundamental Principles followed by a section on General Obligations. These parts of the Covenant are contained in Appendix IV.

A consultation of international legal experts convened by the Foundation for International Environmental Law and Development (FIELD) in 1993 identified four core elements of the concept of sustainable development, which include: (1) the needs of present and future generations must be taken into account; (2) renewable and non-renewable resources must be conserved; (3) access to and the use of natural resources must be equitable, taking into account the needs of all people; and (4) issues of environment and development must be treated in an integrated manner.⁷

In addition, a Discussion Paper for a recent UN Expert Group Meeting on Identification of Principles in International Law for Sustainable Development argues that "there is a relatively clear core of principles on which consensus exists," and it proposes "a benchmark set of principles of sustainable development."⁸ This list of twenty-three principles is drawn, first and foremost, from the Rio Declaration and Agenda 21. It may be found in Appendix V.

During the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, a great number and variety of non-governmental organizations (NGOs) from around the world gathered for the occasion and formed an International NGO Forum at the Global Forum '92. Among these private, non-profit, voluntary groups were grass roots organizations, environment and development associations, indigenous peoples groups, religious organizations, and groups associated with the women's movement. Identifying themselves as representatives of the emerging new transnational civil society and disappointed with the progress of the official deliberations at the Rio Earth Summit, the International NGO Forum produced forty-six "people's treaties," in which the participating NGOs sought "to define more specific commitments to each other for action at local, national, and international levels."⁹ These

⁷Discussion Paper prepared for Expert Group Meeting on Identification of Principles in International Law for Sustainable Development, Geneva, 26-28 September 1995, pp. 4-5.

⁸Ibid., pp. 8-33.

⁹Treaty No. 1, People's Earth Declaration, Principle 21, in Alternative Treaties: Synergistic Processes for Sustainable Communities & Global Responsibility, A Revised Edition of the Alternative Treaties from the International NGO Forum, Rio de Janeiro,

"people's treaties," which vary considerably in quality, contain a wide variety of NGO action plans in support of sustainable development, and they seek to articulate the basic principles that underlie the proposed post-Rio NGO programs.

Since these documents are not recognized as part of existing international law and are not the work of an official international commission or legal experts group, they have not been cited in the material included in Part Two, the "Survey of Principles." However, the NGO "people's treaties" do articulate the outcome of the deliberations of a very important international assembly and ongoing network of organizations. Furthermore, Agenda 21, which is a soft law document, calls for "strengthening the role of non-governmental organizations as social partners" and urges the United Nations and governments to draw upon the expertise and capacity of NGOs "at all levels from policy-making and decision-making to implementation."¹⁰ It is appropriate, therefore, to include some material from the Rio NGO treaties in this Report, and selections from these documents are included in Appendix VI. The selections begin with the entire People's Earth Declaration, which provides an overview of the vision and concerns expressed in the NGO treaties. Excerpts from seven additional NGO treaties have also been included. Some readers may find it useful to consult some of the other treaties not cited in Appendix VI, which deal with issues such as international debt, trade, transnational corporations, climate change, population, poverty, food security, water, fisheries, sustainable agriculture, forests, marine ecosystems, militarism, the nuclear problem, youth, women, environmental education, and urbanization.

In conclusion, it is hoped that this "Summary and Survey" will help to organize and further the search for the elements of an Earth Charter. In preparing the "Summary and Survey" I have received the encouragement and assistance of a number of people. I wish to thank especially Maurice F. Strong, Chairman of the Earth Council and the Earth Charter Management Committee, and the members of the Earth Charter Management Committee for their support. I am very grateful to Nicholas Robinson, Professor of Environmental Law at the Pace University School of Law, for his assistance with identifying and securing legal instruments and other relevant materials and for his very helpful comments and suggestions as this report has evolved. I also extend my special

June 1-14, 1992, published by Ideas for Tomorrow Today and International Synergy Institute, pp. 33-35.

¹⁰Agenda 21, chapter 27.3-8, in Agenda 21: The United Nations Programme of Action from Rio, The final text of agreements negotiated by Governments at the United Nations Conference on Environment and Development (UNCED), 3-14 June 1992, Rio de Janeiro, Brazil (New York: United Nations Department of Public Information, 1992), p. 230.

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EVOLVING LEGAL PRINCIPLES FOR SUSTAINABLE DEVELOPMENT

Nicholas A. Robinson

Agenda 21 restates the challenge to us all in its opening words:

1.1 Humanity stands at a defining moment in its history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. However, integration of environment and development concerns, and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can - in global partnership for sustainable development.

How can we attain this global partnership? At the end of his term as Secretary-General of the United Nations, Perez de Cuellar in 1990, pointed the way: "The Charter of Rights pertains to relations between the State and the individual. The time has come to devise a covenant regulating relations between humankind and nature."

What form should the agreements about humanity and nature take? What should they say? Agenda 21 recommends that national and international laws be codified to restate the principles that all nations must follow to foster sustainable development. Economic and social acts world-wide need to be based on a solid understanding about how natural systems work in order most efficiently to use non-renewable natural resources and to fully conserve renewable natural resources for the equitable use of present and future generations.

Laws can, of course, guide the process of sustainable development. Laws are the way human society regulates its relationships. Traditionally International Law governs the relationship among nations. Human Rights law defines each individual's rights and the duties that governments have to protect each person. Environmental Law guides the duties that governments and individual have toward nature and for maintaining a healthy environment. International Humanitarian Law governs the protection of civilians and their health needs - including environmental considerations - during times of armed conflict.

All of these bodies of law contribute to the cause of sustainable development. None, alone, can ensure that sustainable policies will be achieved.

What is needed is a real partnership among each body of law. They must be integrated and linked. In Our Common Future, the report of the UN's World Commission on Environment and Development, this need was summed up as follows:

"The next few decades are crucial for the future of humanity. Pressures on the planet are unprecedented and are accelerating at rates and scales new to human experience. . . Each area of change represents a formidable challenge in its own right, but the fundamental challenge stems from their systemic character. They lock together environment and development, once thought separate; they lock together 'sectors,' such as industry and agriculture; they lock countries together as the effects of national policies and action spill over national borders. Separate policies and institutions can no longer cope effectively with these interlocked issues. Nor can nations, acting unilaterally. . . . The real world of interlocked economic and ecological systems will not change; the policies and institutions concerned must."

In order to promote a single focus by all fields of legal, political, social economic, and cultural endeavors, the world needs a common consensus. An "Earth Charter," as an expression of the shared aspirations and good will of each society and each nation, is needed.

Legislators, diplomats, captains of industry, scientists and citizens have been striving for such a consensus sector by sector. The many statements of values and principles assembled in this volume reflect those incremental and cumulative efforts.

It is remarkable to see just how much consensus has emerged. As an example, we can quickly survey the right to life itself - perhaps the most fundamental principle for sustainability. From 1945 to the present, ever clearer consensus has emerged for this right.

The right to a healthy environment has become the bed rock of "sustainable development" principles, but it had to evolve since 1945 to become such. For instance, the Philippines would amend its Constitution in 1987 to provide that: "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature" (Article II, Section 16). The Supreme Court of the Philippines would then interpret these provisions in 1993 as follows: "While the right to a balanced and healthy ecology is to be found under the Declaration of Principles and State Policies and not under the Bill of Rights, it does not follow that it is less important than any of the civil and political rights enumerated in the latter. Such a right belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation--aptly and fittingly stressed by the petitioners--the advancement of which may even be said to predate all governments and constitutions. As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of mankind. The right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment." (Antonio, et. al. v. Factoran, GR 101083).

1. **The Right To A Healthy Environment**

The right to life, as a general principle of International Law, is the fundamental premise for the Charter of The United Nations¹¹ and the Universal Declaration¹² and Covenants¹³ of Human Rights. The Stockholm Declaration declares "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 a solemn responsibility to protect and improve the environment for present and future generations . . ." ¹⁴ The right to a healthy environment has been repeatedly recognized.¹⁵

Since, as The Stockholm Declaration noted both the natural and the man-made environment are essential "to the enjoyment of basic human rights - even the right to life itself,"¹⁶ protection of human life concurrently with nature is an integral component of the right to a healthy environment. Indeed, The UN General Assembly Charter For

¹¹United Nations Charter, Preamble and Article 1(1).

¹²Universal Declaration of Human Rights (1948), Articles 3, 22, 24, 25, 28. U.N.G.A. Res. 217A (III).

¹³International Covenant on Economic, Social and Cultural Rights (1976), Articles 1, 7, 11, 12, and 15.

Civil and Political Covenant, Article 6(1), and 1, 7, 17, and 20.

European Convention of Human Rights and Fundamental Freedoms Art. 2 (1).

¹⁴Stockholm Declaration on the Human Environment (1972), Principle One (see also Preamble).

¹⁵"All individuals are entitled to live in an environment adequate for their health and well-being." UNNA Res. 45/94 (1990). Declaration of the Hague on the Environment 11 March 1989, A/44/340; E/1989/120.

¹⁶Supra, Note 4.

Nature¹⁷ declares that every form of life is unique, and is intrinsically of importance.¹⁸ The interdependence of the right to a healthy environment and other Human Rights also has been repeatedly acknowledged.¹⁹

The Human Right to a healthy environment has been recognized also with reference to specific sectors, such as labor,²⁰ migrant workers and their families,²¹ trade,²² indigenous peoples,²³ in periods of armed conflict,²⁴ hazardous wastes,²⁵ and

¹⁷U.S.G.A. Res. 37/7 (1982).

¹⁸The Rio de Janeiro Convention on Biological Diversity (1992), Preamble.

¹⁹U.N.G.A. Res. 2542 (XXIV), "The Charter of Economic Rights and Duties of States," 11 December 1969; U.N.G.A. Res. 42/186, on "The Environmental Perspective To The Year 2000 And Beyond," 11 Dec. 1987.

²⁰International Labor Organization (ILO): Convention Concerning Protection of Workers Against Occupational Hazards in The Working Environment Due To Air Pollution, Noise, and Vibration (1977); Convention Concerning Occupational Safety and Health and The Working Environment (1981); Convention on Safety in The Use of Chemicals At Work (1990); Occupational Cancer Convention (1974).

²¹International Convention on the Protection of The Rights of All Migrant Workers and Members of Their Families.

²²The General Agreement on Tariffs and Trade, Article XX.

²³International Labor Organization (ILO) Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILD, 1989), No. 169), Articles 4, 7, 13, 15, 19.

²⁴Protocol I Additional to the Geneva Conventions of 12 August 1949, Relating To The Protection of Victims of International Armed Conflicts (1977), Articles 35 and 55.

public health.²⁶ The U.N. Commission On Human Rights has identified 61 national constitutions that expressly recognize the right to a healthy environment.²⁷

The right to a healthy environment provides the ultimate focus to guide the integration of environment and development. Development is sustainable where it advances or realizes the right to a healthy environment.

Just as the right to a healthy environment has emerged more clearly, so have a host of other environmental laws.

Unlike the Human Rights Declaration, which was framed by a United Nations Commission led by Eleanor Roosevelt, the Environmental Declarations have not had their provenance from a single source. Rather, literally scores of international meetings of diplomats and committees of national parliaments have considered a wide range of problems involving our uses of Earth's natural resources, and quite independently have arrived at roughly congruent conclusions. It is significant that repeatedly these regional and international gatherings of nations have expressed the same themes, general principles and crisp policies.

Treaties, such as the UN Convention On The Law of The Sea, The Vienna Convention On the Protection Of The Stratospheric Ozone and Montreal Protocol, or the

²⁵"Illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone." Para. 11, Vienna Declaration, World Conference on Human Rights 1993 (A.CONF. 157/24, Part I); see also Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989).

²⁶See, e.g., Principle I of The Stockholm Declaration on The Human Environment (1972), UN DOC. A/CONF. 48/19/Rev 1 (1972); 11 I.L.M. 1416 (1972).

²⁷Final report of the Special Rapporteur, Mrs. Fatina Ksentini, on "Review of Further Developments in Fields with Which The Sub-Commission has been Concerned - Human Rights and The Environment," UN ECOSOC Commission On Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 46th Session; UN DOC. E/CN.4/Sub 2/1994/9 (6 July 2994), Annex III.

UNESCO Convention For The Protection Of The World Cultural and Natural Heritage, constitute the strongest statements of international law on the themes of the duties nations have to safeguard nature and conserve natural resources. Policy Resolutions, such as the U.N. General Assembly's "World Charter For Nature," or the 1992 Declaration of Rio de Janeiro on Environment & Development adopted at the U.N. Conference on Environment & Development, represent strong consensus about norms which are recognized as having a quasi-legal force. The latter "should" be adhered to, while the former must be adhered to.

The Earth Council has performed a singularly useful service in compiling and publishing this summary and survey of environmental conservation and sustainable development. Arranged here, in a clear and systematic format, are the statements that nations have agreed to about the norms and rules for the human management of nature. A reader, in a short reading, can survey the emerging consensus of two decades of different international meetings. The summary and survey includes the restatements about environmentally sustainable development drawn from meetings of United Nations organs, from expert bodies, from the International Union For The Conservation of Nature and Natural Resources (IUCN), from ministerial meetings both regional and international.

What emerges is a remarkably consistent international consensus, forged over two decades of policy debates and decision-making. This is just as strong and guiding a body of normative principles as is the Universal Declaration of Human Rights. It is no less persuasive for having been drafted in multiple form, while the Declaration of Human Rights emerged from one commission's work. In each case, the drafters have faithfully considered and stated principles of policy and conduct that are the agreed norms for humans in their most basic relations among themselves and with the natural environment upon which they depend.

This summary and survey may be used as a reference for those who in the future will draft national legislation or treaties or "soft law" declarations. Its norms are those to which all peoples can subscribe. They are the "stuff out of which an Earth Charter can emerge. They illuminate the ethical values of the cultures, religions and traditions in which they are grounded.

These environmental norms for sustainable development are not, therefore, simply a legislative policy choice. To the contrary, they reflect the same sort of fundamental values as do Human Rights.

Part One

Summary of Principles

Revised April 1996

Summary of Principles

I. The Goal: A Global Partnership

The general objective of international environmental and sustainable development law is formation of a global partnership of all peoples and nations to ensure for present and future generations the well-being of humanity and the larger community of life by promoting equitable and sustainable development and by protecting and restoring the health and integrity of the Earth's biosphere, of which all life is a part and apart from which humanity cannot survive or realize its creative potential. This global alliance should be founded on commitment to an integrated framework of shared ethical principles and practical guidelines. (1)²⁸

II. Preamble: The Human Situation

The environmental and developmental problems facing humanity involve a complex of interrelated issues including: increasing degradation of the global environment, deterioration and depletion of natural resources, excessive consumption, rising population pressures, perpetuation of disparities between and within nations, poverty, pollution, ignorance, injustice, and armed conflict. The decisions and choices humanity makes in response to the challenge of these critical problems will have major consequences for the future of life on Earth. Humanity stands at a defining moment in its history. (2)

III. World View

1. The biosphere is a unity, a unique and indivisible ecosystem, and all of its diverse constituent parts are interdependent. (3)

2. Humanity is part of nature and the community of life, and all life depends for survival and well-being on the functioning of natural systems. (4)

3. Every life form is unique and possesses intrinsic value independent of its worth to humanity. Nature as a whole and the community of life warrant respect. (5)

IV. A Common Concern and Universal Responsibility

²⁸ Note: The numbers in parentheses that follow each entry refer to the list of principles in Part Two.

1. The well-being of the community of life and the protection of the environment are a common concern of humanity. (6)

2. Nature as a whole, the Earth, and all life forms should be respected. All persons have a fundamental responsibility to respect and care for the community of life. (5, 10)

3. Protect, preserve, and, insofar as possible, restore the health and integrity of ecosystems, ensuring the functioning of essential ecological processes and life support systems throughout the Earth. (7, 10, 13)

a. Provide special protection to fragile ecosystems such as are found in deserts, semi-arid lands, mountains, wetlands, and certain coastal areas and on small islands.

4. Conserve biodiversity including the diversity of species, the range of genetic stocks within each species, and the variety of ecosystems. (8)

a. Provide special protection to endangered species and their habitats.

V. The Rights of People

1. All human beings, including future generations, have a right to an environment adequate for their health, well-being, and dignity, and the responsibility to protect the environment. (9, 10)

2. All persons, without being required to prove an interest, have the right to seek, receive, and disseminate information on activities or measures that are likely to have environmental impact and the right to participate, individually or collectively, in relevant decision-making processes. (9, 29)

3. All peoples have a right to their economic, social, political and cultural development and a responsibility to adopt sustainable patterns of development. (11, 22)

4. All human rights and fundamental freedoms are interdependent and indivisible. (21)

VI. Sustainable Development

1. The purpose of development is to meet the basic needs of humanity, improve the quality of life for all, and ensure a secure future. (11, 12)

2. All humanity has the duty to integrate environmental conservation with development activity at all stages and levels so as to achieve sustainable development, keeping human resource use and related activity within the limits of the carrying capacity of supporting ecosystems. Sustainable development promotes the well-being of both people and ecosystems. (12)

3. Protection of the environment is best achieved by preventing

environmental harm rather than by attempting to remedy or compensate for such harm. (13)

a. Activities which are likely to cause irreversible environmental change or damage should be avoided altogether.

4. Activities which are likely to cause potential or actual harm to the environment shall be preceded by a thorough environmental impact assessment. (14)

5. Precautionary Principle: In situations where there is the risk of irreversible or serious damage to the environment, lack of full scientific certainty shall not be used as reason to postpone action to avoid potentially irreversible or serious harm to the environment. (15)

6. The development and implementation of appropriate demographic policies, ensuring that human population levels remain within the carrying capacity of the Earth, are necessary to improve the quality of life for all people and to protect the environment. (16)

7. The elimination of unsustainable patterns of production and consumption is essential and requires adoption of the following measures.

- a. Minimize the depletion of non-renewable resources.
 - b. Ensure all renewable resources are used sustainably.
 - c. Use all resources with restraint and as efficiently as possible.
 - d. Develop and adopt technologies that increase energy efficiency.
 - e. Develop and adopt technologies that use renewable resources to generate energy.
 - f. Prevent, reduce, and control pollution.
 - g. Minimize waste: reduce the volume of materials used, reuse, recycle.
- (17, 35)

8. Governments, businesses and other organizations should cooperate in promoting the development and adoption of environmentally sound technologies. (18, 36)

9. Policy makers should adopt a system of economic indicators for measuring economic health and development that reflects the full social and environmental cost of human activities, thereby integrating environmental and economic measures. (19)

10. The prices of commodities and raw materials should reflect the full direct and indirect social and environmental costs of their extraction, production, transport, marketing, and, where appropriate, ultimate disposal. (20)

11. Peace and security, environmental protection, sustainable development, and respect for human rights and fundamental freedoms are interdependent and indivisible. (21)

VII. Equity and Justice

1. Intergenerational Equity: Each generation has a responsibility to recognize

limits to its freedom of action in relation to the environment and to act accordingly with appropriate care and restraint so that future generations inherit a world that meets their needs. (22)

2. The achievement of sustainable development requires creation of a just and equitable international economic system which ensures that the costs and benefits arising from the use of natural resources are shared fairly among the nations, between rich and poor, and between present and future generations. (22, 23)

3. The eradication of poverty is an ethical imperative and an essential requirement for sustainable development and environmental protection. (24)

4. The particular situation and needs of developing countries, especially of the least developed and most environmentally vulnerable, is a high priority, and the developed countries bear a special responsibility to provide essential financial, scientific, technical, and legal assistance in support of the developing countries' pursuit of environmental conservation and sustainable development. (25, 36)

5. States should cooperate with other nations in establishing joint research efforts for developing environmentally sound technologies and facilitate the transfer of such technologies, strengthening national capacities and accelerating the transition to sustainable development throughout the world. (18, 36)

6. Equality and equity between women and men and the full participation of women in all spheres of social, cultural, economic, and political life, including management decision-making, are essential to the achievement of environmental conservation and sustainable development. (26)

7. The identity, culture, and interests of indigenous peoples, and especially their traditional approaches to sustainable development, should be respected and supported. Indigenous peoples have the right to control their lands, territories and natural resources, and they should be provided opportunities to participate in decision-making processes that are likely to affect their interests in the area of environment and development. (27)

VIII. Governance and Security

1. All States have (a) the sovereign right to utilize their resources to meet their sustainable development needs and (b) the responsibility to develop and implement a national plan for the protection and preservation of the environment within the levels of their national jurisdiction, and to ensure that activities within their jurisdiction or control do not cause potential or actual harm to the

environment of other States or areas beyond the limits of national jurisdiction. (28)

2. In view of the different contributions to global environmental degradation and differences in financial and technological resources, States have common but differentiated responsibilities. Accordingly, the developed countries acknowledge the responsibilities that they bear in the international pursuit of sustainable development. (28, 40)

3. Transparent and accountable governance and the democratic participation of all concerned persons in decision-making processes are prerequisites for achievement of environmental protection and sustainable development. (29)

a. Strengthen NGOs and increase their participation.

4. Environmental education programs should be established in school systems as an integral part of general education at all levels, and environmental information and opportunities for environmental training should be provided to the public, ensuring that all people have the knowledge, skills, and values to cooperate in protecting the environment and achieving sustainable development. (30)

5. All persons have the right to effective access to judicial and administrative proceedings, including for redress and remedy, in enforcing their environmental rights. States shall ensure that a person in another State who is adversely affected by transboundary environmental harm has the right of access to administrative and judicial procedures equal to that afforded to its own citizens in cases of domestic environmental law. (31)

6. States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. Each State is liable for significant harm to the environment of other States and to areas beyond the limits of national jurisdiction. States shall cease the activities causing significant harm, restore the damaged environment insofar as possible, and where that is not possible, provide compensation or other remedy for the harm. (32)

7. States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations. (33)

8. States shall cooperate in the further development of international law and in formulating and strengthening of international rules, standards and recommended practices on issues of common concern for the protection and preservation of the environment and sustainable use of natural resources, taking into account the need for flexible means of implementation based on their respective capabilities. (34)

IX. Environmental Protection

1. States shall take, individually or jointly as appropriate, all measures necessary to prevent, reduce, and control pollution, giving special attention to the disposal in an environmentally safe manner of radioactive, toxic, and other hazardous wastes that cannot be reused or recycled. (17, 35)

2. States shall conduct and encourage scientific research and establish scientific monitoring programs for the collection of environmental information on all aspects of the environment and on human environmental impacts, ensure the dissemination of scientific data and information, and promote scientific

cooperation in the fields of environmental conservation and sustainable development, strengthening national capacities. (36)

3. States shall establish specific national standards, including emission, quality, product, and process standards, designed to prevent harm to the environment or to restore or enhance environmental quality. (37)

4. States shall take appropriate measures to prevent transboundary environmental harm. Do not do to others what you would not do to your own citizens. (38)

- a. Ensure prior and timely notification and consultation.
- b. Set standards, monitor, exchange information.
- c. Establish contingency plans for emergencies, including prompt notification.

5. Transboundary natural resources should be used in a reasonable and equitable manner, and States should cooperate with other States in the conservation and restoration of such natural resources. (39)

6. States have an obligation to protect and preserve the atmosphere and to take appropriate measures with regard to activities under their jurisdiction or control to prevent, reduce, or control any atmospheric interference or significant risk thereof, which threatens harm to human health, the community of life, or ecosystems. (40)

7. States shall ensure the conservation and where necessary the regeneration of soils for all living systems by taking effective measures to prevent soil erosion, to combat desertification, to safeguard the processes of organic decomposition and to promote the continuing fertility of soils. (41)

8. States shall take all appropriate measures to maintain and restore the quality of water including atmospheric, marine, ground and surface fresh water, to meet basic human needs and as an essential component of aquatic systems. They shall, in particular, establish standards to safeguard the supply and quality of drinking water and to maintain the capacity of aquatic systems to support life. (42)

9. States shall prohibit the intentional introduction into the environment of alien or modified organisms which are likely to have adverse effects on other organisms or the environment. They shall also take the appropriate measures to prevent accidental introduction or escape of such organisms. (43)

10. Nature shall be secured against degradation caused by warfare or other military activities. (44)

11. Natural and cultural areas, including Antarctica, of outstanding aesthetic, cultural, ecological, scientific, and spiritual significance should be identified, protected, preserved, and restored. (45)

12. Outer space, including the moon and other celestial bodies, is part of the common heritage of humanity, and the exploration and use of outer space should be carried out exclusively for peaceful purposes and so as to equitably benefit and serve the interests of all nations and peoples, including future generations. The exploration and use of outer space should avoid the harmful contamination of the environment in space and on the moon and other celestial bodies and should also avoid causing harm to the environment on Earth through introduction of extraterrestrial matter. (46)

Note: The IUCN/UNEP/WWF report Caring for the Earth (1991) endorses the principle that: "People should treat all creatures decently, and protect them from cruelty, avoidable suffering, and unnecessary killing." (47) However, to date this principle, which is concerned with the treatment of individual sentient beings as distinct from species, has not been included or recommended for inclusion in international law.

