

PROBLEMS OF HUMAN ENVIRONMENT AND THE UNITED NATIONS

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INTRODUCTORY NOTE

Developments in science and technology, particularly since the later half of the twentieth century, have undoubtedly brought great benefits to mankind, both in terms of liberation of the mind and in enhancing man's understanding of the universe surrounding him. Notwithstanding these benefits, reckless application of scientific knowledge through technology in day to day life, has adversely affected the ecological balance between the normal functioning of bio-sphere and the human environment. The side effect of some industrial technologies on general human environment have proved disastrous in several ways, such as threat to life emanating from nuclear fall out, marine pollution, acid-rains, draughts and famine. Besides, some technologies have introduced into modern life unprecedented dangers to human species. These problems have reached such a magnitude as to posit a direct threat to the very existence of civilized life on this planet. They are well evident in our progressive life by multitudes of pollutions, extinction of wild-life, deforestation, soil-erosion, uncontrolled industrial and domestic wastes, pollution by automobile exhausts and other elements causing rapid deterioration of the environment.

For quite some time, the implications of these developments were largely ignored. However, in the decade of sixties the problem of nuclear emission, pollution of air and water has become acute enough to awaken the consciousness of governments and peoples, especially those amongst the industrialized developed countries.

It was made clear by the scientific researches and experiments that the problems were of such magnitude as could be tackled only on international levels. This growing concern led to the initiative of Sweden in the United Nations, in March 1968, for a concerted action by the international community. Expert reports and discussion that followed resulted in the convening of the United Nations Conference on Human Environment (UNCHE) in Stockholm (Sweden) in June (1968).

At this conference the representatives of 113 nations were agreed on: (i) A Declaration on the Human Environment constituting new principles of behaviour and responsibility, as first acknowledgement of environmental ethics on international level to govern the relationship of man with his environment; (ii) An Action Plan constituting recommendations calling on governments, UN agencies and other international organizations to co-operate in taking specific measures to deal with the wide-variety of international problems; and (iii) Insti-

tutional and financial arrangements for carrying out the Action Plan.

These recommendations resulted in the establishment by the General Assembly in December 1972 of United Nations Environment Programme (UNEP) to facilitate the institutional co-operation in the environmental field within the UN system.

Questions that need to be examined which this study attempts to do are : What were the major issues discussed at the Stockholm Conference which led to the inception of the programme? Were there any differences of approach among the industrially advanced countries on the one hand and developing countries on the other hand? What has been the basic thrust of UNEP. To what extent it has proved to be a viable one, has it been successful in protecting the environment and preventing its further deterioration? To what extent it has met the needs of the developing countries, like India?

These and related questions are the subject of this study. This study is divided into seven chapters. Chapter 1 attempts a survey of the activities which preceded the Stockholm Conference. The second chapter contains an analysis of preparatory work undertaken at the United Nations between 1970-72 for the formulation

of issues deemed important for the discussion by the Conference. The next chapter deals with the basic issues raised and discussed by the delegates at Conference. Chapter four undertakes a discussion of the Action Plans as designed by the cumulative efforts of experts in the Conference to mitigate, eradicate and solve the basic problems related to human environment. It also discussed the Declaration on Human Environment passed by the Conference. Fifth chapter deals with the priority areas for the implementations of this Action Plan and its progress within one decade. Chapter six examines the institutional structure and process of United Nations Environment Programme (UNEP). It also carries a functional analysis of this institution. The concluding chapter embodies an overall assesment of the UN activities in the field of human environment.

CHAPTER - I

BACKGROUND TO THE PROBLEM OF HUMAN ENVIRONMENT

Human history is a record of sequences of social and technological developments and adoption of new mechanisms that have enabled mankind to use environment with effectiveness, while minimizing the limitations imposed by it. This struggle for supremacy over nature is not new, and has been with us since the dawn of civilization, but became sharp only after the industrial revolution. The developments that followed have created a complex of environmental hazards of entirely new nature by unprecedented techniques of war and productions, in the midst of startling paradoxes of increasing population and urbanization. Moreover, 'the speed and scope of current technological developments set the present age apart from all earlier eras of scientific progress'¹.

Concern for the protection of human environment is as old as the vedic and epic age in India and age of

¹The Global 2000 report to the President of the United States, entering the 21st century, A report prepared by the Council on Environmental Quality and the Department of States, 3 vols, (Elmsford, NY, 1980)

'Homer' and 'Plato' in Greek literature. In early periods of human history there was no pressing need for the protection of ecological balance, as it was self-enforced by the nature itself, mostly reflected in the human behaviour to respect and accept it. But in the 19th century, when inventions were devised to dominate nature for human use, a comprehensive approach for conservation was called for by geographers like Patrick-Beddes. In 1875, the American geographer Edward Sucess introduced the concept of biosphere, which was later systematically developed by soviet bio-chemist V.I. Vernadsky.² But due to industrial advances in the nineteenth and twentieth centuries environmental and ecological problem tended to grow rapidly.³ The need for an integrated approach to the problem of human environment has become apparent and was emphasized in the developed world.⁴ It is being felt that the earth is like a little spaceship on which human being are travelling together, dependent on the vulnerable supplies of air and soil. Hence life can only

²Robert S. McNamara, One hundred countries, Two billion people : The Dimensions of Development (New York, 1973.) p.3

³John Mahale, The Ecological Context, (London), 1970, p.7

⁴Rammond F. Dasmann, Environmental Conservation, (New York) 1968, p.11

be sustained through a delicate equilibrium between man and nature.