Part Two
Survey of Principles

Revised April 1996

1. A GLOBAL PARTNERSHIP

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. . . .To defend and improve the human environment for present and future generations has become an imperative goal for mankind--a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of world-wide economic and social development. (Part I, paragraph 6)²⁹

To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity. (Part I, paragraph 7)

International matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries, big and small, on an equal footing. Co-operation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States. (Principle 24)

States shall ensure that international organizations plan a co-ordinated, efficient and dynamic role for the protection and improvement of the environment. (Principle 25)

²⁹ NOTE: Following each entry there is a reference to the section, article or principle where the entry may be found in the document cited. The material in the entry often does not include all the material in the relevant section, article or principle.

- World Charter for Nature, 1982 (SL)

Firmly convinced of the need for appropriate measures, at the national and international, individual and collective, and private and public levels, to protect nature and promote international co-operation in this field,

A Global Partnership, continued

Adopts, to these ends, the present World Charter for Nature, which proclaims the following principles of conservation by which all human conduct affecting nature is to be guided and judged. (Preamble)

States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:

a. Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations; (Principle 21.a)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

In its broadest sense, the strategy for sustainable development aims to promote harmony among human beings and between humanity and nature. (p. 65)

The traditional forms of national sovereignty are increasingly challenged by the realities of ecological and economic interdependence. Nowhere is this more true than in shared ecosystems and in 'the global commons'--those parts of the planet that fall outside national jurisdictions. Here, sustainable development can be secured only through international co-operation and agreed regimes for surveillance, development, and management in the common interest. But at stake is not just the sustainable development of shared ecosystems and the commons, but of all nations whose development depends to a greater or lesser extent on their rational management.

By the same token, without agreed, equitable, and enforceable rules governing the rights and duties of states in respect of the global commons, the pressure of demands on finite resources will destroy their ecological integrity over time. Future generations will be impoverished, and the people who suffer most will be those who live in poor countries that can least assert their own claims in a free-for-all. (p. 261)

Nations must turn away from the destructive logic of an 'arms culture' and focus instead on their common future. They must face the common danger inherent in the weapons of the nuclear age. They must face the common challenge of providing for sustainable development and act in concert to remove the growing environmental sources of conflict. (p. 304)

Building on the 1972 Stockholm Declaration, the 1982 Nairobi Declaration, and many existing international conventions and General Assembly resolutions, there is now a need to consolidate and extend relevant legal principles in a new charter

to guide state behaviour in the transition to sustainable development. It would provide the basis for, and be subsequently expanded into, a Convention, setting out the sovereign rights and reciprocal responsibilities of all states on environmental

A Global Partnership, continued

protection and sustainable development. The charter should prescribe new norms for state and interstate behaviour needed to maintain livelihoods and life on our shared planet, including basic norms for prior notification, consultation, and assessment of activities likely to have an impact on neighbouring states or global commons. (p. 332)

To achieve the needed change in attitudes and reorientation of policies and institutions, the Commission believes that an active follow-up of this report is imperative. It is with this in mind that we call for the UN General Assembly, upon due consideration, to transform this report into a UN Programme of Action on Sustainable Development. (p. 343)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

States shall co-operate in good faith with other States in implementing the preceding rights and obligations. (Principle 8)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

Environmental challenges such as climate change, ozone depletion, deforestation, marine pollution, and loss of biological diversity require closer and more effective international cooperation and concrete action. We as industrialized countries have an obligation to be leaders in meeting these challenges. (Principle 62)

- Kuala Lumpur Accord on Environment and Development, 1990 (SL)

FURTHER AWARE, that the management of the environment and the pursuit of sustainable development require close cooperation between the member-countries of ASEAN (Association of South East Asian Nations) in particular and global cooperation in general, and that ASEAN should endeavor to strengthen such cooperation, (Preamble)

- Moscow Declaration; Global Forum on Environment and Development for Human Survival, 1990

The problems must be tackled by the joint efforts of individuals throughout the world. Also, the spiritual community, parliaments, governments, international and non-governmental organizations, the business community, intellectuals, artists,

communicators, and educators must all accept their responsibilities in a concerted effort.

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Create a global alliance. No nation today is self-sufficient. If we are to achieve global sustainability a firm alliance must be established among all countries. The levels of development in the world are unequal, and the lower-income countries must be helped to develop sustainably and protect their environments. Global and

A Global Partnership, continued

shared resources, especially the atmosphere, oceans and shared ecosystems, can be managed only on the basis of common purposes and resolve. The ethic of care applies at the international as well as the national and individual levels. All nations stand to gain from worldwide sustainability--and are threatened if we fail to attain it. (Principles of a sustainable society, p. 11)

- Agenda 21, 1992 (SL)

Humanity stands at a defining moment in its history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can--in a global partnership for sustainable development. (Preamble, paragraph 1.1)

In order to meet the challenges of environment and development, States have decided to establish a new global partnership. This partnership commits all States to engage in a continuous and constructive dialogue, inspired by the need to achieve a more efficient and equitable world economy, keeping in view the increasing interdependence of the community of nations and that sustainable development should become a priority item on the agenda of the international community. It is recognized that, for the success of this new partnership, it is important to overcome confrontation and to foster a climate of genuine cooperation and solidarity. It is equally important to strengthen national and international policies and multinational cooperation to adapt to the new realities. (Paragraph 2.1)

- Rio Declaration on Environment and Development, 1992 (SL)

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among states, key sectors of societies and people, (Preamble)

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the earth's ecosystem. In view of the different contributions to global environmental degradation, states have common but differentiated responsibilities. (Principle 7)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions. (Preamble)

A Global Partnership, continued

- Draft International Covenant on Environment and Development, IUCN, 1995

Sharing the belief that humanity stands at a decisive point in history, which calls for a global partnership to achieve sustainable development. (Preamble)

Recognizing that inter-generational and intra-generational responsibility, as well as solidarity and cooperation among the peoples of the Earth, are necessary to overcome the obstacles to sustainable development. (Preamble)

The objective of this Covenant is to achieve environmental conservation and sustainable development by establishing integrated rights and obligations. (Article 1)

2. THE PROBLEMS FACING HUMANITY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Man is both creature and moulder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights--even the right to life itself. (Part I, paragraph 1)

In our time, man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment. (Part I, paragraph 3)

In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap [between] themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development. (Part I, paragraph 4)

The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems. (Part I, paragraph 5)

A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to

the earthly environment on which our life and well-being depend. (Part I,
paragraph 6)

The Problems Facing Humanity, continued

- World Charter for Nature, 1982 (SL)

Convinced that:

b. Man can alter nature and exhaust natural resources by his action or its consequences and, therefore, must fully recognize the urgency of maintaining the stability and quality of nature and of conserving natural resources,

Persuaded that

a. Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man,

b. The degradation of natural systems owing to excessive consumption and misuse of natural resources, as well as to failure to establish an appropriate economic order among peoples and among States, leads to the breakdown of the economic, social and political framework of civilization,

c. Competition for scarce resources creates conflicts, whereas the conservation of nature and natural resources contributes to justice and the maintenance of peace and cannot be achieved until mankind learns to live in peace and to forsake war and armaments. (Preamble)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

. . . one central theme: many present development trends leave increasing numbers of people poor and vulnerable, while at the same time degrading the environment. (p. 4)

Over the past few decades, life-threatening environmental concerns have surfaced in the developing world. Countrysides are coming under pressure from increasing numbers of farmers and the landless. Cities are filling with people, cars, and factories. Yet at the same time these developing countries must operate in a world in which the resources gap between most developing and industrial nations is widening, in which the industrial world dominates in the rule-making of some key international bodies, and in which the industrial world has already used much of the planet's ecological capital. This inequality is the planet's main 'environmental' problem; it is also its main 'development' problem. (pp. 5-6)

Over the course of this century, the relationship between the human world and the

planet that sustains it has undergone a profound change. When the century began, neither human numbers nor technology had the power radically to alter planetary systems. As the century closes, not only do vastly increased human numbers and their activities have that power, but major, unintended changes are occurring in the atmosphere, in soils, in waters, among plants and animals, and in the relationships among all of these. The rate of change is outstripping the ability of scientific disciplines and our current capabilities to assess and advise. It is frustrating the attempts of political and economic institutions, which evolved in a different, more

The Problems Facing Humanity, continued

fragmented world, to adapt and copy. It deeply worries many people who are seeking ways to place those concerns on the political agendas.

The onus lies with no one group of nations. Developing countries face the obvious life-threatening challenges of desertification, deforestation, and pollution, and endure most of the poverty associated with environmental degradation. The entire human family of nations would suffer from the disappearance of rain forests in the tropics, the loss of plant and animal species, and changes in rainfall patterns. Industrial nations face the life-threatening challenges of toxic chemicals, toxic wastes, and acidification. All nations may suffer from the releases by industrialized countries of carbon dioxide and of gases that react with the ozone layer, and from any future war fought with the nuclear arsenals controlled by those nations. All nations will have a role to play in changing trends, and in righting an international economic system that increases rather than decreases inequality, that increases rather than decreases numbers of poor and hungry.

The next few decades are crucial. The time has come to break out of past patterns. Attempts to maintain social and ecological stability through old approaches to development and environmental protection will increase instability. Security must be sought through change. (p. 22 and 343)

The Earth is one but the world is not. (p. 27)

Today the scale of our interventions in nature is increasing and the physical effects of our decisions spill across national frontiers. The growth in economic interaction between nations amplifies the wider consequences of national decisions. Economics and ecology bind us in ever-tightening networks. Today, many regions face risks of irreversible damage to the human environment that threaten the basis for human progress. (p. 27)

The traditional forms of national sovereignty are increasingly challenged by the realities of ecological and economic interdependence. (p. 261)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

At this critical point in history, human choices are crucial. In directing their actions towards achieving progress in society, human beings often have lost sight of their membership in the natural community and the indivisible human family, and their basic needs for a healthy life. Excessive consumption, abuse of the environment, and aggression among peoples have brought natural processes to a critical situation that threatens the Earth's survival. By reflecting on this,

individuals will be able to discern their responsibility, and on this basis re-orient their conduct toward peace and sustainable development. (Article 8)

The Problems Facing Humanity, continued

- Declaration of the Hague, 1989 (SL)

Authoritative scientific studies have shown the existence and scope of considerable dangers linked in particular to the warming of the atmosphere and to the deterioration of the ozone layer. (Preamble)

According to present scientific knowledge, the consequences of these phenomena may well jeopardize ecological systems as well as the most vital interests of mankind at large. (Preamble)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

The global environmental crisis is one of the greatest threats to life. (Preamble)

- Agenda 21, 1992 (SL)

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. (Preamble, paragraph 1.1)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Scarcity and misuse of freshwater pose a serious and growing threat to sustainable development and protection of the environment. Human health and welfare, food security, industrial development and the ecosystems on which they depend, are all at risk, unless water and land resources are managed more effectively in the present decade and beyond than they have been in the past. (Preamble)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind, (Preamble)

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global

emissions originating in developing countries will grow to meet their social and developmental needs, (Preamble)

The Problems Facing Humanity, continued

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

We are witnessing in countries throughout the world the expansion of prosperity for some, unfortunately accompanied by an expansion of unspeakable poverty for others. This glaring contradiction is unacceptable and needs to be corrected through urgent actions. (Principle 13)

- Draft International Covenant on Environment and Development, IUCN, 1995

Mindful of the increasing degradation of the global environment and deterioration and depletion of natural resources, owing to excessive consumption, rising population pressures, pollution, poverty, and armed conflict; (Preamble)

3. THE UNITY OF THE BIOSPHERE AND INTERDEPENDENCE

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; . . . (Part I, paragraph 3)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

We all depend on one biosphere for sustaining our lives. (p. 27)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Convinced therefore that a greater awareness of the unity of all life and of the uniqueness of each of life's expressions as well as a deepening of the human sense of responsibility and a reorientation of human thinking, feeling and acting are urgently needed, (Preamble)

Everything that exists is part of an interdependent universe. All living beings depend on one another for their existence, well-being and development. (Article 1)

- Rio Declaration on Environment and Development, 1992 (SL)

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home. (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

Recognizing the unity of the biosphere, a unique and indivisible ecosystem, and the interdependence of all its components, (Preamble)

4. HUMANITY IS PART OF NATURE AND THE COMMUNITY OF LIFE

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. (Part I, paragraph 1)

- World Charter for Nature, 1982 (SL)

Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients,

Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation. (Preamble)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

All human beings belong inseparably to nature, upon which human culture and civilization have been constructed. (Article 2)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Every human being is a part of the community of life, made up of all living creatures. This community links all human societies, present and future generations, and humanity and the rest of nature. It embraces both cultural and natural diversity. (Elements of a world ethic for sustainable living, p. 14)

- Draft International Covenant on Environment and Development, IUCN, 1995

Conscious that humanity is a part of nature and that all life depends on the functioning of natural systems which ensure the supply of energy and nutrients;

Convinced that living in harmony with nature is a prerequisite for sustainable development, because civilisation is rooted in nature, which shapes human culture and inspires artistic and scientific achievement. (Preamble)

5. THE INTRINSIC VALUE OF ALL LIFE FORMS AND RESPECT FOR NATURE

- Convention on the Conservation of European Wildlife and Natural Habitats, 1979 (LD)

Recognizing that wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations (Preamble)

- World Charter for Nature, 1982 (SL)

Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action. (Preamble)

Nature shall be respected and its essential processes shall not be impaired. (Principle 1)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Life on Earth is abundant and diverse. It is sustained by the uninterrupted functioning of natural systems that ensure the supply of energy, air, water, and nutrients for all living beings. Every manifestation of life on Earth is unique and necessary, and therefore, is owed respect and care regardless of its apparent value to human beings. (Article 3)

- Convention on the Rights of the Child, 1990 (LD)

States Parties agree that the education of the child shall be directed to:

the development of respect for the natural environment. (Article 29.e)

- Moscow Declaration; Global Forum on Environment and Development for Human Survival, 1990

We must accept responsibility for adopting a spiritually wise, technologically sound, ethical and farsighted stewardship of the planet - and a renewed respect for Nature on which all life depends.

We must find a new spiritual and ethical basis for human activities on Earth: Humankind must enter into a new communion with Nature, and regain respect for the wonders of the natural world.

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Respect and care for the community of life. (Principles of a sustainable society, Principle 1)

The Intrinsic Value All Life Forms and Respect for Nature, continued

Every life form warrants respect independently of its worth to people. Human development should not threaten the integrity of nature or the survival of other species. (Elements of a world ethic for living sustainably, p. 14)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

The conservation and sustainable use of biodiversity is a common concern of humankind. Biodiversity has an intrinsic value and is essential for sustainable use of natural resources and the well-being of present and future generations. (Part II, Introduction)

- Convention on Biological Diversity, 1992 (LD)

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components, (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

Affirming the essential duty of all to respect and preserve the environment. (Preamble)

Nature as a whole warrants respect; every form of life is unique and is to be safeguarded independent of its value to humanity. (Article 2)

6. A COMMON CONCERN OF HUMANITY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments. (Part I, paragraph 2)

A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity. (Part I, paragraph 7)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

It should be accepted that the preservation of the global environment is a common concern of humankind. Therefore, costs should be shared equitably among states, taking into account historic responsibilities and present technical and financial capabilities. (Principle I.3f)

- Convention on Biological Diversity, 1992 (LD)

Affirming that the conservation of biological diversity is a common concern of humankind, (Preamble)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind. (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

*The global environment is a common concern of humanity.
(Article 3)*

7. PRESERVE THE HEALTH OF NATURAL SYSTEMS

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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

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

- World Charter for Nature, 1982 (SL)

Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man, (Preamble)

Nature shall be respected and its essential processes shall not be impaired. (Principle 1)

The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded. (Principle 2)

All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species. (Principle 3)

Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they co-exist. (Principle 4)

In the decision-making process it shall be recognized that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter. (Principle 6)

Living resources shall not be utilized in excess of their natural capacity for regeneration; (Principle 10.a)

Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations. (Principle 11.e)

The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods. (Principle 19)

Preserve the Health of Natural Systems, continued

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, 1987.

States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems. (Principle 3)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Conserve the Earth's vitality and diversity. Conservation-based development needs to include deliberate action to protect the structure, functions and diversity of the world's natural systems, on which our species utterly depends. This requires us to:

Conserve life-support systems. These are the ecological processes that keep the planet fit for life. They shape climate, cleanse air and water, regulate water flow, recycle essential elements, create and regenerate soil, and enable ecosystems to renew themselves;

Conserve biodiversity. This includes not only all species of plants, animals and other organisms, but also the range of genetic stocks within each species, and the variety of ecosystems;

Ensure that uses of renewable resources are sustainable. Renewable resources include soil, wild and domesticated organisms, forests, rangelands, cultivated land, and the marine and freshwater ecosystems that support fisheries. A use is sustainable if it is within the resource's capacity for renewal. (Principles of a sustainable society, p. 9)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

The global convention should pay special attention to the conservation of all ecosystems both within and beyond national jurisdiction. (Principle II.5a)

- Rio Declaration on Environment and Development, 1992 (SL)

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the earth's ecosystem. (Principle 7)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We will cooperate to conserve, protect and, as appropriate, restore the ecosystems of the Arctic. We will in particular cooperate to strengthen the knowledge base and to develop information and monitoring systems for the Arctic region. (Principle 3)

Preserve the Health of Natural Systems, continued

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems. (Article 13.1)

Parties shall take appropriate measures to conserve and, where necessary and possible, restore natural systems which support life on Earth in all its diversity, including biological diversity, and to maintain and restore the ecological functions of these systems as an essential basis for sustainable development, including inter alia,

- (a) forests as climate regulators and as natural means to control erosion and floods;*
- (b) freshwater wetlands and floodplains as recharge areas for groundwaters, floodwater buffers, filters and oxidizing areas for contaminants;*
- (c) coastal ecosystems including barrier islands, estuaries, mangroves, sea grass beds, coral reefs and mudflats as natural defences against coastal erosion and essential habitats for the support of fisheries. (Article 20)*

8. CONSERVE BIODIVERSITY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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

Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development. (Principle 4)

- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1975 (LD)

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end. (Preamble)

- Convention on the Conservation of European Wildlife and Natural Habitats, 1979 (LD)

Recognizing that wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations. (Preamble)

Aware that the conservation of natural habitats is a vital component of the protection and conservation of wild flora and fauna. (Preamble)

Recognizing that the conservation of wild flora and fauna should be taken into consideration by the governments in their national goals and programmes, and that international co-operation should be established to protect migratory species in particular. (Preamble)

The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation. (Article 1.1)

Conserve Biodiversity, continued

Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species. (Article 1.2)

- Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1979 (LD)

Recognizing that wild animals in their innumerable forms are an irreplaceable part of the earth's natural system which must be conserved for the good of mankind. (Preamble)

- United Nations Convention on the Law of the Sea, 1982 (LD)

The measures taken in accordance with this Part [Part XII, "Protection and Preservation of the Marine Environment"] shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life. (Article 194.5)

- UNEP Conclusions Concerning the Environment Related to Offshore Mining and Drilling Within the Limits of National Jurisdiction, 1982

States should designate, either individually in areas under their jurisdiction or, where appropriate, jointly, protected areas in order to safeguard from pollution and other adverse effects of operations, important ecosystems or representative samples thereof, as well as special habitats critical for the survival of endangered species of fauna and flora. (Principle 4)

- World Charter for Nature, 1982 (SL)

The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded. (Principle 2)

All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species. (Principle 3)

Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they co-exist. (Principle 4)

The allocation of areas of the earth to various uses shall be planned, and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned. (Principle 9)

Living resources shall not be utilized in excess of their natural capacity for regeneration; (Principle 10.a)

Conserve Biodiversity, continued

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States shall maintain maximum biological diversity by ensuring the survival and promoting the conservation in their natural habitat of all species of fauna and flora, in particular those which are rare, endemic or endangered. (Principle 3.b)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987.

States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems. (Principle 3)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Conserve biodiversity. This includes not only all species of plants, animals and other organisms, but also the range of genetic stocks within each species, and the variety of ecosystems; (Principles of a sustainable society, p. 9)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

The conservation and sustainable use of biodiversity is a common concern of humankind. Biodiversity has an intrinsic value and is essential for sustainable use of natural resources and the well-being of present and future generations. (Part II, Introduction)

In developing environmental policies at the national and international levels, states should apply inter alia: Principle of integration of environmental policy into other policies; (Principle I.3d)

- Agenda 21, 1992 (SL)

Our planet's essential goods and services depend on the variety and variability of genes, species, populations and ecosystems. Biological resources feed and clothe us and provide housing, medicines and spiritual nourishment. The natural ecosystems of forests, savannahs, pastures and rangelands, deserts, tundras, rivers, lakes and seas contain most of the Earth's biodiversity. Farmers' fields and gardens are also of great importance as repositories, while gene banks, botanical gardens, zoos and other germplasm repositories make a small but

significant contribution. The current decline in biodiversity is largely the result of human activity and represents a serious threat to human development.
(Paragraph 15.2)

Conserve Biodiversity, continued

Despite mounting efforts over the past 20 years, the loss of the world's biological diversity, mainly from habitat destruction, over-harvesting, pollution and the inappropriate introduction of foreign plants and animals, has continued. Biological resources constitute a capital asset with great potential for yielding sustainable benefits. Urgent and decisive action is needed to conserve and maintain genes, species and ecosystems, with a view to the sustainable management and use of biological resources. Capacities for the assessment, study and systematic observation and evaluation of biodiversity need to be reinforced at national and international levels. Effective national action and international cooperation is required for the in situ protection of ecosystems, for the ex situ conservation of biological and genetic resources and for the enhancement of ecosystem functions. (Paragraph 15.3)

- Convention on Biological Diversity, 1992 (LD)

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source.

Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings, (Preamble)

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding. (Article 1)

Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing

strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; (Article 6.a)

Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity; (Article 8.a)

Conserve Biodiversity, continued

Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings; (Article 8.d)

Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies. (Article 8.f)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems. (Article 13.1)

Parties shall take all appropriate measures to conserve biological diversity, including species diversity, genetic diversity within species, and ecosystem diversity, especially through in situ conservation. To this end, Parties shall

- (a) integrate conservation of biological diversity into their physical planning systems,*
- (b) establish a system of protected areas, where appropriate with buffer zones and inter-connected corridors, and*
- (c) prohibit the taking or destruction of endangered species, protect their habitats, and develop recovery plans for such species. (Article 21.1)*

States shall regulate or manage biological resources with a view to ensuring their conservation, sustainable use, and where necessary and possible, restoration. To this end, Parties shall

- (a) develop and implement conservation and management plans for harvested biological resources;*
- (b) prevent a decrease in the size of harvested populations below the level necessary to ensure stable recruitment;*
- (c) safeguard and restore habitats essential to the continued existence of the species or populations concerned;*
- (d) preserve and restore ecological relationships between harvested and dependant or associated species or populations; and*
- (e) prevent or minimize incidental taking of non-target species and prohibit indiscriminate means of taking. (Article 21.2.a-e)*

9. THE INDIVIDUAL'S RIGHT TO A HEALTHY ENVIRONMENT

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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 a solemn responsibility to protect and improve the environment for present and future generations. . . . (Principle 1)

- International Covenant on Economic, Social and Cultural Rights, 1976 (LD)

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12.1)

The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: The improvement of all aspects of environmental and industrial hygiene. (Article 12.2b)

- African Charter on Human and People's Rights, Banjul, 1986 (SL)

All peoples shall have the right to a general satisfactory environment favorable to their development. (Article 24)

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

All human beings have the fundamental right to an environment adequate for their health and well-being. (Article 1)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Observing the recognition by the international community that human beings have the fundamental right to live in an environment of a quality that permits a life of dignity and well-being, (Preamble)

- Declaration of the Hague, 1989 (SL)

The right to live is the right from which all other rights stem. Guaranteeing this right is the paramount duty of those in charge of all States throughout the world. (Preamble)

Because the problem is planet-wide in scope, solutions can only be devised on a global level. Because of the nature of the dangers involved, remedies to be sought involve not only the fundamental duty to preserve the ecosystem, but also the right to live in dignity in a viable global environment, and the consequent duty of the community of nations vis-à-vis present and future generations to do all that can be done to preserve the quality of the atmosphere. (Preamble)

The Individual's Right to a Healthy Environment, continued

- Economic Commission of Europe Charter on Environmental Rights and Obligations, 1990 (SL)

Everyone has the right to an environment adequate for his general health and well-being. (Principle 1)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

States should recognize the individual and collective fundamental human right to an environment which ensures a healthy, safe, and sustainable existence and spiritual well-being. (Principle I.3b)

- Agenda 21, 1992 (SL)

Health and development are intimately interconnected. Both insufficient development leading to poverty and inappropriate development resulting in overconsumption, coupled with an expanding world population, can result in severe environmental health problems in both developing and developed nations. Action items under Agenda 21 must address the primary health needs of the world's population, since they are integral to the achievement of the goals of sustainable development and primary environmental care. (Paragraph 6.1)

In many locations around the world the general environment (air, water and land), workplaces and even individual dwellings are so badly polluted that the health of hundreds of millions of people is adversely affected. (Paragraph 6.39)

The overall objective is to minimize hazards and maintain the environment to a degree that human health and safety is not impaired or endangered and yet encourage development to proceed. (Paragraph 6.40)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Water has an economic value in all its competing uses and should be recognized as an economic good. Within this principle, it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price. Past failure to recognize the economic value of water has led to wasteful and environmentally damaging uses of the resource. Managing water as an economic good is an important way of achieving efficient and equitable use, and of encouraging conservation and protection of water resources. (Principle 4)

- Rio Declaration on Environment and Development, 1992 (SL)

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. (Principle 1)

The Individual's Right to a Healthy Environment, continued

- Draft Declaration of Principles on Human Rights and the Environment, Sierra Club Legal Defense Fund, 1994

All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible. (Part I. Principle 2)

All persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment. (Part I. Principle 3)

All persons have the right to freedom from pollution, environmental degradation and activities that adversely affect the environment, threaten life, health, livelihood, well-being or sustainable development within, across or outside national boundaries. (Part II. Principle 5)

All persons have the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems. (Part II. Principle 6)

All persons have the right to the highest attainable standard of health free from environmental harm. (Part II. Principle 7)

All persons have the right to safe and healthy food and water adequate to their well-being. (Part II. Principle 8)

All persons have the right to a safe and healthy working environment. (Part II. Principle 9)

All persons have the right to adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment. (Part II. Principle 10)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties undertake to achieve progressively the full realization of the right of everyone to an environment and a level of development adequate for their health, well-being and dignity. (Article 12.1)

All persons have a duty to protect and preserve the environment. (Article 12.2)

All persons, without being required to prove an interest, have the right to seek, receive, and disseminate information on activities or measures adversely affecting

or likely to affect the environment and the right to participate in relevant decision-making processes. (Article 12.3)

The Individual's Right to a Healthy Environment, continued

All persons have the right to effect access to judicial and administrative proceedings, including for redress and remedy, in enforcing their rights under this Covenant. (Article 12.4)

Parties shall respect and ensure the rights and the fulfilment of the duties recognised in this Article and shall devote special attention to the satisfaction of basic human needs, in particular the provision of potable water. (Article 12.5)

10. A UNIVERSAL RESPONSIBILITY TO PROTECT THE ENVIRONMENT

- Universal Declaration of Human Rights, 1948 (SL)

Everyone has duties to the community in which alone the free and full development of his personality is possible. (Article 29.1)

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity. (Part I, paragraph 7)

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 a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. (Principle 1)

- World Charter for Nature, 1982 (SL)

Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met. (Principle 24)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Of all living beings, humans have the unique capacity to decide consciously whether to protect or to damage the quality and conditions of life on Earth. By reflecting on their membership in the natural world and their special position as participants in the unfolding of natural processes, persons can develop a sense of universal responsibility toward the world as a whole based on altruism, compassion and love for the protection of nature, the promotion of the highest possible evolutionary potential, and for the creation of those conditions which allow for the achievement of the highest level of spiritual and material well-being. (Article 7)

A Universal Responsibility, continued

- Economic Commission of Europe Charter on Environmental Rights and Obligations, 1990 (SL)

Everyone has the responsibility to protect and conserve the environment for the benefit of present and future generations. (Principle 2)

- Moscow Declaration; Global Forum on Environment and Development for Human Survival, 1990

This is an issue that transcends national, ideological and generational divisions. It has the potential to unify our species in dealing with our common peril. Our loyalties must go beyond narrow frontiers to all life on Earth.

We must together learn how to live in greater harmony with our planet than we have so far done. This is the primordial challenge which now confronts all of us.

The human race has never had greater economic, scientific and technological potential. We must find the will and the means to use it--for life.

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Everyone should take responsibility for his or her impacts on nature. People should conserve ecological processes and the diversity of nature, and use any resource frugally and efficiently, ensuring that their uses of renewable resources are sustainable.

The protection of human rights and those of the rest of nature is a worldwide responsibility that transcends all cultural, ideological and geographical boundaries. The responsibility is both individual and collective. (Elements of a world ethic for living sustainably, p. 14)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

All persons, individually and in association with others, have a duty to protect and preserve the environment. (Part IV. Principle 21)

- Draft International Covenant on Environment and Development, IUCN, 1995

Affirming the essential duty of all to respect and preserve the environment. (Preamble)

All persons have a duty to protect and preserve the environment. (Article 12.2)

11. THE RIGHT OF ALL PEOPLES TO DEVELOPMENT

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Of all things in the world, people are the most precious. (Part I, paragraph 5)

Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life. (Principle 8)

- International Covenant on Economic, Social and Cultural Rights, 1976 (LD)

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. (Article 11.1)

- African Charter on Human and People's Rights, Banjul, 1986 (SL)

All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. (Article 22.1)

States shall have the duty, individually or collectively, to ensure the exercise of the right to development. (Article 22.2)

- UN Declaration on the Right to Development, 1986 (SL)

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. (Preamble)

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. (Article 1.1)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Considering the aspirations of all members of the human family to achieve their full potentials through the cultural, social, political and economic development of

individuals and communities, recognized in the Declaration on the Right to Development to be an inherent human right, (Preamble)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Improve the quality of human life. The real aim of development is to improve the quality of human life. It is a process that enables human beings to realize their

The Right of all Peoples to Development, continued

potential, build self-confidence and lead lives of dignity and fulfilment. Economic growth is an important component of development, but it cannot be a goal in itself, nor can it go on indefinitely. Although people differ in the goals that they would set for development, some are virtually universal. These include a long and healthy life, education, access to the resources needed for a decent standard of living, political freedom, guaranteed human rights, and freedom from violence. Development is real only if it makes our lives better in all these respects. (Principles of a sustainable society, p. 9)

- Rio Declaration on Environment and Development, 1992 (SL)

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. (Principle 1)

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3)

- United Nations Framework Convention on Climate Change, 1992 (LD)

The Parties have a right to, and should, promote sustainable development. (Article 3.4)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual or other purposes. This includes ecologically sound access to nature. (Part II. Principle 13)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

Promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, including the right to development; (Principle 26.j)

- Draft International Covenant on Environment and Development, IUCN, 1995

Conscious that the right to development must be fulfilled so as to meet the development and environmental needs of present and future generations in a sustainable and equitable manner. (Preamble)

The exercise of the right to development entails the obligation to meet the developmental and environmental needs of humanity in a sustainable and equitable manner. (Article 8)

Parties undertake to achieve progressively the full realization of the right of everyone to an environment and a level of development adequate for their health, well-being and dignity. (Article 12.1)

12. INTEGRATION OF ENVIRONMENT AND DEVELOPMENT

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population. (Principle 13)

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment. (Principle 14)

- World Charter for Nature, 1982 (SL)

In the decision-making process it shall be recognized that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter. (Principle 6)

In the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities. (Principle 7)

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States shall ensure that the conservation of natural resources and the environment is treated as an integral part of the planning and implementation of development activities. Particular attention shall be paid to environmental problems arising in developing countries and to the need to incorporate environmental considerations in all development assistance programmes. (Article 7.1)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Integrate Environment and Economics in Decision-Making. Environmental and economic goals can and must be made mutually reinforcing. Sustainability requires the enforcement of wider responsibilities for the impacts of policy decisions. Those making such policy decisions must be responsible for the impact of those decisions upon the environmental resource capital of their nations. They must focus on the sources of environmental damage rather than the symptoms. The ability to anticipate and prevent environmental damage will require that the ecological dimensions of policy be considered at the same time as the economic,

trade, energy, agricultural, and other dimensions. They must be considered on the same agendas and in the same national and international institutions.
(Principle 6)

Integration of Environment and Development, continued

- Kampala Declaration on Sustainable Development in Africa, 1989 (SL)

Conscious of the vital importance of environmental conservation and management of our economic and social development and the survival of the present and future generations in our countries;

Confirming that economic development which leads to the degradation of our environment and the depletion of our natural resources is simply not sustainable;

Convinced that development which is not sustainable should no longer be called development;

Recognizing that sustainable development is a priority for Africa which requires political commitment and mobilization of our natural resources as well as effective subregional, regional and global co-operation.

Resolve to achieve sustainable development within and among our countries in Africa. (Preamble)

We undertake to integrate environmental concerns into all existing and future economic and sectoral policies to ensure that they protect and improve the environment and natural resource base on which the health and welfare of our people depend. (Principle 3)

- Kuala Lumpur Accord on Environment and Development, 1990 (SL)

AWARE, that the management of the environment and the pursuit of sustainable development are imperative to secure the well-being of the people of ASEAN (Association of South East Asian Nations) today and in the future (Preamble)

To give priority to initiatives and efforts enabling the inclusion of environmental factors into economic calculations and thus providing a better base for international economic cooperation. (Principle 3)

- Moscow Declaration: Global Forum on Environment and Development for Human Survival, 1990

Concern with the environment must become pervasive at every level of decision-making, from the personal to the global.

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

† Provide a national framework for integrating development and conservation.
(Principles of a Sustainable Society, p. 11)

Integration of Environment and Development, continued

- The Hague Recommendation on International Environmental Law, 1991 (SL)

The principles of conservation and sustainable use of biological diversity must extend beyond specifically protected areas and should be integrated into industrial, agricultural and all other policies. (Principle II.5a)

- Agenda 21, 1992 (SL)

Prevailing systems for decision-making in many countries tend to separate economic, social and environmental factors at the policy, planning and management levels. This influences the actions of all groups in society, including Governments, industry and individuals, and has important implications for the efficiency and sustainability of development. An adjustment or even a fundamental reshaping of decision-making, in the light of country-specific conditions, may be necessary if environment and development is to be put at the centre of economic and political decision-making, in effect achieving a full integration of these factors. (Paragraph 8.2)

The overall objective is to improve or restructure the decision-making process so that consideration of socioeconomic and environmental issues is fully integrated and a broader range of public participation assured. (Paragraph 8.3)

- Rio Declaration on Environment and Development, 1992 (SL)

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

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

Noting that in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

Recognizing the need to integrate environmental and developmental policies and laws in order to fulfil basic human needs, improve the quality of life, and ensure a more secure future for all; (Preamble)

Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the

conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems. (Article 13.1)

Parties shall ensure that environmental conservation is treated as an integral part of the planning and implementation of activities at all stages and at all levels, giving full and equal consideration to environmental, economic, social and cultural factors.

Integration of Environment and Development, continued

To this end, Parties shall

(a) conduct regular national reviews of environmental and developmental policies and plans;

(b) enact effective laws and regulations which use, where appropriate, economic instruments; and

(c) establish or strengthen institutional structures and procedures to fully integrate environmental and developmental issues in all spheres of decision-making. (Article 13.2)

13. A POLICY OF PREVENTION

- World Charter for Nature, 1982 (SL)

Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; in particular:

a. Activities which are likely to cause irreversible damage to nature shall be avoided; (Principle 11)

Discharge of pollutants into natural systems shall be avoided and:

a. Where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available;

b. Special precautions shall be taken to prevent discharge of radioactive or toxic wastes. (Principle 12)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

Convinced that the potential irreversibility of environmental harm gives rise to special responsibility to prevent such harm (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

Protection of the environment is best achieved by preventing environmental harm rather than by attempting to remedy or compensate for such harm. (Article 6)

Parties shall identify and evaluate substances, technologies, processes and categories of activities which have or are likely to have significant adverse effects on the environment. They shall systematically survey, regulate or manage them with a view to preventing any significant environmental harm. (Article 23)

14. ENVIRONMENTAL IMPACT ASSESSMENT

- World Charter for Nature, 1982 (SL)

Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed; (Principle 11.b)

Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if they are to be undertaken, such activities shall be planned and carried out so as to minimize potential adverse effects; (Principle 11.c)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987.

States shall make or require prior environmental assessments of proposed activities which may significantly affect the environment or use of a natural resource. (Principle 5)

- UNEP Goals and Principles of Environmental Impact Assessment, 1987 (SL)

States (including their competent authorities) should not undertake or authorize activities without prior consideration, at an early stage, of their environmental effects. Where the extent, nature or location of a proposed activity is such that it is likely to significantly affect the environment, a comprehensive environmental impact assessment should be undertaken in accordance with the following principles. (Principle 1)

An EIA should include, at a minimum:

- (a) A description of the proposed activity;*
- (b) A description of the potentially affected environment, including specific information necessary for identifying and assessing the environmental effects of the proposed activity;*
- (c) A description of practical alternatives, as appropriate;*
- (d) An assessment of the likely or potential environmental impacts of the proposed activity and alternatives, including the direct, indirect, cumulative, short-term and long-term effects;*
- (e) An identification and description of measures available to mitigate adverse environmental impacts of the proposed activity and alternatives, and an assessment of those measures;*

(f) An indication of gaps in knowledge and uncertainties which may be encountered in compiling the required information;

(g) An indication of whether the environment of any other State or areas beyond national jurisdiction is likely to be affected by the proposed activity or alternatives;

Environmental Impact Assessment, continued

(h) A brief, non-technical summary of the information provided under the above headings. (Principle 4)

- ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context, 1991 (SL)

Conscious of the need to give explicit consideration to environmental factors at an early stage in the decision-making process by applying environmental impact assessment, at all appropriate administrative levels, as a necessary tool to improve the quality of information presented to decision makers so that environmentally sound decisions can be made paying careful attention to minimizing significant adverse impact, particularly in a transboundary context, (Preamble)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: Duty to establish and implement environmental impact assessment procedures; (Principle I.3d)

- Convention on Biological Diversity, 1992 (LD)

Each Contracting Party, as far as possible and as appropriate, shall:

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures; (Article 14.1.a)

- Rio Declaration on Environment and Development, 1992 (SL)

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority. (Principle 17)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We believe that development in the Arctic must incorporate the application of precautionary approaches to development with environmental implications, including prior assessment and systematic observation of the impacts of such development. Therefore we shall maintain, as appropriate, or put into place as quickly as possible, an internationally transparent domestic process for the

environmental impact assessment of proposed activities that are likely to have a significant adverse impact on the Arctic environment and are subject to decisions by competent national authorities. To this end we support the implementation of the provisions of the Convention on Environmental Impact Assessment in a Transboundary Context. (Principle 8)

Environmental Impact Assessment, continued• Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall identify and evaluate substances, technologies, processes and categories of activities which have or are likely to have significant adverse effects on the environment. They shall systematically survey, regulate or manage them with a view to preventing any significant environmental harm. (Article 23)

Parties shall establish or strengthen environmental impact assessment procedures to ensure that all activities which are likely to have a significant adverse effect on the environment are evaluated before approval. (Article 37.1)

The assessment shall include evaluation of

(a) cumulative, long-term, indirect, long-distance, and transboundary effects,

(b) the possible alternative actions, including not conducting the proposed activity, and

(c) measures to avert or minimize the potential adverse effects. (Article 37.2)

Parties shall designate appropriate national authorities to ensure that environmental impact assessments are effective and conducted under procedures accessible to concerned States, international organisations, persons and non-governmental organisations. Parties shall also ensure that the authority deciding on approval takes into consideration all observations made during the environmental impact assessment process and makes its final decision public. (Article 37.3)

Parties shall conduct periodic reviews both to determine whether activities approved by them are carried out in compliance with the conditions set out in the approval and to evaluate the effectiveness of the prescribed mitigation measures. The results of such reviews shall be made public. (Article 37.4)

States shall take appropriate measures to ensure that before they adopt policies, programmes, and plans that are likely to have a significant adverse effect on the environment, the environmental consequences of such actions are duly taken into account. (Article 37.5)

15. PRECAUTIONARY PRINCIPLE

- World Charter for Nature, 1982 (SL)

Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed; (Principle 11.b)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

We agree that, in the face of threats of irreversible environmental damage, lack of full scientific certainty is no excuse to postpone actions which are justified in their own right. (Principle 62)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: Principle to take precautionary action. (Principle I.3d)

- Agenda 21, 1992 (SL)

In the face of threats of irreversible environmental damage, lack of full scientific understanding should not be an excuse for postponing actions which are justified in their own right. The precautionary approach could provide a basis for policies relating to complex systems that are not yet fully understood and whose consequences of disturbances cannot yet be predicted. (Paragraph 35.3)

- Convention on Biological Diversity, 1992 (LD)

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat, (Preamble)

- Rio Declaration on Environment and Development, 1992 (SL)

In order to protect the environment, the precautionary approach shall be widely applied by states according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15)

- United Nations Framework Convention on Climate Change, 1992 (LD)

The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. (Article 3.3)

Precautionary Principle, continued

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We believe that development in the Arctic must incorporate the application of precautionary approaches to development with environmental implications, including prior assessment and systematic observation of the impacts of such development. (Principle 8)

- Draft International Covenant on Environment and Development, IUCN, 1995

Lack of scientific certainty is no reason to postpone action to avoid potentially significant or irreversible harm to the environment. (Article 7)

16. ESTABLISHING APPROPRIATE DEMOGRAPHIC POLICIES

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems. (Part I, paragraph 5)

Demographic policies which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment of the human environment and impede development. (Principle 16)

- World Charter for Nature, 1982 (SL)

In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology. (Principle 8)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Ensure a Sustainable Level of Population. Population policies should be formulated and integrated with other economic and social development programmes--education, health care, and the expansion of the livelihood base of the poor. Increased access to family planning services is itself a form of social development that allows couples, and women in particular, the right to self-determination. (Principle 4)

- Moscow Declaration: Global Forum on Environment and Development for Human Survival, 1990

The number of human beings has been growing at an unprecedented rate. The limited carrying capacity of the earth's ecosystem cannot sustain a limitless number of human beings at any given time. Therefore, a population policy is an essential component of any effective, long-range environmental strategy.

- Rio Declaration on Environment and Development, 1992 (SL)

To achieve sustainable development and a high quality of life for all people, states should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8)

- Draft International Covenant on Environment and Development, IUCN, 1995

The elimination of unsustainable patterns of production and consumption and the promotion of appropriate demographic policies are necessary to enhance the quality of life for all humanity and reduce disparities in standards of living.
(Article 10)

Establishing Appropriate Demographic Policies, continued

Parties shall develop or strengthen demographic policies in order to achieve sustainable development. To this end, Parties shall

- (a) conduct studies to estimate the size of the human population their environment is capable of supporting and develop programmes relating to population growth at corresponding levels;*
- (b) co-operate to alleviate the stress on natural support systems caused by major population flows;*
- (c) co-operate as requested to provide a necessary infrastructure on a priority basis for areas with rapid population growth; and*
- (d) provide to their populations full information on the options concerning family planning. (Article 27)*

17. ELIMINATION OF UNSUSTAINABLE PRODUCTION AND CONSUMPTION

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind. (Principle 5)

The capacity of the Earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved. (Principle 3)

- World Charter for Nature, 1982 (SL)

Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:

- a. Living resources shall not be utilized in excess of their natural capacity for regeneration;*
- b. The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation;*
- c. Resources, including water, which are not consumed as they are used shall be reused or recycled;*
- d. Non-renewable resources which are consumed as they are used shall be exploited with restraint, taking into account their abundance, the rational possibilities of converting them for consumption, and the compatibility of their exploitation with the functioning of natural systems. (Principle 10)*

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Conserve and Enhance the Resource Base. Sustainability requires the conservation of environmental resources such as clean air, water, forests, and soils; maintaining genetic diversity; and using energy, water and raw materials efficiently. Improvements in the efficiency of production must be accelerated to reduce per capita consumption of natural resources and encourage a shift to non-polluting products and technologies. All countries are called upon to prevent environmental pollution by rigorously enforcing environmental regulations, promoting low-waste technologies, and anticipating the impact of new products, technologies and wastes. (Principle 3)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

To cope with energy-related environmental damage, priority must be given to improvements in energy efficiency and to the development of alternative energy sources. (Principle 70)

Elimination of Unsustainable Production and Consumption, continued

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Ensure that uses of renewable resources are sustainable. Renewable resources include soil, wild and domesticated organisms, forests, rangelands, cultivated land, and the marine and freshwater ecosystems that support fisheries. A use is sustainable if it is within the resource's capacity for renewal.

Minimize the depletion of non-renewable resources. Minerals, oil, gas and coal are effectively non-renewable. Unlike plants, fish or soil, they cannot be used sustainably. However, their "life" can be extended, for example, by recycling, by using less of a resource to make a particular product, or by switching to renewable substitutes where possible. Widespread adoption of such practices is essential if the Earth is to sustain billions more people in future, and give everyone a life of decent quality.

Keep within the Earth's carrying capacity. Precise definition is difficult, but there are finite limits to the "carrying capacity" of the Earth's ecosystems--to the impacts that they and the biosphere as a whole can withstand without dangerous deterioration. The limits vary from region to region, and the impacts depend on how many people there are and how much food, water, energy and raw materials each uses and wastes. A few people consuming a lot can cause as much damage as a lot of people consuming a little. Policies that bring human numbers and lifestyles into balance with nature's capacity must be developed alongside technologies that enhance that capacity by careful management.

Promote technologies that use resources more efficiently. (Principles of a sustainable society, pp. 9-11)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: Principle of sustainable use of natural resources. (Principle I.3d)

- Agenda 21, 1992 (SL)

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances. (Paragraph 4.3)

Measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in the global patterns of consumption and production. (Paragraph 4.4)

Special attention should be paid to the demand for natural resources generated by unsustainable consumption and to the efficient use of those resources consistent

Elimination of Unsustainable Production and Consumption, continued

with the goal of minimizing depletion and reducing pollution. Although consumption patterns are very high in certain parts of the world, the basic consumer needs of a large section of humanity are not being met. This results in excessive demands and unsustainable lifestyles among the richer segments, which place immense stress on the environment. The poorer segments, meanwhile, are unable to meet food, health care, shelter and educational needs. Changing consumption patterns will require a multipronged strategy focusing on demand, meeting the basic needs of the poor, and reducing wastage and the use of finite resources in the production process. (Paragraph 4.5)

Environmentally sound waste management must go beyond the mere safe disposal or recovery of wastes that are generated and seek to address the root cause of the problem by attempting to change unsustainable patterns of production and consumption. This implies the application of the integrated life cycle management concept, which presents a unique opportunity to reconcile development with environmental protection. (Paragraph 21.4)

Accordingly, the framework for requisite action should be founded on a hierarchy of objectives and focused on the four major waste-related programme areas, as follows:

- (a) Minimizing wastes;*
- (b) Maximizing environmentally sound waste reuse and recycling;*
- (c) Promoting environmentally sound waste disposal and treatment;*
- (d) Extending waste service coverage. (Paragraph 21.5)*

The four programmes are interrelated and mutually supportive and must therefore be integrated in order to provide a comprehensive and environmentally responsive framework for managing municipal solid wastes. The mix and emphasis given to each of the four programme areas will vary according to the local socio-economic and physical conditions, rates of waste generation and waste composition. All sectors of society should participate in all the programme areas. (Paragraph 21.6)

• The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Current patterns of water use involve excessive waste. There is great scope for water savings in agriculture, in industry and in domestic water supplies.

Irrigated agriculture accounts for about 80% of water withdrawals in the world. In many irrigation schemes, up to 60% of this water is lost on its way from the source to the plant. More efficient irrigation practices will lead to substantial freshwater savings. (Action Agenda)

- Rio Declaration on Environment and Development, 1992 (SL)

To achieve sustainable development and a high quality of life for all people, states should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8)

Elimination of Unsustainable Production and Consumption, continued

- Draft International Covenant on Environment and Development, IUCN, 1995

The elimination of unsustainable patterns of production and consumption and the promotion of appropriate demographic policies are necessary to enhance the quality of life for all humanity and reduce disparities in standards of living.
(Article 10)

Parties shall endeavour to avoid wasteful use of natural resources and, in particular, shall take measures to ensure the sustainable use of renewable resources. (Article 11.3)

Parties shall ensure that the generation of waste be reduced to a minimum and that waste be disposed of in an environmentally sound manner, to the fullest extent possible in the source Party.
(Article 25.1)

Parties shall seek to develop strategies to reduce or eliminate unsustainable patterns of consumption. Such strategies shall be designed, in particular, to meet the basic needs of the poor and to reduce use of non-renewable resources in the production process. To this end, Parties shall

- (a) collect and disseminate information on consumption patterns and develop or improve methodologies for analysis;*
- (b) ensure that all raw materials and energy are used as efficiently as possible in all products and processes,*
- (c) require recycling of used materials to the fullest extent possible,*
- (d) promote product designs that increase reuse and recycling and as far as possible eliminate waste, and*
- (e) facilitate the role and participation of consumer organisations in promoting more sustainable consumption patterns.* (Article 28)

18. DEVELOPMENT AND TRANSFER OF TECHNOLOGY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind. (Principle 18)

Scientific research and development in the context of environmental problems, both national and multi-national, must be promoted in all countries, especially the developing countries. In this connexion, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries. (Principle 20)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Technology creates risks, but it offers the means to manage them. The capacity for technological innovation needs to be greatly enhanced in developing countries. The orientation of technology development in all countries must also be changed to pay greater regard to environmental factors. National and international institutional mechanisms are needed to assess potential impacts of new technologies before they are widely used. Similar arrangements are required for major interventions in natural systems, such as river diversion or forest clearance. (Principle 5)

Fundamental improvements in market action, technology transfer, and international finance are necessary to help developing countries widen their opportunities by diversifying their economic and trade bases and building their self-reliance. (Principle 7)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

Favourable access to and transfer of environmentally sound technologies, e.g. by offering concessional and preferential terms.

Infrastructures and basic and applied research to promote the development of local, environmentally sound biodiversity related technologies in developing countries. (Principle II.5a)

- Agenda 21, 1992 (SL)

Environmentally sound technologies protect the environment, are less polluting, use all resources in a more sustainable manner, recycle more of their wastes and products, and handle residual wastes in a more acceptable manner than the technologies for which they were substitutes. (Paragraph 34.1)

Development and Transfer of Technology, continued

Environmentally sound technologies are not just individual technologies, but total systems which include know-how, procedures, goods and services, and equipment as well as organizational and managerial procedures. (Paragraph 34.3)

There is a need for favourable access to and transfer of environmentally sound technologies, in particular to developing countries, through supportive measures that promote technology cooperation and that should enable transfer of necessary technological know-how as well as building up of economic, technical, and managerial capabilities for the efficient use and further development of transferred technology. Technology cooperation involves joint efforts by enterprises and Governments, both suppliers of technology and its recipients. Therefore, such cooperation entails an iterative process involving Government, the private sector, and research and development facilities to ensure the best possible results from transfer of technology. Successful long-term partnerships in technology cooperation necessarily require continuing systematic training and capacity building at all levels over an extended period of time. (Paragraph 34.4)

- Rio Declaration on Environment and Development, 1992 (SL)

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

Principle 9)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Promote and cooperate in the development, application and diffusion, including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors. (Article 4.1.c)

Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies. (Article 4.1.h)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on

mutually agreed terms, with a view to accelerating the transition to sustainable development, in particular by establishing joint research programmes and joint ventures.

(Article 41)

19. INTEGRATION OF ENVIRONMENTAL AND ECONOMIC MEASURES

- Tokyo Declaration of the World Commission on Environment and Development, 1987

. . . Development planners should take account in their reckoning of national wealth not only of standard economic indicators, but also of the state of the stock of natural resources . . . (Principle 2)³⁰

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Water has an economic value in all its competing uses and should be recognized as an economic good. Within this principle, it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price. Past failure to recognize the economic value of water has led to wasteful and environmentally damaging uses of the resource. Managing water as an economic good is an important way of achieving efficient and equitable use, and of encouraging conservation and protection of water resources. (Principle 4)

³⁰ NOTE: Choosing a Sustainable Future, the report of the National Commission on the Environment, USA, 1993, includes the following statements on economic indicators, which are in line with the statement of the WCED.

We envision an America in which market prices and economic indicators reflect the full environmental and social costs of human activities. (p. 21)

Getting the prices right involves eliminating price-distorting subsidies, taxing environmentally harmful activities, and revising the way economic activity is measured. (p. 21)

The goal of economic policy should not be growth per se, but sustainable increases in the standard of living, which in turn must be redefined to include not only goods and services but also the quality of air and water and the natural environment. (p. 22)

Resource and environmental factors should be incorporated into macroeconomic measures. (p. 32)

20. THE POLLUTER PAYS

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

We encourage the OECD to accelerate its very useful work on environment and the economy. Of particular importance are the early development of environmental indicators and the design of market-oriented approaches that can be used to achieve environmental objectives. (Principle 73)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

ensure that resource users pay the full social costs of the benefits they enjoy. (Principles of a sustainable society, p. 11)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: Principle of internalization of costs, including the costs of environmental preservation and restoration, taking into account the responsibilities of polluters and users of natural resources. (Principle I.3d)

Furthermore, commercial users of Biodiversity should pay for such use through financial mechanisms which adequately reflect the cost to the natural resource base. National and international accounting systems should be developed to attribute proper value to biodiversity conservation. (Principle II.5a)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Application of the "polluter pays" principle and realistic water pricing will encourage conservation and reuse. (Action Agenda)

- Rio Declaration on Environment and Development, 1992 (SL)

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment. (Principle 16)

The Polluter Pays, continued

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall apply the principle that the costs of preventing, controlling and reducing potential or actual harm to the environment are to be borne by the originator. (Article 11.6)

Parties shall co-operate to establish and maintain an international economic system that equitably meets the developmental and environmental needs of present and future generations. To this end, States shall endeavour to ensure that

*(e) prices of commodities and raw materials reflect the full direct and indirect social and environmental costs of their extraction, production, transport, marketing, and, where appropriate, ultimate disposal.
(Article 30.1.e)*

21. PEACE, DEVELOPMENT, ENVIRONMENT, AND HUMAN RIGHTS ARE INTERDEPENDENT VALUES

- Universal Declaration of Human Rights, 1948 (SL)

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. (Article 28)

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

To defend and improve the human environment for present and future generations has become an imperative goal for mankind--a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of world-wide economic and social development. (Part I, paragraph 6)

- World Charter for Nature, 1982 (SL)

Competition for scarce resources creates conflicts, whereas the conservation of nature and natural resources contributes to justice and the maintenance of peace and cannot be achieved until mankind learns to live in peace and to forsake war and armaments. (Preamble)

- UN Declaration on the Right to Development, 1986 (SL)

Considering that international peace and security are essential elements for the realization of the right to development. (Preamble)

All human rights and fundamental freedoms are indivisible and interdependent, [and, therefore,] equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. (Article 6.2)

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

(Article 7)

All the aspects of the right to development set forth in this Declaration are indivisible and interdependent and each of them should be considered in the context of the whole. (Article 9.1)

- Moscow Declaration: Global Forum on Environment and Development for Human Survival, 1990

World peace, the full and equal participation of women and men, fairness, the elimination of poverty and a determination to protect our children from preventable disease and death, are essential conditions for sustainable, environmentally sound development in our interdependent world.

Interdependent Values, continued

- Rio Declaration on Environment and Development, 1992 (SL)

Peace, development and environmental protection are interdependent and indivisible. (Principle 25)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

concerned that human rights violations lead to environmental degradation and that environmental degradation leads to human rights violations. (Preamble)

Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible. (Part I. Principle 1)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

We share the conviction that social development and social justice are indispensable for the achievement and maintenance of peace and security within and among our nations. In turn, social development and social justice cannot be attained in the absence of peace and security or in the absence of respect for all human rights and fundamental freedoms. This essential interdependence was recognized 50 years ago in the Charter of the United Nations and has grown ever stronger. (Principle 5)

We are deeply convinced that economic development, social development, and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering of the poor to utilize environmental resources sustainably is a necessary foundation for sustainable development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. (Principle 6)

- Draft International Covenant on Environment and Development, IUCN, 1995

Peace, development, environmental protection and respect for human rights and fundamental freedoms are interdependent. (Article 4)

22. INTERGENERATIONAL EQUITY AND RESPONSIBILITY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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 a solemn responsibility to protect and improve the environment for present and future generations. (Principle 1)

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

- Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1979 (LD)

Aware that each generation of man holds the resources of the earth for future generations and has an obligation to ensure that this legacy is conserved and, where utilized, is used wisely. (Preamble)

- World Charter for Nature, 1982 (SL)

Man must acquire the knowledge to maintain and enhance his ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations. (Preamble)

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States shall ensure that the environment and natural resources are conserved and used for the benefit of present and future generations. (Article 2)

- Economic Commission of Europe Charter on Environmental Rights and Obligations, 1990 (SL)

Everyone has the responsibility to protect and conserve the environment for the benefit of present and future generations. (Principle 2)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

One of our most important responsibilities is to pass on to future generations an environment whose health, beauty, and economic potential are not threatened. (Principle 62)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Each generation should leave to the future a world that is at least as diverse and productive as the one it inherited. Development of one society or generation should not limit the opportunities of other societies or generations. (Elements of a world ethic for living sustainably, p. 14)

Intergenerational Equity and Responsibility, continued

- Rio Declaration on Environment and Development, 1992 (SL)

The right to development must be fulfilled so as to equitably meet development and environmental needs of present and future generations. (Principle 3)

- United Nations Framework Convention on Climate Change, 1992 (LD)

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3.1)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

Determined, individually and jointly, to conserve and protect the Arctic environment for the benefit of present and future generations, as well as for the global environment. (Preamble)

- Draft Declaration of Principles on Human Rights and the Environment: Sierra Club Legal Defense Fund, 1994

All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs. (Part I. Principle 4)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

Fulfil our responsibility for present and future generations by ensuring equity among generations, and protecting the integrity and sustainable use of our environment; (Principle 26.b)

- Draft International Covenant on Environment and Development, IUCN, 1995

Recognizing that inter-generational and intra-generational responsibility, as well as solidarity and cooperation among the peoples of the Earth, are necessary to overcome the obstacles to sustainable development. (Preamble)

The freedom of action of each generation in regard to the environment is qualified by the needs of future generations. (Article 5)

23. A JUST AND EQUITABLE INTERNATIONAL ECONOMIC ORDER

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management since economic factors as well as ecological processes must be taken into account. (Principle 10)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Reform International Economic Relations. Long term sustainable growth will require far-reaching changes to produce trade, capital, and technology flows that are more equitable and better synchronized to environmental imperatives. Fundamental improvements in market access, technology transfer, and international finance are necessary to help developing countries widen their opportunities by diversifying their economic and trade bases and building their self-reliance. (Principle 7)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

No individual, community or nation has the right to deprive another of its means of subsistence.

Development of one society or generation should not limit the opportunities of other societies or generations. (Elements of a world ethic for living sustainably, p. 14)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: Principle of equitable use of shared natural resources; (Principle I.3d)

The costs of conservation and sustainable use of biodiversity should be shared equitably, with substantial and additional funding being provided for this purpose by a global biodiversity fund to be established by the contracting parties. (Principle II.5a)

- Rio Declaration on Environment and Development, 1992 (SL)

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade

policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus. (Principle 12)

States should effectively cooperate to discourage or prevent the relocation and transfer to other states of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14)

A Just and Equitable International Economic Order, continued

- United Nations Convention on the Law of the Sea, 1994 (LD)

Bearing in mind that the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked, (Preamble)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm into another. (Article 14)

Parties shall co-operate to establish and maintain an international economic system that equitably meets the developmental and environmental needs of present and future generations. To this end, States shall endeavour to ensure that

(a) trade does not lead to the wasteful use of natural resources nor interfere with their conservation or sustainable use;

(b) trade measures addressing transboundary or global environmental problems are based, as far as possible, on international consensus;

(c) trade measures for environmental purposes do not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade;

(d) unilateral trade measures by importing Parties in response to activities which are harmful or potentially harmful to the environment outside the jurisdiction of such Parties are avoided as far as possible or occur only after consultation with affected States and are implemented in a transparent manner;

and

(e) prices of commodities and raw materials reflect the full direct and indirect social and environmental costs of their extraction, production, transport, marketing, and, where appropriate, ultimate disposal. (Article 30.1)

As regards biological resources, products and derivatives, Parties shall endeavour to ensure that:

(a) trade is based on management plans for the sustainable harvesting of such resources and does not endanger any species or ecosystem; and

(b) Parties, whose biological resources cannot be exported due to prohibitions imposed by a multilateral environmental agreement, shall receive appropriate compensation for losses suffered due to non-compliance by any other party to agreement. (Article 30.2)

Parties shall provide for the fair and equitable sharing of benefits arising out of biotechnologies based upon genetic resources with States providing access to such genetic resources, on mutually agreed terms. (Article 42)

Parties shall require that access to indigenous knowledge be subject to the prior informed consent of the concerned communities and to specific regulations recognising their rights to, and the appropriate economic value of, such knowledge. (Article 43.2)

24. THE ERADICATION OF POVERTY

- Universal Declaration of Human Rights, 1948 (SL)

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services. (Article 25.1)

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap [between] themselves and the developing countries. (Part I, paragraph 4)

Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life. (Principle 8)

Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required. (Principle 9)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

Poverty is a major cause and effect of global environmental problems. It is therefore futile to attempt to deal with environmental problems without a broader perspective that encompasses the factors underlying world poverty and international inequality. (p. 3)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Revive Growth. Poverty is a major source of environmental degradation which not only affects a large number of people in developing countries but also undermines the sustainable development of the entire community of nations--both developing and industrialized. Economic growth must be stimulated, particularly in developing countries, while enhancing the environmental resource base. The

industrialized countries can, and must contribute to reviving world economic growth. There must be urgent international action to resolve the debt crisis; a substantial increase in the flows of development finance; and stabilization of the foreign exchange earnings of low-income commodity exporters. (Principle 1)

The Eradication of Poverty, continued

- Agenda 21, 1992 (SL)

Poverty is a complex multidimensional problem with origins in both the national and international domains. No uniform solution can be found for global application. Rather, country-specific programmes to tackle poverty and international efforts supporting national efforts, as well as the parallel process of creating a supportive international environment, are crucial for a solution to this problem. The eradication of poverty and hunger, greater equity in income distribution and human resource development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries. (Paragraph 3.1)

While managing resources sustainably, an environmental policy that focuses mainly on the conservation and protection of resources must take due account of those who depend on the resources for their livelihoods. Otherwise, it could have an adverse impact both on poverty and on chances for long-term success in resource and environmental conservation. Equally, a development policy that focuses mainly on increasing the production of goods without addressing the sustainability of the resources on which production is based will sooner or later run into declining productivity, which could also have an adverse impact on poverty. A specific anti-poverty strategy is therefore one of the basic conditions for ensuring sustainable development. An effective strategy for tackling the problems of poverty, development and environment simultaneously should begin by focusing on resources, production and people and should cover demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a democratic participation process in association with improved governance. (Paragraph 3.2)

- Rio Declaration on Environment and Development, 1992 (SL)

All states and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. (Principle 5)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

We commit ourselves to the goal of eradicating poverty in the world, through decisive national actions and international cooperation, as an ethical, social, political and economic imperative of humankind. (Commitment 2)

The Eradication of Poverty, continued

- Draft International Covenant on Environment and Development, IUCN, 1995

The eradication of poverty, an indispensable requirement for sustainable development, necessitates a global partnership. (Article 9)

Parties, with the assistance of and in cooperation with other States and international organisations as appropriate, shall seek to take measures which will, directly or indirectly, contribute to the eradication of poverty, including measures to

- (a) enable all individuals to achieve sustainable livelihoods;*
- (b) promote food security and, where appropriate, food self-sufficiency in the context of sustainable agriculture;*
- (c) rehabilitate degraded resources, to the extent practicable, and promote sustainable use of resources for basic human needs;*
- (d) provide potable water and sanitation; and*
- (e) provide education. (Article 29)*

25. FINANCIAL AND TECHNICAL ASSISTANCE FOR DEVELOPING COUNTRIES

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required. (Principle 9)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987.

States shall ensure that conservation is treated as an integral part of the planning and implementation of development activities and provide assistance to other States, especially to developing countries, in support of environmental protection and sustainable development. (Principle 7)

- Declaration of the Hague, 1989 (SL)

The international community and especially the industrialized nations have special obligations to assist developing countries which will be very negatively affected by changes in the atmosphere although the responsibility of many of them for the process may only be marginal today. (Preamble)

The principle that countries to which decisions taken to protect the atmosphere shall prove to be an abnormal or special burden, in view, inter alia, of the level of their development and actual responsibility for the deterioration of the atmosphere, shall receive fair and equitable assistance to compensate them for bearing such burden. (Principle d)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

Cooperation between developed and developing countries is essential to the resolution of global environmental problems. (Principle 71)

We recognize that developing countries will benefit from increased financial and technological assistance to help them resolve environmental problems, which are aggravated by poverty and underdevelopment. (Principle 72)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

Countries to which decisions taken to protect the environment shall prove to be an abnormal or special burden, in view, inter alia, of the level of their development and actual responsibility for the deterioration of the environment, should receive fair and equitable assistance to compensate them for bearing such a burden. (Principle I.3g)

Financial and Technical Assistance, continued

The conservation of biodiversity is a necessary instrument for the future but many countries burdened by serious debt servicing problems and unfair terms of international trade are not in a position to make this investment. In consequence a global strategy should be formulated in order to provide new and additional financial resources. (Principle II.5d)

- Rio Declaration on Environment and Development, 1992 (SL)

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries. (Principle 6)

- Draft International Covenant on Environment and Development, IUCN, 1995

Acknowledging that addressing the particular situation and needs of developing countries, especially those of the least developed and of the most environmentally vulnerable, is a high priority, and that developed countries bear a special responsibility in the pursuit of sustainable development. (Preamble)

Parties shall co-operate in establishing, maintaining, and strengthening ways and means of providing new and additional financial resources, particularly to developing countries for

- (a) environmentally sound development programmes and projects;*
- (b) measures directed towards solving major environmental problems of global concern, and for the implementation measures of this Covenant where it would entail special or abnormal burdens, owing, in particular, to the lack of sufficient financial resources, expertise or technical capacity; and*
- (c) making available, under favourable conditions, the transfer of environmentally sound technologies. (Article 46.1)*

Parties, taking into account their respective capabilities and specific national and regional developmental priorities, objectives and circumstances, shall endeavour to augment their aid programmes to reach the United Nations General Assembly target of 0.7% of Gross National Product for Official Development Assistance or such other agreed figure as may be established. (Article 46.2)

Parties shall consider ways and means of providing relief to debtor developing countries, including by way of cancellations, rescheduling or conversion of debts to investments, provided that such relief is limited to enable the debtor developing countries to further their sustainable development. (Article 46.3)

Parties providing financial resources shall conduct an environmental impact assessment, in cooperation with the recipient State, for the activities to be carried out with the resources provided. (Article 46.4)

26. FULL AND EQUAL PARTICIPATION OF WOMEN

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Recognizing the need to ensure full and equal participation of women and men in the decision-making process related to the promotion of peace and development. (Preamble)

- Moscow Declaration: Global Forum on Environment and Development for Human Survival, 1990

An integrated strategy for sustainable development, which strives to improve the quality of life and eradicate poverty, must include the education of women and girls and raise their role and status to full equality. The extent to which women are free to make responsible decisions affecting their lives and those of their families is crucial to achieving a sustainable balance between population growth, accessible resources and the life environment.

- Agenda 21, 1992 (SL)

The international community has endorsed several plans of action and conventions for the full, equal and beneficial integration of women in all development activities, in particular the Nairobi Forward-looking Strategies for the Advancement of Women, which emphasize women's participation in national and international ecosystem management and control of environment degradation. (Paragraph 24.1)

The following objectives are proposed for national Governments:

To implement the Nairobi Forward-looking Strategies for the Advancement of Women, particularly with regard to women's participation in national ecosystem management and control of environment degradation;

To increase the proportion of women decision makers, planners, technical advisers, managers and extension workers in environment and development fields; (Paragraph 24.2 a & b)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Women play a central part in the provision, management and safeguarding of water. This pivotal role of women as providers and users of water and guardians of the living environment has seldom been reflected in institutional arrangements for the development and management of water resources. Acceptance and implementation of this principle requires positive policies to address women's

specific needs and to equip and empower women to participate at all levels in water resources programmes, including decision-making and implementation, in ways defined by them. (Principle 3)

Full and Equal Participation of Women, continued

- Rio Declaration on Environment and Development, 1992 (SL)

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development. (Principle 20)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

Recognize that empowering people, particularly women, to strengthen their own capacities is a main objective of development and its principal resource. Empowerment requires the full participation of people in the formulation, implementation and evaluation of decisions determining the functioning and well-being of our societies; (Principle 26.m-o)

Strengthen policies and programmes that improve, ensure and broaden the participation of women in all spheres of political, economic, social and cultural life, as equal partners, and improve their access to all resources needed for the full exercise of their fundamental rights; (Principle 26.s)

We commit ourselves to promoting full respect for human dignity and to achieving equality and equity between women and men, and to recognizing and enhancing the participation and leadership roles of woman in political, civil, economic, social and cultural life and in development. (Commitment 5)

27. THE RIGHTS AND ROLE OF INDIGENOUS PEOPLES

- Moscow Declaration; Global Forum on Environment and Development for Human Survival, 1990

We consider it imperative that the cultures and habitats of indigenous peoples be respected and protected. All can learn from their ways of life.

- The Hague Recommendation on International Environmental Law, 1991 (SL)

It is imperative that measure be taken to enable indigenous peoples to exercise their rights. (Principle I.3c)

- Agenda 21, 1992 (SL)

In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives:

(a) Establishment of a process to empower indigenous people and their communities through measures that include:

(i) Adoption or strengthening of appropriate policies and/or legal instruments at the national level;

(ii) Recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate; (Paragraphs 26.3a)

(b) Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programmes relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programmes. (Paragraph 26.3b)

- Rio Declaration on Environment and Development, 1992 (SL)

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development. (Principle 22)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We recognize the special role of the indigenous peoples in environmental management and development in the Arctic, and of the significance of their knowledge and traditional practices, and will promote their effective participation in the achievement of sustainable development in the Arctic. (Principle 7)

The Rights and Role of Indigenous Peoples, continued

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence. (Part II. Principle 14)

Indigenous peoples have the right to protection against any action or course of conduct that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife, or other resources. (Part II. Principle 14)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

Recognize and support indigenous people in their pursuit of economic and social development with full respect for their identity, traditions, forms of social organization and cultural values; (Principle B.m)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall develop or improve mechanisms to facilitate the involvement of indigenous peoples and local communities in environmental decision-making at all levels and shall take measures to enable them to pursue sustainable traditional practices. (Article 12.6)

Parties shall require that access to indigenous knowledge be subject to the prior informed consent of the concerned communities and to specific regulations recognising their rights to, and the appropriate economic value of, such knowledge. (Article 43.2)

28. THE RIGHTS AND RESPONSIBILITIES OF STATES

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.
(Principle 13)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
(Principle 21)

- World Charter for Nature, 1982 (SL)

States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:

- a. Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations;*
- b. Establish standards for products and manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects;*
- c. Implement the applicable international legal provisions for the conservation of nature and the protection of the environment;*
- d. Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;*
- e. Safeguard and conserve nature in areas beyond national jurisdiction.*
(Principle 21)

Taking fully into account the sovereignty of States over their natural resources, each State shall give effect to the provisions of the present Charter through its competent organs and in co-operation with other States. (Principle 22)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems. (Principle 3)

The Rights and Responsibilities of States, continued

States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use. (Principle 4)

States shall make or require prior environmental assessments of proposed activities which may significantly affect the environment or use of a natural resource. (Principle 5)

States shall inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in administrative and judicial proceedings. (Principle 6)

States shall ensure that conservation is treated as an integral part of the planning and implementation of development activities and provide assistance to other States, especially to developing countries, in support of environmental protection and sustainable development. (Principle 7)

States shall co-operate in good faith with other States in implementing the preceding rights and obligations. (Principle 8)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Provide a national framework for integrating development and conservation. All societies need a foundation of information and knowledge, a framework of law and institutions, and consistent economic and social policies if they are to advance in a rational way. A national programme for achieving sustainability should involve all interests, and seek to identify and prevent problems before they arise. It must be adaptive, continually redirecting its course in response to experience and to new needs. (Principles of a sustainable society, p. 11)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

Too often, the established principle of national sovereignty is interpreted so as to neglect the interdependence of the global ecosystem, and this interpretation forms an obstacle to cooperation in the work of attaining sustainable use of natural resources and the preservation of the environment. It should be acknowledged as a rule that the principle of sovereignty implies the duty of a state to protect the environment within its jurisdiction, the duty to prevent transboundary harm, and the duty to preserve the global commons for present and future generations. (Preamble)

States should comply with the duty to protect the environment within its jurisdiction, the duty to prevent transboundary harm, and the duty to preserve the global commons for present and future generations. (Principle I.3a)

When using its own natural resources a state has the duty to do so in a sustainable way. (Principle II.5a)

The Rights and Responsibilities of States, continued

Responsibility of states to ensure that activities within their jurisdiction or control do not cause damage to the biodiversity of other states or of areas beyond the limits of their national jurisdiction. (Principle II.5a)

- Agenda 21, 1992 (SL)

Governments, in cooperation, where appropriate, with international organizations, should adopt a national strategy for sustainable development based on, inter alia, the implementation of decisions taken at the Conference, particularly in respect of Agenda 21. . . . Its goals should be to ensure socially responsible economic development while protecting the resource base and the environment for the benefit of future generations. It should be developed through the widest possible participation. It should be based on a thorough assessment of the current situation and initiatives. (Paragraph 8.7)

- Convention on Biological Diversity, 1992 (LD)

Reaffirming that States have sovereign rights over their own biological resources,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner. (Preamble)

- Rio Declaration on Environment and Development, 1992 (SL)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction. (Principle 2)

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the earth's ecosystem. In view of the different contributions to global environmental degradation, states have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command. (Principle 7)

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and

development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries. (Principle 11)

- Draft International Covenant on Environment and Development, IUCN, 1995

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to utilise their resources to meet their environmental and sustainable developmental needs, and the obligations:

The Rights and Responsibilities of States, continued

- a. to protect and preserve the environment within the limits of their national jurisdiction; and*
- b. to ensure that activities within their jurisdiction or control do not cause potential or actual harm to the environment of other States or of areas beyond the limits of national jurisdiction. (Article 11.1)*

States have, in accordance with the Charter of the United Nations and principles of international law, the right to protect the environment under their jurisdiction from significant harm caused by activities outside their national jurisdiction. If such harm has occurred, they are entitled to appropriate remedies. (Article 11.2)

Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems.(Article 11.5)

Parties shall ensure that environmental conservation is treated as an integral part of the planning and implementation of activities at all stages and at all levels, giving full and equal consideration to environmental, economic, social and cultural factors. To this end, Parties shall

- (a) conduct regular national reviews of environmental and developmental policies and plans;*
- (b) enact effective laws and regulations which use, where appropriate, economic instruments; and*
- (c) establish or strengthen institutional structures and procedures to fully integrate environmental and developmental issues in all spheres of decision-making. (Article 13.2)*

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm into another. (Principle 14)

Parties shall establish action plans, with targets and time-tables, and update them as necessary, to meet the objectives of this Covenant. (Article 35)

Parties shall adopt, strengthen and implement specific national standards, including emission, quality, product, and process, standards, designed to prevent or abate harm to the environment or to restore or enhance environmental quality (Article 38.2)

Parties undertake to provide, in accordance with their capabilities, financial support and incentives for those national activities aimed at achieving the objectives of this Covenant. (Article 45.1)

Parties shall pursue innovative ways of generating new public and private financial resources for sustainable development, including the use of economic instruments, regulatory fees and taxes, and reallocation of resources at present committed to military purposes. (Article 45.2)

29. DEMOCRATIC PARTICIPATION

- World Charter for Nature, 1982 (SL)

All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation. (Principle 16)

All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation. (Principle 23)

- UN Declaration on the Right to Development, 1986 (SL)

Effective measures should be undertaken to ensure that women have an active role in the development process. (Article 8.1)

States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. (Article 8.2)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

Increase the role of the scientific community and non-governmental organizations. (p. 326)

- Tokyo Declaration of the World Commission on Environment and Development, 1987

Greater public participation and free access to relevant information should be promoted in decision-making processes touching on environment and development issues. (Principle 5)

- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989 (SL)

Recognizing the need to ensure full and equal participation of women and men in the decision-making process related to the promotion of peace and development. (Preamble)

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Enable communities to care for their own environments. Most of the creative and productive activities of individuals or groups take place in communities. Communities and citizens' groups provide the most readily accessible means for people to take socially valuable action as well as to express their concerns. Properly mandated, empowered and informed, communities can contribute to decisions that affect them and play an indispensable part in creating a securely-based sustainable society. (Principles of a sustainable society, p. 11)

Democratic Participation, continued

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: the right of access for the public to and the duty of states to provide information relating to environmental impacts and risks and related health hazards. (Principle I.3d)

More participation opportunities for NGOs that deal with conservation and the use of biodiversity. (Principle II.5a)

Acknowledgement and safeguards for the cultural diversity, the promotion of universal human rights, including the rights of indigenous peoples and local communities, and special attention for the ideas and values of cultural minorities and women. (Principle II.5c)

NGOs should have the legal right to play their essential role in the development and enforcement of (international) environmental law.

NGOs should have the legal right to participate effectively in the negotiations of international environmental instruments, including consultative status, the right to speak and voting rights in national delegations and other appropriate fora.

NGOs should be formally involved in the implementation of international instruments, such as monitoring, establishment of conference secretariats and other forms of participation.

Access to all relevant information is fundamental for NGOs to play their role in the development and enforcement of international environmental law. Equal and full access to information, for individuals and institutions, must be recognized as a prerequisite to implementing certain fundamental rights. (Principle IV.7.a-c)

- Agenda 21, 1992 (SL)

Critical to the effective implementation of the objectives, policies and mechanisms agreed to by Governments in all programme areas of Agenda 21 will be the commitment and genuine involvement of all social groups. (Paragraph 23.1)

One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups and organizations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those which potentially

affect the communities in which they live and work. Individuals, groups and organizations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection measures. (Paragraph 23.2)

Democratic Participation, continued

The following objectives are proposed for national Governments:

To implement the Nairobi Forward-looking Strategies for the Advancement of Women, particularly with regard to women's participation in national ecosystem management and control of environment degradation;

To increase the proportion of women decision makers, planners, technical advisers, managers and extension workers in environment and development fields; (Paragraph 24.2 a & b)

Youth comprise nearly 30 per cent of the world's population. The involvement of today's youth in environment and development decision-making and in the implementation of programmes is critical to the long-term success of Agenda 21. (Paragraph 25.1)

Non-governmental organizations play a vital role in the shaping and implementation of participatory democracy. Their credibility lies in the responsible and constructive role they play in society. Formal and informal organizations, as well as grass-roots movements, should be recognized as partners in the implementation of Agenda 21. The nature of the independent role played by non-governmental organizations within a society calls for real participation; therefore, independence is a major attribute of non-governmental organizations and is the precondition of real participation. (Paragraph 27.1)

Non-governmental organizations, including those non-profit organizations representing groups addressed in the present section of Agenda 21, possess well-established and diverse experience, expertise and capacity in fields which will be of particular importance to the implementation and review of environmentally sound and socially responsible sustainable development, as envisaged throughout Agenda 21. The community of non-governmental organizations, therefore offers a global network which should be tapped, enabled and strengthened in support of efforts to achieve these common goals. (Paragraph 27.3)

To ensure that the full potential contribution of non-governmental organizations is realized, the fullest possible communication and cooperation between international organizations, national and local governments and non-governmental organizations should be promoted in institutions mandated, and programmes designed to carry out Agenda 21. Non-governmental organizations will also need to foster cooperation and communication among themselves to reinforce their effectiveness as actors in the implementation of sustainable development. (Paragraph 27.4)

Democratic Participation, continued

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels. The participatory approach involves raising awareness of the importance of water among policy-makers and the general public. It means that decisions are taken at the lowest appropriate level, with full public consultation and involvement of users in the planning and implementation of water projects. (Principle 2)

- Rio Declaration on Environment and Development, 1992 (SL)

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. (Principle 10)

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development. (Principle 20)

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all. (Principle 21)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations. (Article 4.1.i)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We believe that decisions relating to Arctic activities must be made in a transparent fashion and therefore undertake to facilitate, through national rules and legislation, appropriate access to information concerning such decisions, to participation in such decisions and to judicial and administrative proceedings. (Principle 6)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

All persons have the right to information concerning the environment. This includes information, howsoever compiled, on actions and courses of conduct that may affect the environment and information necessary to enable effective public participation in environmental decision-making. The information shall be timely,

Democratic Participation, continued

clear, understandable and available without undue financial burden to the applicant. (Part III. Principle 15)

All persons have the right to hold and express opinions and to disseminate ideas and information regarding the environment. (Part III. Principle 16)

All persons have the right to active, free, and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development. This includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions. (Part III. Principle 18)

All persons have the right to associate freely and peacefully with others for purposes of protecting the environment or the rights of persons affected by environmental harm. (Part III. Principle 19)

- Copenhagen Declaration, World Summit for Social Development, 1995 (SL)

We are convinced that democracy and transparent and accountable governance and administration in all sectors of society are indispensable foundations for the realization of social and people-centred sustainable development. (Principle 4)

Underline the importance of transparent and accountable governance and administration in all public and private national and international institutions;

Recognize that empowering people, particularly women, to strengthen their own capacities is a main objective of development and its principal resource. Empowerment requires the full participation of people in the formulation, implementation and evaluation of decisions determining the functioning and well-being of our societies; (Principle 26.m-o)

We commit ourselves to promoting social integration by fostering societies that are stable, safe and just and based on the promotion and protection of all human rights, and on non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all people, including disadvantaged and vulnerable groups and persons. (Commitment 4)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall co-operate, in the implementation of this Covenant, in good faith with each other and with competent international organisations, and shall provide non-governmental organisations and indigenous peoples with the

appropriate opportunities to participate in decision-making processes. (Article 11.4)

All persons, without being required to prove an interest, have the right to seek, receive, and disseminate information on activities or measures adversely affecting or likely to affect the environment and the right to participate in relevant decision-making processes. (Article 12.3)

30. ENVIRONMENTAL EDUCATION

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to enable man to develop in every respect.
(Principle 19)

- UNESCO Convention for the Protection of the World Cultural Heritage and Natural Heritage, 1972 (LD)

They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.
(Article 27.2)

- World Charter for Nature, 1982 (SL)

Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education.
(Principle 15)

- Convention on the Rights of the Child, 1990

States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and*

persons of indigenous origin;
(e) The development of respect for the natural environment. (Article 29.1)

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

The changes in human attitudes that we call for depend on a vast campaign of education, debate, and public participation. (p. 23)

Environmental Education, continued

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

Change personal attitudes and practices. To adopt the ethic for living sustainably, people must re-examine their values and alter their behaviour. Society must promote values that support the new ethic and discourage those that are incompatible with a sustainable way of life. Information must be disseminated through formal and informal educational systems so that the policies and actions needed for the survival and well-being of the world's societies can be explained and understood. (Principles of a sustainable society, p. 11)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

Adequate policies for environmental education, training, and the stimulation of awareness concerning biodiversity amongst individuals, governments, business communities, NGOs and others, and to ask for the binding obligation of states to include bio-diversity issues into their national education plans. (Principle II.5b)

- Agenda 21, 1992 (SL)

Education, raising of public awareness and training are linked to virtually all areas in Agenda 21, and even more closely to the ones on meeting basic needs, capacity-building, data and information, science, and the role of major groups. (Paragraph 36.1)

Education, including formal education, public awareness and training should be recognized as a process by which human beings and societies can reach their fullest potential. Education is critical for promoting sustainable development and improving the capacity of the people to address environment and development issues. While basic education provides the underpinning for any environmental and development education, the latter needs to be incorporated as an essential part of learning. Both formal and non-formal education are indispensable to change people's attitudes so that they have the capacity to assess and address their sustainable development concerns. It is also critical for achieving environmental and ethical awareness, values and attitudes, skills and behaviour consistent with sustainable development and for effective public participation in decision-making. To be effective, environment and development education should deal with the dynamics of both the physical/biological and socio/economic environment and human (which may include spiritual) development, be integrated in all disciplines, and should employ formal and non-formal methods and effective means of communication. (Paragraph 36.3)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Awareness raising is a vital part of a participatory approach to water resources management. Information, education and communication support programmes must be an integral part of the development process. (Action Agenda)

Environmental Education, continued

- United Nations Framework Convention on Climate Change, 1992 (LD)

Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations. (Article 4.1.i)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

All persons have the right to environmental and human rights education. (Part III. Principle 17)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall disseminate environmental knowledge by providing to their public and, in particular, to indigenous peoples and local communities, information, educational materials, and opportunities for environmental training and education. (Article 44.1)

Parties shall co-operate with each other, and where appropriate with competent international and national organisations, to promote environmental education, training, capacity-building, and public awareness. (Article 44.2)

31. EQUAL ACCESS TO ADMINISTRATIVE AND JUDICIAL PROCEDURES

- World Charter for Nature, 1982 (SL)

All persons, in accordance with their national legislation . . . shall have access to means of redress when their environment has suffered damage or degradation.
(Principle 23)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

State shall inform in a timely manner all persons likely to be significantly affected by a planned activity and to grant them equal access and due process in administrative and judicial proceedings. (Principle 6)

States shall grant equal access, due process and equal treatment in administrative and judicial proceedings to all persons who are or may be affected by transboundary interferences with their use of a natural resource or the environment. (Principle 20)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In developing environmental policies at the national and international levels, states should apply inter alia: duty to ensure public participation in legislative, administrative, and judicial procedures. (Principle I.3d)

In developing environmental policies at the national and international levels, states should apply inter alia: in case of transnational harm, the principle of equal access to courts both in the country where the activity took place and in the country where the actor has significant operations. (Principle I.3d)

- Rio Declaration on Environment and Development, 1992 (SL)

. . . Effective access to judicial and administrative proceedings, including redress and remedy shall be provided. (Principle 10)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

All persons have the right to effective remedies and redress in administrative or judicial proceedings for environmental harm or the threat of such harm. (Part III. Principle 20)

- Draft International Covenant on Environment and Development, IUCN, 1995

All persons have the right to effective access to judicial and administrative proceedings, including for redress and remedy, in enforcing their rights under this Covenant. (Article 12.4)

Equal Access to Administrative and Judicial Procedures, continued

Each State Party of origin shall ensure that any person in another State Party who is adversely affected by transboundary environmental harm has the right of access to administrative and judicial procedures equal to that afforded nationals or residents of the State Party of origin in cases of domestic environmental harm.
(Article 53.1)

32. LIABILITY AND REMEDY (RESTORATION OR COMPENSATION)

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

States shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction. (Principle 22)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

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

- The Hague Recommendation on International Environmental Law, 1991 (SL)

States should establish, both at the international and national levels, strict liability regimes for addressing environmental harm, applicable to both public and private actors. (Principle I.3e)

- Rio Declaration on Environment and Development, 1992 (SL)

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction. (Principle 13)

- Draft International Covenant on Environment and Development, IUCN, 1995

Each State Party is liable for significant harm to the environment of other States or of areas beyond the limits of national jurisdiction, as well as for injury to persons resulting therefrom, caused by acts or omissions of its organs or by activities under its jurisdiction or control. (Article 48)

Each State Party shall cease activities causing significant harm to the environment and shall, as far as practicable, re-establish the situation that would

have existed if the harm had not occurred. Where that is not possible, the State Party of the origin of the harm shall provide compensation or other remedy for the harm. In particular, Parties shall co-operate to develop and improve means to remedy the harm, including measures for rehabilitation, restoration or reinstatement of habitats of particular conservation concern. (Article 49.1)

Liability and Remedy, continued

Parties shall ensure the availability of effective civil remedies that provide for cessation of harmful activities as well as for compensation to victims of environmental harm irrespective of the nationality or the domicile of the victims.
(Article 52.1)

33. NON-VIOLENT CONFLICT RESOLUTION

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States, when they cannot avoid international disputes concerning the use of a natural resource or concerning an environmental interference in accordance with the preceding articles, shall settle such disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

States shall accordingly seek a settlement of such disputes by negotiation, good offices, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to appropriate bodies or arrangements whether global or regional, or by an other peaceful means of their own choice.

In the event of a failure to reach a solution by another non-binding peaceful means within a period of 18 months after the dispute has arisen or within any other period of time agreed upon by the States concerned, the dispute shall be submitted to conciliation at the request of any of the States concerned, unless it is agreed to proceed with an already agreed peaceful means or to submit the dispute to another binding or non-binding means of peaceful settlement.

In the event that the conciliation envisaged in Paragraph 3, or any other non-binding means of peaceful settlement resorted to in lieu thereof, does not lead to a solution of the dispute, the dispute shall be submitted to arbitration or judicial settlement at the request of any of the States concerned, unless it is agreed to submit the dispute to another means of peaceful settlement. (Article 22)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987.

States shall settle environmental disputes by peaceful means. If mutual agreement on a solution or on other dispute settlement arrangements is not reached within 18 months, the dispute shall be submitted to conciliation and, if unresolved, thereafter to arbitration or judicial settlement at the request of any of the concerned States. (Principle 22)

- Statement of the Ottawa Meeting of Legal and Policy Experts on Atmosphere/Climate Change, 1989 (SL)

If a dispute arises concerning the interpretation or application of this Convention, the parties to the dispute shall, at the request of any one of them, consult among themselves as soon as possible with a view to having the dispute resolved by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement,

resort to means of peaceful settlement provided for by a competent international organization, or other peaceful means of their own choice. (Principle 20.1)

Non-Violent Conflict Resolution, continued

- Rio Declaration on Environment and Development, 1992 (SL)

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.
(Principle 26)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall settle disputes concerning the interpretation or application of this Covenant by peaceful means, such as by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or by any other peaceful means of their own choice. (Article 62.1)

If parties to a dispute do not reach agreement on a solution or on a dispute settlement arrangement within one year following the notification by one party to another that a dispute exists, the dispute shall, at the request of one of the parties, be submitted to either an arbitral tribunal, including the Permanent Court of Arbitration, or to judicial settlement, including by the International Court of Justice and the International Tribunal for the Law of the Sea as appropriate. (Article 62.2)

34. DEVELOPMENT OF INTERNATIONAL ENVIRONMENTAL LAW

- Our Common Future, Report of World Commission on Environment and Development (WCED), 1987

Building on the 1972 Stockholm Declaration, the 1982 Nairobi Declaration, and many existing international conventions and General Assembly resolutions, there is now a need to consolidate and extend relevant legal principles in a new charter to guide state behaviour in the transition to sustainable development. It would provide the basis for, and be subsequently expanded into, a Convention, setting out the sovereign rights and reciprocal responsibilities of all states on environmental protection and sustainable development. The charter should prescribe new norms for state and interstate behaviour needed to maintain livelihoods and life on our shared planet, including basic norms for prior notification, consultation, and assessment of activities likely to have an impact on neighbouring states or global commons. These could include the obligation to alert and inform neighbouring states in the event of an accident likely to have a harmful impact on their environment. Although a few such norms have evolved in some bilateral and regional arrangements, the lack of wider agreement on such basic rules for interstate behaviour undermines both the sovereignty and economic development potential of each and all states.

We recommend that the General Assembly commit itself to preparing a universal Declaration and later a Convention on environmental protection and sustainable development. (p. 332-33)

- Declaration of the Hague, 1989 (SL)

Therefore we consider that, faced with a problem the solution to which has three salient features, namely that it is vital, urgent and global, we are in a situation that calls not only for implementation of existing principles but also for a new approach, through the development of new principles of international law including new and more effective decision-making and enforcement mechanisms. (Preamble)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

In order to contribute to the solution of global environmental problems, international environmental law needs to be progressively developed and effectively implemented and enforced. (Principle I. introduction)

- Agenda 21, 1992 (SL)

The following vital aspects of the universal, multilateral and bilateral treaty-making process should be taken into account:

- (a) The further development of international law on sustainable development, giving special attention to the delicate balance between environmental and developmental concerns;*
- (b) The need to clarify and strengthen the relationship between existing international instruments or agreements in the field of environment and relevant*

Development of International Environmental Law, continued

social and economic agreements or instruments, taking into account the special needs of developing countries. (Paragraph 39.1)

The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments taking into account both universal principles and the particular and differentiated needs and concerns of all countries. (Paragraph 39.2)

- Rio Declaration on Environment and Development, 1992 (SL)

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this declaration and in the further development of international law in the field of sustainable development. (Principle 27)

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We recognize the need for effective application of existing legal instruments relevant to protection of the Arctic environment, and will cooperate in the future development of such instruments, as needed. We support the early ratification of the United Nations Conventions on Biological Diversity and Climate Change. (Principle 10)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall co-operate to formulate, develop, and strengthen international rules, standards and recommended practices on issues of common concern for the protection and preservation of the environment and sustainable use of natural resources, taking into account the need for flexible means of implementation based on their respective capabilities. (Article 38.1)

35. PREVENT, REDUCE, CONTROL POLLUTION

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported. (Principle 6)

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

- Geneva Convention on Long-Range Transboundary Air Pollution, 1979 (LD)

The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary pollution. (Article 2)

- World Charter for Nature, 1982 (SL)

Discharge of pollutants into natural systems shall be avoided and:

- a. Where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available;*
- b. Special precautions shall be taken to prevent discharge of radioactive or toxic wastes. (Principle 12)*

Measures intended to prevent, control or limit natural disasters, infestations and diseases shall be specifically directed to the causes of these scourges and shall avoid adverse side-effects on nature. (Principle 13)

- Agenda 21, 1992 (SL)

A substantial use of chemicals is essential to meet the social and economic goals of the world community and today's best practice demonstrates that they can be used widely in a cost-effective manner, and with a high degree of safety. However, a great deal remains to be done to assure the environmentally sound management of toxic chemicals, within the principles of sustainable development and improved quality of life for humankind. Two of the major problems, particularly in developing countries, are (a) lack of sufficient scientific

information for the assessment of risks entailed by the use of a great number of chemicals, and (b) lack of resources for assessment of chemicals for which data are not at hand.

(Paragraph 19.1)

Effective control of the generation, storage, treatment, recycling and reuse, transport, recovery and disposal of hazardous wastes is of paramount importance for proper health, environmental protection and natural resource management, and

Prevent, Reduce, Control Pollution, continued

sustainable development. This will require the active cooperation and participation of the international community, Governments and industry. (Paragraph 20.1)

Within the framework of integrated life-cycle management, the overall objective is to prevent to the extent possible, and minimize, the generation of hazardous wastes, as well as to manage those wastes in such a way that they do not cause harm to health and the environment. (Paragraph 20.6)

The safe and environmentally sound management of the radioactive wastes, including their minimization, transportation and disposal, is important, given their characteristics. In most countries with a substantive nuclear power programme technical and administrative measures have been taken to implement a waste management system. In many other countries, still only in preparation for a national nuclear programme or with only nuclear applications, such systems are still needed. (Paragraphs 22.2)

The objective of this programme area is to ensure that radioactive wastes are safely managed, transported, stored and disposed of, with a view to protecting human health and the environment, within a wider framework of an interactive and integrated approach to radioactive waste management and safety. (Paragraph 22.3)

- United Nations Convention on the Law of the Sea, 1994 (LD)

States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection. (Article 194.1)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm into another. (Article 14)

Parties shall take, individually or jointly as appropriate, all measures that are necessary to prevent, reduce, and control pollution of any part of the environment, in particular from radioactive, toxic, and other hazardous substances. For this purpose, they shall use the best practicable means at their disposal and shall endeavour to harmonise their policies. (Article 24)

36. SCIENCE AND TECHNOLOGY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind. (Principle 18)

Scientific research and development in the context of environmental problems, both national and multi-national, must be promoted in all countries, especially the developing countries. In this connexion, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries. (Principle 20)

- World Charter for Nature, 1982 (SL)

Reaffirming that man must acquire the knowledge to maintain and enhance his ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations. (Preamble)

Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; (Principle 11)

Constant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind. (Principle 18)

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States shall establish systems for the collection and dissemination of data and regular observation of natural resources and the environment in order to permit adequate planning of the use of natural resources and the environment, to permit early detection of interferences with natural resources or the environment and ensure timely intervention, and to facilitate the evaluation of conservation policies and methods. (Principle 4.b)

Science and Technology, continued

- Agenda 21, 1992 (SL)

Scientific knowledge should be applied to articulate and support the goals of sustainable development, through scientific assessments of current conditions and future prospects for the Earth system. Such assessments, based on existing and emerging innovations within the sciences, should be used in the decision-making process and in the interactive processes between the sciences and policy-making. There needs to be an increased output from the sciences in order to enhance understanding and facilitate interaction between science and society. An increase in the scientific capacity and capability to achieve these goals will also be required, particularly in developing countries. (Paragraph 35.3)

- Rio Declaration on Environment and Development, 1992 (SL)

*States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.
(Principle 9)*

- United Nations Framework Convention on Climate Change, 1992 (LD)

Promote and cooperate in the development, application and diffusion, including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors. (Article 4.1.c)

Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies. (Article 4.1.g)

Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies. (Article 4.1.h)

Science and Technology, continued• Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall conduct scientific research and establish, strengthen, and implement scientific monitoring programmes for the collection of environmental data and information to determine, inter alia,

- (a) the condition of all components of the environment, including changes in the status of natural resources; and*
- (b) the effects, especially the cumulative or synergistic effects, of particular substances, activities, or combinations thereof on the environment. (Article 39.1)*

Parties shall promote scientific and technical cooperation in the field of environmental conservation and sustainable use of natural resources, in particular with developing countries. In promoting such cooperation, special attention should be given to the development and strengthening of national capacities, through the development of human resources, legislation and institutions. (Article 40.1)

Parties shall

- (a) co-operate to establish comparable or standardised research techniques, harmonise international methods to measure environmental parameters, promoting widespread and effective participation of all States in establishing such international methodologies;*
- (b) exchange, on a regular basis, appropriate scientific, technical and legal data, information and experience, in particular concerning the status of biological resources; and*
- (c) inform each other on their environmental conservation measures and endeavour to coordinate such measures. (Article 40.2)*

*Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on mutually agreed terms, with a view to accelerating the transition to sustainable development, in particular by establishing joint research programmes and joint ventures.
(Article 41)*

Parties shall facilitate the exchange of publicly available information relevant to the conservation and sustainable use of natural resources, taking into account the special needs of developing countries. (Article 43.1)

37. ENVIRONMENTAL STANDARDS AND MONITORING

- World Charter for Nature, 1982 (SL)

The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods. (Principle 19)

Establish standards for products and manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects. (Principle 21.b)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use. (Principle 4)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

Standards and general criteria for conservation and sustainable use. These should be developed at a local level and be adapted to local ecosystems, cultures, values and social and economic conditions. Where necessary, networks of protected areas, corridors and integrated management zones should be established. (Principle II.5b)

- Rio Declaration on Environment and Development, 1992 (SL)

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries. (Principle 11)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall co-operate to formulate, develop, and strengthen international rules, standards and recommended practices on issues of common concern for the protection and preservation of the environment and sustainable use of natural resources, taking into account the need for flexible means of implementation based on their respective capabilities. (Article 38.1)

Parties shall adopt, strengthen and implement specific national standards, including emission, quality, product, and process, standards, designed to prevent or abate harm to the environment or to restore or enhance environmental quality. (Article 38.2)

Parties shall conduct scientific research and establish, strengthen, and implement scientific monitoring programmes for the collection of environmental data and information to determine, inter alia,

Environmental Standards and Monitoring, continued

(a) the condition of all components of the environment, including changes in the status of natural resources; and

(b) the effects, especially the cumulative or synergistic effects, of particular substances, activities, or combinations thereof on the environment. (Article 39.1)

38. PREVENTION OF TRANSBOUNDARY HARM

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 21)

- Geneva Convention on Long-Range Transboundary Air Pollution, 1979 (LD)

The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary pollution. (Article 2)

- World Charter for Nature, 1982 (SL)

States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:

d. Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;

e. Safeguard and conserve nature in areas beyond national jurisdiction (Principle 21.d & e)

- Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987

States shall use transboundary natural resources in a reasonable and equitable manner. (Article 9)

States shall prevent or abate any transboundary environmental interference which could cause or causes significant harm (but subject to certain exceptions provided for in Art. 11 and Art. 12 below). (Principle 10)

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

States shall enter into negotiations with the affected State on the equitable conditions under which the activity could be carried out when planning to carry out or permit activities causing transboundary harm which is substantial but far less than the cost of prevention. (Principle 12)

Prevention of Transboundary Harm, continued

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

States shall co-operate in good faith with other States to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental interferences. (Principle 14)

States of origin shall provide timely and relevant information to the other concerned States regarding transboundary natural resources or environmental interferences. (Principle 15)

States shall provide prior and timely notification and relevant information to the other concerned States and shall make or require an environmental assessment of planned activities which may have significant transboundary effects. (Principle 16)

States of origin shall consult at an early stage and in good faith with other concerned States regarding existing or potential transboundary interferences with their use of a natural resource or the environment. (Principle 17)

States shall co-operate with the concerned States in monitoring, scientific research and standard setting regarding transboundary natural resources and environmental interferences. (Principle 18)

States shall develop contingency plans regarding emergency situations likely to cause transboundary environmental interferences and shall promptly warn, provide relevant information to and co-operate with concerned States when emergencies occur. (Principle 19)

- Rio Declaration on Environment and Development, 1992 (SL)

States should effectively cooperate to discourage or prevent the relocation and transfer to other states of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14)

States shall immediately notify other states of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those states. Every effort shall be made by the international community to help states so afflicted. (Principle 18)

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse transboundary environmental effect and shall consult with those states at an early stage and in good faith. (Principle 19)

Prevention of Transboundary Harm, continued

- Nuuk Declaration on Environment and Development in the Arctic, 1993 (SL)

We underline the importance of prior and timely notification and consultation regarding activities that may have significant adverse transboundary environmental effects, including preparedness for natural disasters and other emergencies that are likely to produce sudden harmful effects on the Arctic environment or its peoples. (Principle 9)

- Draft International Covenant on Environment and Development, IUCN, 1995

States have . . . the obligation

b. to ensure that activities within their jurisdiction or control do not cause potential or actual harm to the environment of other States or of areas beyond the limits of national jurisdiction. (Article 11.1.b)

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm into another. (Article 14)

Each party shall, without delay and by the most expeditious means available, notify potentially affected States and competent international organisations of any emergency originating within its jurisdiction or control, or of which it has knowledge, that may cause harm to the environment. (Article 15.1)

A Party within whose jurisdiction or control an emergency originates shall immediately take all practicable measures necessitated by the circumstances, in cooperation with potentially affected States, and where appropriate, competent international organisations, to prevent, mitigate and eliminate harmful effects of the emergency. (Article 15.2)

Parties shall develop joint contingency plans for responding to emergencies, in co-operation, where appropriate, with other States and competent international organisations. (Article 15.3)

Parties shall prohibit the transboundary movement of radioactive, toxic, or other hazardous waste where there has been no prior informed consent of the transit and receiving States and to or through States where such transboundary movement has been prohibited. Under no circumstances shall there be any export of such waste where the exporting Party has reason to believe that it will not be managed or disposed of in an environmentally sound manner. If a transboundary movement cannot be completed in compliance with these requirements, the

exporting Party shall ensure that such waste is taken back if alternative environmentally sound arrangements cannot be made. (Article 25.b)

Prevention of Transboundary Harm, continued

Parties shall take appropriate measures to prevent transboundary environmental harm. When a proposed activity may generate such harm, Parties shall

- (a) ensure that an environmental impact assessment is undertaken, as provided in Article 37;*
- (b) give prior and timely notification, along with relevant information, to potentially affected States, and consult in good faith with those States at an early stage; and*
- (c) grant potentially affected persons in other States access to, as well as due process in, administrative and judicial proceedings, without discrimination on the basis of residence or nationality. (Article 33)*

39. EQUITABLE USE OF TRANSBOUNDARY NATURAL RESOURCES

- Draft Principles of Conduct in the Field of Environment for Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States, 1978 (SL)

Exchange of information, notification, consultations and other forms of co-operation regarding shared natural resources are carried out on the basis of the principle of good faith and in the spirit of good neighbourliness and in such a way as to avoid any unreasonable delays either in the forms of co-operation or in carrying out development or conservation projects. (Principle 7)

- Convention on the Conservation of European Wildlife and Natural Habitats, 1979

Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in the Appendices I and II, and the conservation of endangered natural habitats. (Article 4.1)

The Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas. (Article 4.3)

The Contracting Parties undertake to co-ordinate as appropriate their efforts for the protection of the natural habitats referred to in this Article when these are situated in frontier areas. (Article 4.4)

- Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1979 (LD)

Recognizing that the States are and must be the protectors of the migratory species of wild animals that live within or pass through their national jurisdictional boundaries. (Preamble)

Convinced that conservation and effective management of migratory species of wild animals require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle. (Preamble)

The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status

of which is unfavourable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat. (Article 2.1)

- Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987

States shall use transboundary natural resources in a reasonable and equitable manner. (Article 9)

Equitable Use Of Transboundary Natural Resources, continued

States shall co-operate in good faith with the other States concerned in maintaining or attaining for each of them a reasonable and equitable use of a transboundary natural resource or in preventing or abating a transboundary environmental interference or significant risk thereof. (Article 14.1)

The co-operation shall, as much as possible, be aimed at arriving at an optimal use of the transboundary natural resource or at maximizing the effectiveness of measures to prevent or abate a transboundary environmental interference. (Article 14.2)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall co-operate in the conservation, management and restoration of natural resources which occur in areas under the jurisdiction of more than one State, or fully or partly in areas beyond the limits of national jurisdiction. To this end,

(a) Parties sharing the same natural system shall manage that system as a single ecological unit notwithstanding national boundaries. They shall co-operate on the basis of equity and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonised policies and strategies covering the entire system and the ecosystems it contains. With regard to aquatic systems, such agreements shall cover the entire catchment area, including the adjoining marine environment.

(b) Parties sharing the same species or population, whether migratory or not, shall treat such species or population as a single biological unit. They shall co-operate, in particular through bilateral and multilateral agreements, in order to maintain the species or population concerned in a favourable conservation status. In the case of a harvested species or population, all the range Parties of that species or population shall co-operate in the development and implementation of a joint management

plan to ensure the sustainable use of that resource and the equitable sharing of the benefits deriving from that use. (Article 34)

40. PROTECTION OF THE ATMOSPHERE

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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

- World Charter for Nature, 1982 (SL)

Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they co-exist. (Principle 4)

- Vienna Convention for the Protection of the Ozone Layer, 1988 (LD)

The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer. (Article 2.1)

- Declaration of the Hague, 1989 (SL)

The right to live is the right from which all other rights stem. Guaranteeing this right is the paramount duty of those in charge of all States throughout the world. (Preamble)

Authoritative scientific studies have shown the existence and scope of considerable dangers linked in particular to the warming of the atmosphere and to the deterioration of the ozone layer. (Preamble)

According to present scientific knowledge, the consequences of these phenomena may well jeopardize ecological systems as well as the most vital interests of mankind at large. (Preamble)

Because the problem is planet-wide in scope, solutions can only be devised on a global level. Because of the nature of the dangers involved, remedies to be sought involve not only the fundamental duty to preserve the ecosystem, but also the right to live in dignity in a viable global environment, and the consequent duty of the

community of nations vis-à-vis present and future generations to do all that can be done to preserve the quality of the atmosphere. (Preamble)

The principle of developing, within the framework of the United Nations, new institutional authority, either by strengthening existing institutions or by creating a new institution, which, in the context of the preservation of the earth's atmosphere, shall be responsible for combating any further global warming of the atmosphere and shall involve such decision-making procedures as may be effective even if, on occasion, unanimous agreement has not been achieved;
(Principle a)

Protection of the Atmosphere, continued

The principle that this institutional authority undertake or commission the necessary studies, be granted appropriate information upon request, ensure the circulation and exchange of scientific and technological information - including facilitation of access to the technology needed - develop instruments and define standards to enhance or guarantee the protection of the atmosphere and monitor compliance herewith; (Principle b)

- Statement of the Ottawa Meeting of Legal and Policy Experts on Atmosphere/Climate Change, 1989 (SL)

Without prejudice to the sovereignty of States over the airspace superjacent to their territory as recognized by international law, and for the purposes of this Convention, the atmosphere, as defined, constitutes a common resource of vital interest to mankind. (Principle 3)

Obligation to protect and preserve the atmosphere. States have the obligation to protect and preserve the atmosphere. (Principle 4)

States shall take all appropriate measures to prevent, reduce or control any international atmospheric interference or significant risk thereof arising from activities under their jurisdiction or control. To this end they shall, in accordance with the best practicable means at their disposal and their capabilities, develop and implement policies and strategies and as a part of them control measures taking into account the nature, extent and effects of the atmospheric interference and the extent to which the atmospheric interference arises from activities under their jurisdiction or control. (Principle 7)

- Economic Declaration, Economic Summit of Industrialized Nations, 1990 (SL)

Climate change is of key importance. We are committed to undertake common efforts to limit emissions of greenhouse gases, such as carbon dioxide. (Principle 63)

We welcome the amendment of the Montreal Protocol to phase out the use of chlorofluorocarbons (CFCs) by the year 2000 and to extend coverage of the Protocol to other ozone depleting substances. (Principle 64)

- United Nations Framework Convention on Climate Change, 1992 (LD)

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind. (Preamble)

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind, (Preamble)

Protection of the Atmosphere, continued

The ultimate objective of this Convention and any related legal instruments that the Conference of the parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate systems. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. (Article 2)

- United Nations Framework Convention on Climate Change, 1992 (LD)

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3.1)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall take all appropriate measures to prevent the depletion of stratospheric ozone. To that end, Parties shall restrict human activities which modify or are likely to modify the stratospheric ozone layer in ways that adversely affect human health and the environment. (Article 16)

Parties shall take all appropriate measures to achieve the stabilization of concentrations of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production, essential ecological processes, and biological diversity are not threatened, and to enable economic development to proceed in a sustainable manner. (Article 17)

41. CONSERVATION AND REGENERATION OF SOILS

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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

- World Charter for Nature, 1982 (SL)

Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:

The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation; (Principle 10.b)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall ensure the conservation and where necessary the regeneration of soils for all living systems by taking effective measures to prevent soil erosion, to combat desertification, to safeguard the processes of organic decomposition and to promote the continuing fertility of soils. (Article 18)

42. PRESERVATION AND RESTORATION OF WATER QUALITY

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

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

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

- Agenda 21, 1992 (SL)

The marine environment--including the oceans and all seas and adjacent coastal areas--forms an integrated whole that is an essential component of the global life-support system and a positive asset that presents opportunities for sustainable development. International law, as reflected in the provisions of the United Nations Convention on the Law of the Sea referred to in this chapter of Agenda 21, sets forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources. (Paragraph 17.1)

Water is needed in all aspects of life. The general objective is to make certain that adequate supplies of water of good quality are maintained for the entire population of this planet, while preserving the hydrological, biological and chemical functions of ecosystems, adapting human activities within the capacity limits of nature and combating vectors of water-related diseases. Innovative technologies, including the improvement of indigenous technologies, are needed to fully utilize limited water resources and to safeguard those resources against pollution. (Paragraph 18.2)

The widespread scarcity, gradual destruction and aggravated pollution of freshwater resources in many world regions, along with the progressive encroachment of incompatible activities, demand integrated water resources planning and management. (Paragraph 18.3)

- The Dublin Statement on Water and Sustainable Development, 1992 (SL)

Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment. Since water sustains life, effective management of water resources demands a holistic approach, linking social and

economic development with protection of natural ecosystems. Effective management links land and water uses across the whole of a catchment area or groundwater aquifer. (Principle 1)

Water is a vital part of the environment--and a home for many forms of life on which the well-being of humans ultimately depends. Disruption of flows has reduced the productivity of many such ecosystems, devastated fisheries, agriculture

Preservation and Restoration of Water Quality, continued

and grazing, and marginalized the rural communities which rely on these. Various kinds of pollution, including transboundary pollution, exacerbate these problems, degrade water supplies, require more expensive water treatment, destroy aquatic fauna, and deny recreation opportunities.

Integrated management of river basins provides the opportunity to safeguard aquatic ecosystems, and make their benefits available to society on a sustainable basis. (Action Agenda)

- United Nations Convention on the Law of the Sea, 1994 (LD)

States have the obligation to protect and preserve the marine environment.
(Article 192)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall take all appropriate measures to maintain and restore the quality of water including atmospheric, marine, ground and surface fresh water, to meet basic human needs and as an essential component of aquatic systems. They shall, in particular, establish standards to safeguard the supply and quality of sources of drinking water and to maintain the capacity of aquatic systems to support life.
(Article 19)

43. INTRODUCTION OF ALIEN AND MODIFIED ORGANISMS

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall prohibit the intentional introduction into the environment of alien or modified organisms which are likely to have adverse effects on other organisms or the environment. They shall also take the appropriate measures to prevent accidental introduction or escape of such organisms. (Article 26.1)

Parties shall regulate and manage the risks associated with the development, use and release of modified organisms resulting from biotechnologies which are likely to have adverse effects on other organisms or the environment. (Article 26.2)

Parties shall take all appropriate measures to control and, to the extent possible, eradicate introduced alien or modified organisms when such organisms have or are likely to have a significant adverse effect on other organisms or the environment. (Article 26.3)

44. PREVENTION OF ENVIRONMENTAL DEGRADATION CAUSED BY MILITARY ACTIVITIES

- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972 (SL)

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons. (Principle 26)

- Protocol Additional to the Geneva Conventions of August 12, 1949, 1978 (LD)

It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. (Article 35.3)

Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population. (Article 55.1)

Attacks against the natural environment by way of reprisals are prohibited. (Article 55.2)

- World Charter for Nature, 1982 (SL)

Nature shall be secured against degradation caused by warfare or other hostile activities. (Principle 5)

Military activities damaging to nature shall be avoided. (Principle 20)

- The Hague Recommendation on International Environmental Law, 1991 (SL)

States must abstain from damaging biodiversity as a means of military action. (Principle II.5a)

- Rio Declaration on Environment and Development, 1992 (SL)

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. (Principle 24)

- Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994

States and all other parties shall avoid using the environment as a means of war or inflicting significant, long-term or widespread harm on the environment, and shall respect international law providing protection for the environment in times of armed conflict and cooperate in its further development. (Part IV. Principle 23)

Prevention of Environmental Degradation . . . , continued

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall protect the environment during periods of armed conflict. In particular, Parties shall

- (a) observe, in areas outside areas of armed conflict, all international environmental rules by which they are bound in times of peace;*
- (b) take care to protect the environment against avoidable harm in areas of armed conflict;*
- (c) not employ or threaten to employ methods or means of warfare which are intended or may be expected to cause widespread, long-term, or severe harm to the environment and ensure that such means and methods of warfare are not developed, produced, tested, or transferred; and*
- (d) not use the destruction or modification of the environment as a means of warfare or reprisal. (Article 32)*

45. PRESERVING HUMANITY'S CULTURAL AND NATURAL HERITAGE

- UNESCO Convention for the Protection of the World Cultural Heritage and Natural Heritage, 1972 (LD)

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto, (Preamble)

For the purposes of this Convention, the following shall be considered as "cultural heritage":

- *monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;*
- *groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;*
- *sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view. (Article 1)*

For the purposes of this Convention, the following shall be considered as "Natural heritage":

- *natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;*
- *geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or*

conservation;

- *natural sites or precisely delineated areas of outstanding universal value from the point of view of science, conservation or natural beauty. (Article 2)*

Each State Party to this Convention recognizes that the duty of ensuring the identifications, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Article 1 and 2 and

Preserving Humanity's Cultural and Natural Heritage, continued

situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain. (Article 4)

Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate. (Article 6.1)

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Article 1 and 2 situated on the territory of other States Parties to this Convention. (Article 6.3)

An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "The World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. (Article 8.1)

- World Charter for Nature, 1982 (SL)

The allocation of areas of the earth to various uses shall be planned, and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned. (Principle 9)

- Draft International Covenant on Environment and Development, IUCN, 1995

Parties shall take all appropriate measures to conserve or rehabilitate cultural and natural monuments, and areas, including Antarctica, of outstanding scientific, cultural, spiritual, or aesthetic significance and to prevent all deliberate measures and acts which might harm or threaten such monuments or areas. (Article 22)

46. PROTECTION OF THE ENVIRONMENT OF OUTER SPACE

- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967 (LD)

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind. (Article I)

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the treaty exclusively for peaceful purposes. (Article IV)

States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter, and, where necessary, shall adopt appropriate measures for this purpose. (Article IX)

- Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 1984 (LD)

The moon shall be used by all States Parties exclusively for peaceful purposes. (Article III.1)

In exploring and using the moon, States Parties shall take measures to prevent the disruption of the existing balance of its environment whether by introducing adverse changes in such environment, its harmful contamination through the introduction of extra-environmental matter or otherwise. (Article VII.1)

The moon and its natural resources are the common heritage of mankind. . . (Article XI.1)

An equitable sharing, by all States Parties in the benefits derived from those resources, whereby the interests and needs of the developing countries as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the moon shall be given special consideration. (Article XI.7.d)

47. HUMANE TREATMENT OF LIVING BEINGS

- Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991

People should treat all creatures decently, and protect them from cruelty, avoidable suffering, and unnecessary killing. (Elements of a world ethic for living sustainably, p. 14)

BIBLIOGRAPHY OF DOCUMENTS AND REPORTS SURVEYED

I. LEGAL DOCUMENTS

- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967
- UNESCO Convention for the Protection of the World Cultural Heritage and Natural Heritage, 1972
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1975
- International Covenant on Economic, Social and Cultural Rights, 1976
- Protocol Additional to the Geneva Conventions of August 12, 1949, 1978
- Convention on the Conservation of European Wildlife and Natural Habitats, 1979
- Geneva Convention on Long-Range Transboundary Air Pollution, 1979
- Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1979
- Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, 1984
- Vienna Convention for the Protection of the Ozone Layer, 1988
- ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context, 1991
- Convention on the Rights of the Child, 1990
- Convention on Biological Diversity, 1992
- United Nations Framework Convention on Climate Change, 1992
- United Nations Convention on the Law of the Sea, 1994

II. LEGAL DOCUMENTS: SOFT LAW

- Universal Declaration of Human Rights, 1948
- Stockholm Declaration of the United Nations Conference on the Human Environment, 1972
- Draft Principles of Conduct in the Field of Environment for Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States, 1978
- World Charter for Nature, 1982
- African Charter on Human and People's Rights, Banjul, 1986
- United Nations Declaration on the Right to Development, 1986
- UNEP Goals and Principles of Environmental Impact Assessment, 1987
- Costa Rica Declaration of Human Responsibilities for Peace and Sustainable Development, 1989
- Declaration of the Hague, 1989
- Kampala Declaration on Sustainable Development in Africa, 1989
- Statement of the Ottawa Meeting of Legal and Policy Experts on Atmosphere/Climate Change, 1989
- Economic Commission of Europe Charter on Environmental Rights and Obligations, 1990

Economic Declaration, Economic Summit of Industrialized Nations, 1990
Kuala Lumpur Accord on Environment and Development issued by Asian Ministers for the Environment, 1990
The Hague Recommendation on International Environmental Law, 1991
Agenda 21: Programme of Action for Sustainable Development, 1992
The Dublin Statement on Water and Sustainable Development, 1992
Rio Declaration on Environment and Development, 1992
Nuuk Declaration on Environment and Development in the Arctic, 1993
Copenhagen Declaration, World Summit for Social Development, 1995

III.REPORTS AND RECOMMENDATIONS

UNEP Conclusions Concerning the Environment Related to Offshore Mining and Drilling Within the Limits of National Jurisdiction, 1982
Experts Group on Environmental Law of the WCED, Legal Principles for Environmental Protection and Sustainable Development, 1987
Our Common Future, Report of World Commission on Environment and Development (WCED), 1987
Summary of Proposed Legal Principles for Environmental Protection and Sustainable Development Adopted by the WCED Experts Group on Environmental Law, Our Common Future, 1987
Tokyo Declaration of the World Commission on Environment and Development, 1987
Moscow Declaration; Global Forum on Environment and Development for Human Survival, 1990
Caring for the Earth: A Strategy for Sustainable Living, IUCN, UNEP, WWF, 1991
Draft Declaration of Principles on Human Rights and the Environment; Sierra Club Legal Defense Fund, 1994
Draft International Covenant on Environment and Development, IUCN, 1995

IV.SOURCES

Agenda 21: The United Nations Programme of Action from Rio, The final text of agreements negotiated by Governments at the United Nations Conference on Environment and Development (UNCED), 3-14 June 1992, Rio de Janeiro, Brazil. New York: United Nations Department of Public Information, 1992.

Choosing A Sustainable Future, The Report of the National Commission on the Environment. Covelo, CA: Island Press, 1993.

Guruswamy, Lakshman D., Geoffrey W.R. Palmer, Burns H. Weston, eds. Supplements of Basic Documents to International Environmental Law and World Order. St. Paul, Minnesota: West Publishing Co., 1994.

Kiss, Alexandre and Dinah Shelton. International Environmental Law. Ardsley-on-Hudson, New York: Transnational Publishers, Inc., 1991.

MacDonald, Mary E. Shared Hope: Environment and Development Agendas for the 21st Century. Routledge/Stockholm Environment Institute, 1996.

Pollard, Robert, Ruth West and Will Sutherland, eds. Alternative Treaties: Synergistic Processes for Sustainable Communities & Global Responsibility, A Revised Edition of the Alternative Treaties from the International NGO Forum, Rio de Janeiro, June 1-14, 1992. Millbrook, Bedfordshire, England: Ideas for Tomorrow Today, 1993.

Robinson, Nicholas A., ed. Agenda 21: Earth's Action Plan Annotated. (IUCN Environmental Policy & Law Paper No. 27) New York: Oceana Publications, Inc., 1993.

Weston, Burns H., Richard A. Falk, Anthony D'Amato, eds. Basic Documents in International Law and World Order. St. Paul, Minnesota: West Publishing Co., 1990. Second Edition.

Appendix I

General Principles (Part I) of the World Charter for Nature (1982)

I. GENERAL PRINCIPLES

1. Nature shall be respected and its essential processes shall not be impaired.
2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.
3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.
4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they co-exist.
5. Nature shall be secured against degradation caused by warfare or other hostile activities.

Appendix II

Tokyo Declaration of the World Commission on Environment and Development, 1987

The World Commission on Environment and Development now calls upon all the nations of the World, both jointly and individually, to integrate sustainable development into their goals and to adopt the following principles to guide their policy actions.

1. Revive Growth

Poverty is a major source of environmental degradation which not only affects a large number of people in developing countries but also undermines the sustainable development of the entire community of nations--both developing and industrialized. Economic growth must be stimulated, particularly in developing countries, while enhancing the environmental resource base. The industrialized countries can, and must contribute to reviving world economic growth. There must be urgent international action to resolve the debt crisis; a substantial increase in the flows of development finance; and stabilization of the foreign exchange earnings of low-income commodity exporters.

2. Change the Quality of Growth

Revived growth must be of a new kind in which sustainability, equity, social justice, and security are firmly embedded as major social goals. A safe, environmentally sound energy pathway is an indispensable component of this. Education, communication, and international co-operation can all help to achieve those goals. Development planners should take account in their reckoning of national wealth not only of standard economic indicators, but also of the state of the stock of natural resources. Better income distribution, reduced vulnerability to natural disasters and technological risks, improved health, preservation of cultural heritage--all contribute to raising the quality of that growth.

3. Conserve and Enhance the Resource Base

Sustainability requires the conservation of environmental resources such as clean air, water, forests, and soils; maintaining genetic diversity; and using energy, water and raw materials efficiently. Improvements in the efficiency of production must be accelerated to reduce per capita consumption of natural resources and encourage a shift to non-polluting products and technologies. All countries are called upon to prevent environmental pollution by rigorously enforcing environmental regulations, promoting low-waste technologies, and anticipating the impact of new products, technologies and wastes.

4. Ensure a Sustainable Level of Population

Population policies should be formulated and integrated with other economic and social development programmes--education, health care, and the expansion of the livelihood base of the poor. Increased access to family planning services is itself a form of social development that allows couples, and women in particular, the right to self-determination.

5. Reorient Technology and Manage Risks

Technology creates risks, but it offers the means to manage them. The capacity for technological innovation needs to be greatly enhanced in developing countries. The orientation of technology development in all countries must also be changed to pay greater regard to environmental factors. National and international institutional mechanisms are needed to assess potential impacts of new technologies before they are widely used. Similar arrangements are required for major interventions in natural systems, such as river diversion or forest clearance. Liability for damages from unintended consequences must be strengthened and enforced. Greater public participation and free access to relevant information should be promoted in decision-making processes touching on environment and development issues.

6. Integrate Environment and Economics in Decision-Making

Environmental and economic goals can and must be made mutually reinforcing. Sustainability requires the enforcement of wider responsibilities for the impacts of policy decisions. Those making such policy decisions must be responsible for the impact of those decisions upon the environmental resource capital of their nations. They must focus on the sources of environmental damage rather than the symptoms. The ability to anticipate and prevent environmental damage will require that the ecological dimensions of policy be considered at the same time as the economic, trade, energy, agricultural, and other dimensions. They must be considered on the same agendas and in the same national and international institutions.

7. Reform International Economic Relations

Long term sustainable growth will require far-reaching changes to produce trade, capital, and technology flows that are more equitable and better synchronized to environmental imperatives. Fundamental improvements in market access, technology transfer, and international finance are necessary to help developing countries widen their opportunities by diversifying their economic and trade bases and building their self-reliance.

8. Strengthen International Co-operation

The introduction of an environmental dimension injects an additional element of urgency and mutual self-interest, since a failure to address the interaction between resource degradation and rising poverty will spill over and become a global ecological problem. Higher priorities must be assigned to environmental monitoring, assessment, research and development, and resource management in all fields of international development. This requires a high level of commitment by all countries to the satisfactory working of multilateral institutions; to the making and observance of international rules in fields such as trade and investment; and to constructive dialogue on the many issues where national interests do not immediately coincide but require negotiation to be reconciled. It requires

also a recognition of the essential importance of international peace and security. New dimensions of multilateralism are essential to sustainable human progress.

The Commission is convinced that if we can make solid progress towards meeting these principles in the balance of this century, the next century can offer a more secure, more prosperous, more equitable, and more hopeful future for the whole human family.

Summary of Proposed Legal Principles for Environmental Protection and Sustainable
Development Adopted by the WCED Experts Groups on Environmental Law

I. GENERAL PRINCIPLES, RIGHTS, AND RESPONSIBILITIES

Fundamental Human Right

1. All human beings have the fundamental right to an environment adequate for their health and well-being.

Inter-Generational Equity

2. States shall conserve and use the environment and natural resources for the benefit of present and future generations.

Conservation and Sustainable Use

3. States shall maintain ecosystems and ecological processes essential for the functioning of the biosphere, shall preserve biological diversity, and shall observe the principle of optimum sustainable yield in the use of living natural resources and ecosystems.

Environmental Standards and Monitoring

4. States shall establish adequate environmental protection standards and monitor changes in and publish relevant data on environmental quality and resource use.

Prior Environmental Assessments

5. States shall make or require prior environmental assessments of proposed activities which may significantly affect the environment or use of a natural resource.

Prior Notification, Access, and Due Process

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

Sustainable Development and Assistance

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

General Obligation to Co-operate

8. States shall co-operate in good faith with other States in implementing the preceding rights and obligations.

Appendix III

Principles of a Sustainable Society, *Caring for the Earth:* *A Strategy for Sustainable Living*, IUCN, UNEP, WWF, 1991

Living sustainably depends on accepting a duty to seek harmony with other people and with nature. The guiding rules are that people must share with each other and care for the Earth. Humanity must take no more from nature than nature can replenish. This in turn means adopting life-styles and development paths that respect and work within nature's limits. It can be done without rejecting the many benefits that modern technology has brought, provided that technology also works within those limits. This Strategy is about a new approach to the future, not a return to the past.

The principles of a sustainable society are interrelated and mutually supporting. Of those listed below, the first is the founding principle providing the ethical base for the others. The next four define the criteria that should be met, and the last four directions to be taken in working towards a sustainable society at the individual, local, national and international levels. The principles are:

1. *Respect and care for the community of life.*

This principle reflects the duty of care for other people and other forms of life, now and in the future. It is an ethical principle. It means that development should not be at the expense of other groups or later generations. We should aim to share fairly the benefits and costs of resource use and environmental conservation among different communities and interest groups, among people who are poor and those who are affluent, and between our generation and those who will come after us.

All life on earth is part of one great interdependent system, which influences and depends on the non-living components of the planet--rocks, soils, waters and air. Disturbing one part of this biosphere can affect the whole. Just as human societies are interdependent and future generations are affected by our present actions, so the world of nature is increasingly dominated by our behaviour. It is a matter of ethics as well as practicality to manage development so that it does not threaten the survival of other species or eliminate their habitats. While our survival depends on the use of other species, we need not and should not use them cruelly or wastefully.

2. *Improve the quality of human life.*

The real aim of development is to improve the quality of human life. It is a process that enables human beings to realize their potential, build self-confidence and lead lives of dignity and fulfilment. Economic growth is an important component of development, but it cannot be a goal in itself, nor can it go on indefinitely.

Although people differ in the goals that they would set for development, some are virtually universal. These include a long and healthy life, education, access to the resources needed for a decent standard of living, political freedom, guaranteed human rights, and freedom from violence. Development is real only if it makes our lives better in all these respects.

3. *Conserve the Earth's vitality and diversity.*

Conservation-based development needs to include deliberate action to protect the structure, functions and diversity of the world's natural systems, on which our species utterly depends. This requires us to:

Conserve life-support systems. These are the ecological processes that keep the planet fit for life. They shape climate, cleanse air and water, regulate water flow, recycle essential elements, create and regenerate soil, and enable ecosystems to renew themselves;

Conserve biodiversity. This includes not only all species of plants, animals and other organisms, but also the range of genetic stocks within each species, and the variety of ecosystems;

Ensure that uses of renewable resources are sustainable. Renewable resources include soil, wild and domesticated organisms, forests, rangelands, cultivated land, and the marine and freshwater ecosystems that support fisheries. A use is sustainable if it is within the resource's capacity for renewal.

4. *Minimize the depletion of non-renewable resources.*

Minerals, oil, gas and coal are effectively non-renewable. Unlike plants, fish or soil, they cannot be used sustainably. However, their "life" can be extended, for example, by recycling, by using less of a resource to make a particular product, or by switching to renewable substitutes where possible. Widespread adoption of such practices is essential if the Earth is to sustain billions more people in future, and give everyone a life of decent quality.

5. *Keep within the Earth's carrying capacity.*

Precise definition is difficult, but there are finite limits to the "carrying capacity" of the Earth's ecosystems--to the impacts that they and the biosphere as a whole can withstand without dangerous deterioration. The limits vary from region to region, and the impacts depend on how many people there are and how much food, water, energy and raw materials each uses and wastes. A few people consuming a lot can cause as much damage as a lot of people consuming a little. Policies that bring human numbers and life-styles into balance with nature's capacity must be

developed alongside technologies that enhance that capacity by careful management.

6. *Change personal attitudes and practices.*

To adopt the ethic for living sustainably, people must re-examine their values and later their behaviour. Society must promote values that support the new ethic and discourage those that are incompatible with a sustainable way of life. Information must be disseminated through formal and informal educational systems so that the policies and actions needed for the survival and well-being of the world's societies can be explained and understood.

7. *Enable communities to care for their own environments.*

Most of the creative and productive activities of individuals or groups take place in communities. Communities and citizens' groups provide the most readily accessible means for people to take socially valuable action as well as to express their concerns. Properly mandated, empowered and informed, communities can contribute to decisions that affect them and play an indispensable part in creating a securely-based sustainable society.

8. *Provide a national framework for integrating development and conservation.*

All societies need a foundation of information and knowledge, a framework of law and institutions, and consistent economic and social policies if they are to advance in a rational way. A national programme for achieving sustainability should involve all interests, and seek to identify and prevent problems before they arise. It must be adaptive, continually redirecting its course in response to experience and to new needs. National measures should:

- treat each region as an integrated system, taking account of the interactions among land, air, water, organisms and human activities;
- recognize that each system influences and is influenced by larger and smaller systems--whether ecological, economic, social or political;
- consider people as the central element in the system, evaluating the social, economic, technical and political factors that affect how they use natural resources;
- relate economic policy to environmental carrying capacity;
- increase the benefits obtained from each stock of resources;
- promote technologies that use resources more efficiently;

- ensure that resource users pay the full social costs of the benefits they enjoy.

9. *Create a global alliance.*

No nation today is self-sufficient. If we are to achieve global sustainability a firm alliance must be established among all countries. The levels of development in the world are unequal, and the lower-income countries must be helped to develop sustainably and protect their environments. Global and shared resources, especially the atmosphere, oceans and shared ecosystems, can be managed only on the basis of common purpose and resolve. The ethic of care applies at the international as well as the national and individual levels. All nations stand to gain from worldwide sustainability--and are threatened if we fail to attain it.

Appendix IV

Fundamental Principles (Part II) and General Obligations (Part III) of Draft Covenant on Environment and Development, 1995, prepared by the Commission on Environmental Law of the World Conservation Union (IUCN).

II. FUNDAMENTAL PRINCIPLES

Article 2 Respect For All Life Forms

Nature as a whole warrants respect; every form of life is unique and is to be safeguarded independent of its value to humanity.

Article 3 Common Concern Of Humanity

The global environment is a common concern of humanity.

Article 4 Interdependent Values

Peace, development, environmental protection and respect for human rights and fundamental freedoms are interdependent.

Article 5 Inter-Generational Equity

The freedom of action of each generation in regard to the environment is qualified by the needs of future generations.

Article 6 Prevention

Protection of the environment is best achieved by preventing environmental harm rather than by attempting to remedy or compensate for such harm.

Article 7 Precaution

Lack of scientific certainty is no reason to postpone action to avoid potentially significant or irreversible harm to the environment.

Article 8 Right To Development

The exercise of the right to development entails the obligation to meet the developmental and environmental needs of humanity in a sustainable and equitable manner.

Article 9 Eradication Of Poverty

The eradication of poverty, an indispensable requirement for sustainable development, necessitates a global partnership.

Article 10 Consumption Patterns And Demographic Policies

The elimination of unsustainable patterns of production and consumption and the promotion of appropriate demographic policies are necessary to enhance the quality of life for all humanity and reduce disparities in standards of living.

III. GENERAL OBLIGATIONS

Article 11 States

1. States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to utilise their resources to meet their environmental and sustainable developmental needs, and the obligations:
 - a. to protect and preserve the environment within the limits of their national jurisdictions; and
 - b. to ensure that activities within their jurisdiction or control do not cause potential or actual harm to the environment of other States or of areas beyond the limits of national jurisdiction.
2. States have, in accordance with the Charter of the United Nations and principles of international law, the right to protect the environment under their jurisdiction from significant harm caused by activities outside their national jurisdiction. If such harm has occurred, they are entitled to appropriate remedies.
3. Parties shall endeavour to avoid wasteful use of natural resources and, in particular, shall take measures to ensure the sustainable use of renewable resources.
4. Parties shall co-operate, in the implementation of this Covenant, in good faith with each other and with competent international organisations, and shall provide non-governmental organisations and indigenous peoples with the appropriate opportunities to participate in decision-making processes.
5. Parties who are members of international organisations undertake to pursue within such organisations policies that are consistent with the provisions of this Covenant.
6. Parties shall apply the principle that the costs of preventing, controlling and reducing potential or actual harm to the environment are to be borne by the originator.

Article 12 Persons

1. Parties undertake to achieve progressively the full realization of the right of everyone to an environment and a level of development adequate for their health, well-being and dignity.
2. All persons have a duty to protect and preserve the environment.
3. All persons, without being required to prove an interest, have the right to seek, receive, and disseminate information on activities or measures adversely affecting or likely to affect the environment and the right to participate in relevant decision-making processes.
4. All persons have the right to effective access to judicial and administrative proceedings, including for redress and remedy, in enforcing their rights under this Covenant.
5. Parties shall respect and ensure the rights and the fulfilment of the duties recognised in this Article and shall devote special attention to the satisfaction of basic human needs, in particular the provision of potable water.
6. Parties shall develop or improve mechanisms to facilitate the involvement of indigenous peoples and local communities in environmental decision-making at all levels and shall take measures to enable them to pursue sustainable traditional practices.

Article 13 Integrating Environment and Development

1. Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems.
2. Parties shall ensure that environmental conservation is treated as an integral part of the planning and implementation of activities at all stages and at all levels, giving full and equal consideration to environmental, economic, social and cultural factors. To this end, Parties shall
 - (a) conduct regular national reviews of environmental and developmental policies and plans;
 - (b) enact effective laws and regulations which use, where appropriate, economic instruments; and
 - (c) establish or strengthen institutional structures and procedures to fully

integrate environmental and developmental issues in all spheres of decision-making.

Article 14 Transfer or Transformation of Environmental Harm

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm into another.

Article 15 Prevention of and Response to Emergencies

1. Each Party shall, without delay and by the most expeditious means available, notify potentially affected States and competent international organisations of any emergency originating within its jurisdiction or control, or of which it has knowledge, that may cause harm to the environment.
2. A Party within whose jurisdiction or control an emergency originates shall immediately take all practicable measures necessitated by the circumstances, in cooperation with potentially affected States, and where appropriate, competent international organisations, to prevent, mitigate and eliminate harmful effects of the emergency.
3. Parties shall develop joint contingency plans for responding to emergencies, in co-operation, where appropriate, with other States and competent international organisations.

Appendix V

Proposed Benchmark Principles of Sustainable Development prepared for an Expert Group Meeting on Identification of Principles in International Law for Sustainable Development, Geneva, 26-28 September 1995

A. Principles of Interrelationship and Integration

- Principle of Interrelationship
- Principle of combating and eradicating poverty
- Principle of reducing and eliminating unsustainable consumption and
production patterns
- Principle of making trade and environmental mutually supportive

B. Principles of Development

- Principle of the right to development
- Principle of intergenerational equity
- Principle of global partnership
 - Subprinciple of transfer of financial resources
 - Subprinciple of transfer of technology
 - Subprinciple of strengthening capacity-building
- Principle special situation of developing countries, small island developing states
and countries with economies in transition
- Principle of the right to a healthy environment
- Principle of the common concern of humankind

C. Principles of Governance

- Principle of sovereignty over natural resources
- Principle of participation
- Principle of effective access to the judiciary
- Principle of peaceful settlement of disputes
- Principle of equity

D. Principles Underlying Environmental Protection

- Principle of transboundary environmental effects
 - Subprinciple of prior notification and consultation
 - Subprinciple on emergency notification
- Principle of the use of transboundary natural resources
- Principle of environmental impact assessment (EIA) requirement
- Principle of liability and compensation
 - Subprinciple of State responsibility
- Precautionary Principle

Principle of preventive action

Polluter pays principle

Principle of sustainable use of natural resources

Appendix VI
Selected NGO Treaties Produced by the International NGO Forum
Rio de Janeiro, 1992

No. 1. PEOPLE'S EARTH DECLARATION: A PROACTIVE AGENDA FOR THE FUTURE

1. We, the participants of the International NGO Forum at the Global Forum '92, have met in Rio de Janeiro as citizens of planet earth to share our concerns, our dreams and our plans for creating a new future for our world. We emerge from these deliberations with a profound sense that in the richness of our diversity, we share a common vision of a human society grounded in the values of simplicity, love, peace and reverence for life. We now go forth in solidarity to mobilize the moral and human resources of all nations in a unified social movement committed to the realization of this vision.

2. The urgency of our commitment is heightened by the choice of the world's political leaders in the official deliberations of the Earth Summit to neglect many of the most fundamental causes of the accelerating ecological and social devastation of our planet. While they engage in the fine tuning of an economic system that serves the short term interests of the few at the expense of the many, the leadership for more fundamental change has fallen by default to the organizations and movements of civil society. We accept this challenge.

3. In so doing, we wish to remind the world's political and corporate leaders that the authority of the state and the powers of the private corporation are grants extended to these institutions by the sovereign people, by civil society, to serve the collective human interest. It is the people's right to demand that governments and corporations remain accountable to the public will and interest. Yet through a process of global economic integration pressed on the world's people by the Group of 7 (G-7) governments, the Bretton Woods institutions--the World Bank, International Monetary Fund (IMF) and the General Agreement on Tariffs and Trade (GATT)--and transnational corporations, the sovereign right and ability of the world's people to protect their economic, social, cultural and environmental interests against the growing power of transnational capital is being seriously and rapidly eroded.

4. This erosion has been only one of the many damaging consequences of a development model grounded in the pursuit of economic growth and consumption to the exclusion of the human and natural interest. Others include the increasing spiritual impoverishment of human society, the economic impoverishment of some 1.2 billion people, the rapidly widening gap between rich and poor, economic racism, institutionalized exploitation of women, the displacement of millions from their lands and communities, marginalization of the handicapped and the progressive destruction of the ecological systems that sustain us all.

5. The path of deepening international debt, structural adjustment, market deregulation, free trade and the monopolization of intellectual property rights that currently dominates policy thought and action is a path to collective self-destruction, not to sustainable development. We will use our votes, our moral authority and our purchasing power to remove from positions of authority those who insist on advancing these socially and ecologically destructive policies to serve short-term elite interests.

6. The Bretton Woods institutions have served as the major instruments by which these destructive policies have been imposed on the world. They constitute a formidable barrier to just and sustainable development. We will work for their transformation or replacement by more suitable institutions. Until they have become fully transparent, publicly accountable and supportive of the human interest, they must not be allowed to capture control of the sustainability agenda.

7. The world's military forces survive primarily as instruments to protect elite interests and suppress the civil unrest that results from economic injustice. They further place an unconscionable burden on earth's scarce ecological resources. We will work for their elimination and the transfer of their resources to more beneficial purposes. As a first step we will work to end international arms trade and assistance.

8. These are realities the official United Nations Conference on Environment and Development (UNCED) process has avoided. They have been among our central concerns.

9. We have not, however, limited our attention to critique. We have also sought to define our vision for an alternative future and our agenda for its accomplishment. We are diverse in our experience and languages. We seek alternatives for which there are no clear models. The existing dominant development model and its supporting institutions emerged over a period of some 500 years. The two weeks we spent in Rio are only a beginning toward crafting an alternative. We have achieved a broadly shared consensus that the following principles will guide our continuing collective effort.

10. The fundamental purpose of economic organization is to meet the community's basic needs, such as for food, shelter, clothing, education, health and the enjoyment of culture. This purpose must take priority over all other forms of consumption, particularly wasteful and destructive forms of consumption such as consumerism and military spending--both of which must be eliminated without further delay. Other immediate priorities include energy conservation, shifting to reliance on solar energy sources and converting agriculture to sustainable practices that minimize dependence on non-renewable and ecologically harmful inputs.

11. Beyond meeting basic physical needs, the quality of human life depends more on the development of social relationships, creativity, cultural and artistic expressions, spirituality and opportunity to be a productive member of the community, than on the

ever increasing consumption of material goods. Everyone, including the handicapped, must have a full opportunity to participate in all these forms of development.

12. Organizing economic life around decentralized relatively self-reliant local economies that control and manage their own productive resources and have the right to safeguard their own environmental and social standards is essential to sustainability. It strengthens attachments to place, encourages environmental stewardship, enhances local food security, and accommodates distinctive cultural identities. Where the rights and interests of the corporation conflict with the rights and interests of the community, the latter must prevail.

13. All elements of society, irrespective of gender, class or ethnic identity, have a right and obligation to participate fully in the life and decisions of the community. The presently poor and disenfranchised, in particular, must become full participants. Women's roles, needs, values and wisdom are especially central to decision-making on the fate of the Earth. There is an urgent need to involve women at all levels of policy-making, planning and implementation on an equal basis with men. Gender balance is essential to sustainable development. Indigenous peoples also bring vital leadership to the task of conserving the earth and its creatures and in creating a new life-affirming global reality. Indigenous wisdom constitutes one of human society's important and irreplaceable resources. The rights and contributions of indigenous peoples must be recognized.

14. While overall population growth is a danger to the health of the planet, growth in the numbers of the world's over-consumers is a more important threat than population growth among the poor. Assuring all people the means to meet their basic needs is an essential precondition to stabilizing population. Reproductive freedom and access to comprehensive reproductive health care and family planning are basic human rights.

15. Knowledge is humanity's one infinitely expandable resource. Beneficial knowledge in whatever form, including technology, is a part of the collective human heritage and should be freely shared with all who might benefit from it.

16. Debt bondage, whether of an individual or country, is immoral and should be held unenforceable in international and civil law.

17. Transparency must be the fundamental premise underlying decision-making in all public institutions, including at international levels.

18. Implementation of these principles toward transformational change will require a massive commitment to education. New understanding, values and skills are needed at all levels and across all elements of society. We will educate ourselves, our communities and our nations to this end.

19. We acknowledge our debt to indigenous wisdom and values. These have greatly enriched our deliberations and will be sources of continued learning. We will honor this heritage and work to protect the rights of indigenous peoples.

20. Our thinking has also been enriched by the teachings of the many religious traditions represented among us. We recognize the central place of spiritual values and spiritual development in the society we seek to create. We commit ourselves to live by the values of simplicity, love, peace and reverence for life shared by all religious traditions.

21. Our efforts in Rio have produced a number of people's treaties to define more specific commitments to one another for action at local, national and international levels. These treaties are in varying stages of development. All are documents in process. We will further refine them through countless dialogues and negotiations throughout the world as ever larger numbers of people join our growing movement.

22. We invite the leaders of business and government to join us in this act of global citizenship. They must, however, know that we no longer wait for them to lead us in dealing with a global reality they have so far chosen to ignore. The time is too short and the stakes too high.

23. We, the people of the world, will mobilize the forces of transnational civil society behind a widely shared agenda that bonds our many social movements in pursuit of just, sustainable and participatory human societies. In so doing, we are forging our own instruments and processes for redefining the nature and meaning of human progress and for transforming those institutions that no longer respond to our needs. We welcome to our cause all people who share our commitment to peaceful and democratic change in the interest of our living planet and the human societies it sustains.

No. 3. THE EARTH CHARTER (excerpts)

PREAMBLE

1. We are Earth, the people, plants and animals, rains and oceans, breath of the forest and flow of the sea.
2. We honour Earth as the home of all living things.
3. We cherish Earth's beauty and diversity of life.
4. We welcome Earth's ability to renew as being the basis of all life.

5. We recognize the special place of Earth's Indigenous Peoples, their territories, their customs and their unique relationship to Earth.
6. We are appalled at the human suffering, poverty and damage to Earth caused by inequality of power.
7. We accept a shared responsibility to protect and restore Earth and to allow wise and equitable use of resources so as to achieve an ecological balance and new social, economic and spiritual values.
8. In all our diversity we are one.
9. Our common home is increasingly threatened.
10. We thus commit ourselves to the following principles, noting at all times the particular needs of women, indigenous peoples, the South, the disabled and all those who are disadvantaged:

PRINCIPLES

11. We agree to respect, encourage, protect and restore Earth's ecosystems to ensure biological and cultural diversity.
12. We recognize our diversity and our common partnership. We respect all cultures and affirm the rights of all people to basic environmental needs.
13. Poverty affects us all. We agree to alter unsustainable patterns of production and consumption to ensure the eradication of poverty and to end the abuse of Earth. This must include a recognition of the role of debt and financial flows from the South to the North and opulence and corruption as primary causes. We shall emphasize and improve the endogenous capacity for technology creation and development. Attempts to eradicate poverty should not be a mandate to abuse the environment and attempts to protect or restore the environment should not ignore basic human needs.
14. We recognize that national barriers do not generally conform to Earth's ecological realities. National sovereignty does not mean sanctuary from our collective responsibility to protect and restore Earth's ecosystems. Trade practices and transnational corporations must not cause environmental degradation and should be controlled in order to achieve social justice, equitable trade and solidarity with ecological principles.
15. We reject the build up and use of military force and the use of economic pressure as means of resolving conflict. We commit ourselves to pursue genuine peace, which is not merely the absence of war but includes the eradication of poverty, the promotion of social justice and economic, spiritual, cultural and ecological well-being.

16. We agree to ensure that decision-making processes and their criteria are clearly defined, transparent, explicit, accessible and equitable. Those whose decisions or activities may affect the environment must first prove the absence of harm. Those likely to be affected, particularly populations in the South and those in subjugation within existing States, should have free access to information and effectively participate in the decision-making processes.

17. States, institutions, corporations and peoples are unequal in their contribution to environmental harm, experience of ecological degradation and ability to respond to environmental destruction. While all are responsible for improving environmental quality, those who have expropriated or consumed the majority of Earth's resources or who continue to do so must cease such expropriation or reduce such consumption and must bear the costs of ecological restoration and protection by providing the majority of financial and technological resources.

18. Women constitute over half of Earth's human population. They are a powerful source for change. They contribute more than half the effort to human welfare. Men and women agree that women's status in decision-making and social processes must equitably reflect their contribution. We must shift from a society dominated by men to one which more accurately reflects the valued contributions of men and women to human and ecological welfare.

19. We have come to realize that the threats to the biosphere which sustains all life on Earth have increased in rate, magnitude and scale to such extent that inaction would be negligent.

No. 11. TREATY ON ALTERNATIVE ECONOMIC MODELS (excerpts)

PREAMBLE

1. Today, the world is marked by an interrelated crisis of environment and development. This crisis is rooted in the dynamics of an economic model which is centred on the pursuit of profits rather than the promotion of the welfare of communities. This system assumes the consumption of infinite resources in a finite planet. This model of development is particularly manifested as follows:

2. The free market/free trade model legitimizes an economic order in which unbelievable affluence is the privilege of a few and globalized poverty becomes the common condition of humanity. It has led to destructive consequences such as poverty, disease, the devastation of the environment and people's cultures, and spiritual misery.

3. The social, cultural, political and economic injustices in the international system, support the elites of both North and South, and widen the gaps among classes, races and sexes. 80% of the world's resources are consumed by 20% of the population and 80% of global environmental degradation is created by the same 20%. The disparity in wealth, power and resources is also increasing. The concentration of wealth within the richest 20% of the population has jumped from 70.2% in 1960 to 82.7% in 1989.

4. The neo-liberal State uses its power and violence to enforce and expand this oppressive economic system under the coordination of the authoritarian Bretton Woods institutions, particularly the World Bank, International Monetary Fund (IMF) and the General Agreement on Tariffs and Trade (GATT), for the benefit of transnational corporations' growing monopoly and their control over the world resources. The Brundtland model of sustainable development will perpetuate this situation.

5. Present expansions of the free-market/free trade ideology undermine the power of the States to formulate policies for the protection of natural resources and human livelihoods and transforms social relationships and eco-cultural and grassroots communities into mere economic variables.

6. The patriarchal nature of the dominant industrial system has the effect of increasing the gap in power and income between men, on the one hand, and women and children on the other. For example, domestic work is not valued in the computation of the Gross Domestic Product and data show a marked difference in the compensations of women and men for the same work done.

7. We, the non-governmental organizations (NGOs) and social movements have drafted this treaty to define and establish alternatives to the dominant economic model and set forth the following principles political commitment, action plan and follow-up mechanisms. In so doing we declare our autonomy from both the market and the state.

PRINCIPLES

8. Our vision of the alternatives to the current economic model is grounded on the following principles:

9. The fundamental purpose of economic organization is to provide for the basic needs of a community, in terms of food, shelter, education, health, the enjoyment of culture, as opposed to a concentration on the generation of profit and on the growth of production for its own sake. Economic life must also be organized in such a way that it enhances rather than destroys the environment and safeguards natural resources for the use of future generations.

10. An alternative to the current system must be based on indigenous, community-based, people-empowering models that are rooted in peoples' experiences, history and eco-cultural reality. This implies, incorporating diversity of alternative production systems, decision-making processes and technologies, especially those drawn from indigenous peoples and peasant communities.

11. An alternative economic model must recognize and institutionalize a central and equal role for women in shaping economic life.

12. An alternative economic model should be based on the relative self-sufficiency of communities, regions and nations, rather than on free trade, the world market and large domestic and transnational corporations as the central institutions that determine production and distribution.

13. Economic life must be informed by bottom-up development strategies, in which people and communities have the power to make economic decisions that affect their lives, in contrast with the dominant model which marginalizes grassroots communities and fosters international economic relations in which the center subjugates the periphery.

14. One of the central ethical foundations of an alternative economic model is the interdependence of all peoples and the interdependence of peoples and communities and the non-human material world. This interdependence demands a system of sharing resources based on autonomy, equality, participatory democracy and solidarity. As members of a community, individuals must also take responsibility for living within the limits of the earth's resources, in contrast with the Northern model of excessive consumption.

15. Human and economic development indicators should no longer exclusively or principally reflect material growth and technological advance but must take into account individual, social and environmental well-being. Such indicators would include health, gender equalities, unpaid family work, equalization in the distribution of income, better

care of children, and the maximization of human happiness with minimal use of resources and minimal generation of waste.

16. In an alternative economic system, the state will be transformed from being chiefly a facilitating agent of the present economic system that is dominated by domestic and transnational corporations, into a mechanism that genuinely represents and serves the people's will and promotes a strategy of relatively self-reliant, community-centered development.

No. 17. TREATY ON CONSUMPTION AND LIFESTYLE (excerpts)

PREAMBLE

1. This treaty is meant to promote reflection and debate among social movements and non-governmental organizations (NGOs) leading to commitments for action within different local and regional contexts.

INTRODUCTION

2. The most serious global environment and development problems facing the world arise from a world economic order characterized by ever expanding consumption and production, which exhausts and contaminates our natural resources and creates and perpetuates gross inequalities between and within nations. We can no longer tolerate a situation which has brought us beyond the limits of the earth's carrying capacity and where twenty percent of the people consume eighty percent of the world's resources. We must act to balance ecological sustainability with equity between and within countries. It will be necessary to develop new cultural and ethical values, transform economic structures, and reorient our lifestyles.

PRINCIPLES

3. Consumption and production patterns which are equitable and ecologically sustainable are consistent with six basic principles which apply to consumers and producers.

REVALUE

4. We must reawaken to the reality that quality of life is based on the development of human relationships, creativity, cultural and artistic expression, spirituality, reverence for the natural world and celebration of life, and is not dependent upon increased consumption of non-basic material goods.

RESTRUCTURE

5. The economic system should be restructured away from production and consumption of non-basic goods for a few to focus on production of goods to meet basic human needs (e.g. water, food, clothing, shelter, education, health care) for all persons.

6. Macro-economic systems should be restructured to include ecological and social costs in the prices for all goods and services, including work in the unpaid and informal sector.

7. Local communities must have full participation in the control and decision-making power over the management of the use of natural resources on which their

economy depends to assure that these resources are used and consumed in an equitable and environmentally sustainable way.

8. Continuation of the current economic order carries with it the threat of serious or irreversible environmental damage and associated social disruption. Therefore, lack of full scientific certainty regarding potential impacts of conversion should not be used as a reason to avoid immediate action.

9. Because the industrialized countries consume the vast proportion of the world's natural resources and create the majority of the global pollution, they must bear the primary responsibility for restoring the natural environment and compensating the victims of environmental degradation.

REDISTRIBUTE

10. The concept of environmental space, whereby all people have the right to equitable shares of water, food, air, land and other resources within the carrying capacity of the earth, should be the basis for equitable production and consumption.

11. While overall population growth is a danger to the health of the planet, it must be recognized that population growth in the North, due to extremely high levels of per capita consumption, is a far greater immediate environmental threat than population growth in the South. Meeting basic needs is a prerequisite for stabilizing population growth.

REDUCE

12. Overall consumption and production must be eased back to fit within the regenerative carrying capacity of the earth. Given the ecological and development crisis, this transition must be completed within a few decades in order to avoid irreversible damage to life on earth.

13. The use of energy, especially fossil fuels, must be reduced significantly. Renewable sources which are less environmentally damaging should be promoted.

14. Due to their destructive social and environmental impacts, production and use of military goods and weapons are not an acceptable part of an equitable and environmentally sustainable society.

15. Production and consumption of products with built-in obsolescence should be stopped; consumption of products which are transported over long distances should be reduced; and production processes which create toxic, hazardous, or radioactive wastes should be halted.

16. Reduction in consumption should have priority over reuse or recycling of products.

REUSE

17. Goods should be produced in closed cycles, whereby substances are continually reused to the greatest extent.
18. Goods should be produced to have the least impact on the environment, with long durability, high efficiency and simple repairability.
19. After reduction, reuse of goods should have priority over recycling.

RECYCLE

20. Industries and government must take full responsibility for proper treatment throughout the life cycle of the production process. If there are waste products, they should be treated where they are produced and not transported across national boundaries.
21. Local decentralized recycling units should be a priority over large-scale centralized recycling units due to their greater employment creation and lower use in general of energy and transport.
22. Incineration of waste should not be considered as an alternative to recycling.

No. 24. TREATY ON ENERGY (excerpts)

PRINCIPLES

5. Decisions about the use, production and distribution of energy must be made in accordance with the following principles:
 - a. Ethical Principle. Energy must always be used, produced and distributed with maximum efficiency and conservation, and minimal impacts on the well-being of people and the rest of nature. Full environmental and social costs must be taken into account in calculating the final cost of energy options.
 - b. Equity Principle. Equal access to the goods and services that energy provides is a right of all peoples, communities and nations. This implies the equitable use, production and distribution of these goods and services at all levels--local, national and international--and changes in wasteful lifestyles. All communities have the right to collect and produce their own energy using local sources.
 - c. Decision-Making Principle. Energy decisions must be democratic and participatory, with balanced ethno-cultural, socio-economic, colour and gender

participation. In particular, people directly affected must play a central role. All impacts on the Biosphere resulting from the qualitative and quantitative transformation of material and energy must be taken into account, including the use of resources and the creation of waste. Full information about these impacts must be clearly and honestly presented and publicly discussed.

No. 35. CITIZENS' COMMITMENTS ON BIODIVERSITY (excerpts)

PREAMBLE

1. The concept of biodiversity should be an expression of life which includes variability of all life forms and their organization and inter-relationships from the molecular to the biosphere level, which includes cultural diversity. Biodiversity includes all forms of life and all areas that are home to natural and domesticated life forms. The threats to biodiversity are threats to all components of it; we reject the fragmented treatment of biodiversity. We also suggest that biodiversity is a concept which occurs at the balance between the spiritual understanding that life is one and the scientific understanding that the diversity of life is interconnected.

2. Recognizing that the diversity of all life has its own intrinsic value, that life forms have a right to exist and that biodiversity forms an essential condition for the preservation and evolution of life itself on the planet.

3. Emphasizing that biodiversity conservation is essential in enhancing the ability of communities to maintain their own culture and that biodiversity has a determinative influence upon the cultural, economic, social, spiritual development and quality of life of peoples, and concerned that the current patterns of exploitation, protection and sharing of benefits perpetuates inequalities within and among Nations, and between Nations and the Earth.

4. Stressing that the present unjust economic world order and the serious inequalities generated by it do not form a proper framework for maintaining biodiversity.

5. Stressing that biodiversity is being threatened by the destruction and pollution of natural habitats, by the exploitation of species and ecosystems through commercial development policies and economic systems which fail to recognize and evaluate the intrinsic, social, cultural, economic, and spiritual value of biodiversity.

PRINCIPLES

6. The conservation of biodiversity is a pressing responsibility of all people and institutions. Biodiversity conservation includes the sustainable use of its components, especially when used for development purposes. In our view, sustainable use means use

that does not interfere with the ecological integrity of any living things or their ecosystems and which is socially equitable to people. This implies that:

- a. All members of present and future generations receive a socially equitable share of and access to the benefits of natural resources;
- b. The basic structure of genetic resources and their ecosystem is not depleted by the use of its components; and
- c. All life forms are treated in a way that respects their intrinsic, social, aesthetic, cultural, traditional, spiritual and other values and that our activities do not cause suffering of any living thing.

7. Conserving biodiversity requires fundamental changes in patterns and practices of socio-economic development worldwide and changes in the mindset of individuals towards a more equal partnership with the Earth. It is unacceptable that external debt be exchanged for nature.

8. The conservation of biodiversity requires foremost a respect for and conservation of the integrity of ecosystems and linkage between diverse ecosystems.

9. All social groups, governments and enterprises should be fully responsible and liable for the social and ecological damage caused by their technologies and actions to biological and cultural diversity. Infrastructure projects should be sensitive to impacts affecting local, regional and global ecological balances. Rehabilitation of degraded ecosystems is essential. Education about the impacts of trade in ornamental, exotic and endemic plant and animal species needs strengthening at international and local levels.

10. The important roles played by women in managing, caring for, and understanding the components of nature merit particular respect and attention.

11. The knowledge, cultural traditions, innovations, spirituality and management practices of indigenous peoples, and traditional practices of farmers and other rural communities concerning biodiversity are an essential basis for both sustaining biodiversity and sustaining human life.

12. Domesticated genetic resources are cultural creations fundamentally originating from indigenous cultures, peasant cultures and farmers' cultures. The collections and the results of research deposited in national or international agricultural research centres, gene banks or otherwise, shall not be the object of restrictions, or in any way be considered as intellectual property.

13. No patenting should be allowed on any living thing or a product derived from it. However, this does not prejudice the rights of indigenous peoples, traditional farmers and fishermen to maintain exclusive control over, access to, and use of knowledge, innovations, cultural traditions and management practices concerning biodiversity and the right to just compensation for sharing that knowledge.

14. Increased resources, technical assistance and other resources are needed to support groups and countries which are not in a position to do so, to make the necessary investment in the conservation of biodiversity. Increased funding for biodiversity will not, by itself, slow biodiversity loss. Policy, institutional, community and individual reforms at national and local levels are needed to improve the conditions under which increased resources can be effective and thereby raise public awareness of biodiversity issues.

15. We reject the administration of environmental funds by the World Bank and in particular by the Global Environment Fund (GEF). We propose the establishment of an intergovernmental institution to manage the financial assistance for biodiversity conservation in a transparent and democratic manner.

16. Increased public participation, respect for human rights, respect for the planet, improved access to education and information, and greater institutional accountability are fundamental prerequisites for effective biodiversity conservation.

17. Conservation of biodiversity requires cooperation between organizations and individuals of all regions. This cooperation must be based on solidarity, independence, transparency, accountability, and respect for cultural diversity. Consequently we reject all initiatives attempting to divide society by seeking partial alliance between governments and sectors of power. Consultation and agreement of all peoples' groups involved in conservation action is essential.

No. 38. CITIZENS' COMMITMENTS ON BIOTECHNOLOGY

1. We call for an international convention on biotechnology which adheres to the following principles:
 - a. Alternative methods and biotechnological approaches should be equally explored and the safest and most cost efficient should be selected
 - b. That institutions which finance both research and technical assistance should provide funds proportionally for alternative approaches. In this context traditional knowledge should be recognized and respected as a valid and valuable resource for alternatives
 - c. Biotechnological research should be oriented towards publicly defined needs, the common good and the good of future generations
 - d. Prior to any use of biotechnology, full social, cultural and economic predictive assessments of the impact should be publicly performed and should be part of open democratic decisions as to whether or not to proceed with these biotechnological activities
 - e. Protection for the environment by requiring scientifically sound, long range, ecological assessment at every stage of biotechnology, such as research, agricultural production, pharmaceutical products, deliberate release into the environment of genetically modified organisms and marketing of the products of biotechnology
 - f. Full involvement of non-governmental organizations (NGOs) and other citizens organizations in the governmental decision making process, on the basis of full access to relevant information
 - g. Regulatory procedures must be based on the 'precautionary principle' which means that as long as the impacts are in doubt or uncertain, biotechnology activities should not be undertaken. The structure and norms of the proof that there will be no harm will be defined by a committee in which government, research institutions, NGOs, social organizations and those who propose the activities are to be equally represented. The costs for the proof have to be carried by the project proposers
 - h. Companies and research institutions responsible for these biotechnologies should be held to strict financial and criminal liability for any damages or consequences, without prejudice to future claims and/or other sanctions
 - i. Companies and governments which undertake the genetic manipulation of organisms and their products should not be allowed to do so--whether in their

- own or in foreign countries--without prior informed consent and notice by the public to be affected
- j. Natural genetic structures of biota should not be viewed as economic resources, therefore all kinds of patenting of life forms should be prohibited
 - k. Acknowledging the unjustified and unethical legal and economic reality of the patenting of life forms, the rights of farmers and indigenous peoples to control their traditional resources must be protected
 - l. The fundamental rights of the public to know through clear information and labelling concerning the type of genetically manipulated organisms which are commercialized
 - m. Biotechnology should never be developed or used for military purposes.
2. We call for legally binding international instruments to guarantee the above principles.

NO. 43. INTERNATIONAL TREATY BETWEEN NON-GOVERNMENTAL
ORGANIZATIONS AND INDIGENOUS PEOPLES (excerpts)

BASIC PRINCIPLES

3. Territory. Indigenous Peoples were placed on our Mother Earth to be with the creator; belonging to the Earth, we cannot be separated from our lands and territories. For this reason, Indigenous Peoples have inalienable rights to their territories and the resources and biodiversity that they contain.

4. Self-determination. Self-determination for Indigenous Peoples is one of the essential bases for liberty, justice and peace, in each country as well as internationally. Without recognition of this right, democracy cannot be claimed. On the international level, the right of Indigenous Peoples to self-determination must be recognized and respect given to their traditional systems of self-government.

5. Economy and Environment. For centuries Indigenous Peoples have had an intimate relationship with nature, based upon respect, interdependence and equilibrium. For this reason, these peoples have developed economic, social and cultural models that respect nature without destroying it. These models provide for management and collective appropriation of natural resources based on community participation and solidarity.

6. Education, Culture and Spirituality.
a. Education is an exchange of wisdom and cultural values in continuous harmony between nature and humankind, respect for traditional languages and Indigenous customs.

b. Culture is a whole in which all aspects necessary for a dignified existence are joined, just as a plant needs soil, water, air and sunlight for its integral development.

c. Spirituality is based on the interrelationship of the cycles of life. Respect is the principle that regulates the relations between human beings and their relationship with nature. Relations between Indigenous and non-indigenous cultures should be established according to these principles.

COMMITMENTS

7. Considering all the principles enunciated above, Indigenous Peoples and the NGOs agree to the following statements and action:

8. NGOs commit themselves to support the demarcation of indigenous territories, believing that this provides a real guarantee of biodiversity.

9. Indigenous Peoples assume responsibility for guaranteeing the continuity of the values and systems that permit a harmonious relationship between humankind and nature, resulting in the effective protection of the environment. They also commit themselves to continue the system of collective property in Indigenous territories.

10. Since Indigenous Peoples demand the recognition of self-determination, NGOs should promote this recognition on the local, national and international levels, including rights to autonomy and self-government. In this way, NGOs will support Indigenous institutions and organizations of Indigenous Peoples, promoting in their respective countries the equitable participation of Indigenous Peoples in governmental institutions, to ensure that States will be multi-cultural, multi-ethnic and multi-linguistic.

11. Indigenous Peoples commit themselves to support the struggles of other peoples.

12. NGOs commit themselves to respect, value and promote the economic and development systems of Indigenous Peoples, including their traditional technologies, ensuring the recognition of intellectual property rights of Indigenous Peoples and their knowledge, traditional technologies for maintaining biodiversity and the other elements and patrimonies of their cultures. They also commit themselves to avoid imposing Western economic systems and values based on the market economy, through their projects.

13. Indigenous Peoples will promote the diffusion of their economic systems and models of development to effect necessary social changes. They will teach other social sectors their traditional technologies, which harmonize the relationships between humankind and nature, as a way of fighting poverty and improving the quality of life.

14. NGOs commit themselves not to carry action plans that imply the imposition of the dominant culture on the education, culture and religion of Indigenous Peoples. They

will promote and stimulate the cultural values of Indigenous Peoples through multilingual education, intercultural dialogue and respect for Indigenous spirituality.

Comments on this document may be sent to the Earth Charter Project, The Earth Council, P. O. Box 2323-1002, San José, Costa Rica, fax: 506-255-2197, or to Professor Steven C. Rockefeller at P. O. Box 648, Middlebury, Vermont 05753, USA, fax: 802-388-1951.