It was also realised that the principal cause of environmental pollution is industrialization and indiscriminate application of science & technology to economic development, and each major form of power generation does its own kind of harm to the environment, eg. Fossil coal and oil produce smoke and sulphur dioxide at worst and convert oxygen to the carbon dioxide. Likewise, nuclear power plants produce radio-active pollution and involve the danger to human life.⁵ Likewise, hydro-electric power requires dams that cover up land, spoil wild-rivers, increase water loss by evaporation and produce valley full of silt.

The experts reported that the vast use of energy and new materials effluents, urbanization & consumptions of pollutant elements are leading men on a course which can alter dangerously the natural system of our planet upon which the human race depends. Moreover, the marine life is not aloof from the human crush.⁶ Thus the vast oceans are becoming far more vulnerable to man's activities, than had been ever presumed. With too many poisons, insecticides and fertilisers running into the oceans, vast oil spills and chemical-dumping in the sea made it perpetual source of waste.

⁵Garet de Bell, ed., The Environmental Handbook (New York, 1970), p.107.

⁶R.P. Anand, "Development and Environment: problems with developing countries", Indian Journal of International

Thus, the biosphere of man's inheritance and technosphere or his creature are out of balance and, indeed into a deep conflict. This has forced Paul Ehrlich to warn :

"We must realise that unless we are extremely lucky, everybody will disappear in a cloud of smoke in twenty years."⁷

The key to the middle way lies mainly in the wise development and application of science and technology. Hence attempts were made in the industrialized countries to prevent such deterioration as might be adverse to the ecological balance of bio-sphere.⁸

It is to be noted that the general principles and prescription of international law are not without applicability to the problems or transnational environmental degradation. The legal responsibility of state

(Foot note 6 continued) ... Law (New Delhi) vol.20, 1980 p.15

⁷
Quoted in Richard A. Folk, The Endangered Planet (New York, 1971).

⁸
E. Seabord. " Ecogrowth : some safety device toward OEF - doomsday", Fortune (New York) Oct., 1972 p. 115

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to protect its own environment is much old and existed prior to the existence of United Nations. There were at least one hundred of such conventions, which prohibits acts contrary to the order of nature.

Besides, a fundamental principle of international law limits actions by one state which would cause injury on the territory of another state.¹⁰ It seems that there is a general recognition of the rule that, state must not permit the use of its territory for purposes injurious to the interest of other states.¹¹ The principle is in turn a reflection of the fundamental doctrine, "Sic Utera tuo Ut olienum non leadas" -i.e. one must use one's own right so as not do injury to another. This concept underlines the range of state-to-state relations just as it does in personal relations.

It seems apparent from the facts of the state of environment among different countries and from the complex and sensitive Economic and political considerations

⁹Indian constitution provides directives for the protection and improvement of environment and safeguarding of forest and wild life. see: Article: 48-A of the Indian Constitution.

¹⁰Corfu channel case, (1949) International court of justice Report 4; see statement at page 22 to the effect that every state is obliged "not to allow knowingly its territory to be used for acts contrary to the right of other states".

¹¹survey of International Law (34) : UN DDC A/CN.4/1 Rev. 1 (1949)

involved that international co-operation and agreements will be necessary to initiate prompt measures to improve our global environment.¹² In this context it would be interesting to brief some important bilateral-international attempts to protect and improve the condition of environment.¹³

The first known attempt of international concern for the protection of human-environment began with the nucleus formed by the American Fisheries Society in 1870 which extended in 1902 into the International Association of Game, Fish and Conservation Commission.

It was, a US Canada joint venture and did not have any effect outside of there two.

The North-American migratory Birds Treaty of 1916 called for legislation in both these countries and in course of time led to an institutional structure.

In 1933, the need for the international co-operation over standards and legislations brought into force the convention relating to the preservation of fauna and

¹² Cecil J. Glinstead, present state of International Law and other Essays (London 1975),

¹³ For historical developments in the field, see GA Resolution 2593 (XXIII), 3 December, 1968.

flora in their Natural state. It was signed by more than sixty states in London under the auspices of League of Nations.¹⁴

Following this precedent, the convention on nature protection and wild life preservation on the Western-Hemisphere was signed in Washington. It was another multilateral venture.¹⁵

In 1962, a conference to preserve wild-life of the endangered species of the world was held at Gland? in Switzerland, which established world wild life Fund (WWF) to care for nature. The conference was followed by first world conferences on natural park at scattle (Switzerland) in the same year.

In 1963, the inter-governmental co-ordination was initiated within the European community, when Council of Europe by the decision of council of ministers decided to get up a European Committee for the Conservation of Nature and Natural Resources(CCNR) as an specialized body of Experts to assist the member states in their environmental problems.¹⁶

¹⁴Ibid.

¹⁵Garet de Bell, n.5,P.14.

¹⁶Ian Brownlie: A survey of International rules of environmental protection. (New Delhi, 1973), P.67-68.

The success of these attempts lies in the fact that they have provided inputs for more global and regional conferences. e.g. Biosphere Conference of UNESCO (1968) in Paris. It is to be noted, however, that the subject of environmental protections and conservations had been dealt with by these convention in only a fragmentary manner. For example, Article I of the convention on the prevention of marine pollution by dumping of wastes and other matters, 1972 obliged the contracting parties individually to promote the effective control of all sources of pollution of the marine environment and to take all practicable steps to prevent the pollution of the sea by waste dumping and other materials that is liable to create hazards to the human health and to harm living resources and marine life and damage amenities or to interfere with the other legitimate uses of sea.¹⁷

Other treaties and conventions which deserve mention, in this connection are: The Nuclear Weapons Test Ban Treaty of 1963; Treaty of the Principles Governing the Activities of States on the Exploration

¹⁷International conventions and protocol in the field of the environment. UN Doc. UNEP/G.C. 12/18, 1 December, 1983.

and use of outer space, 1967, Treaty for the Prohibition of Nuclear Weapons in Latin America, 1968 Treaty on the Non-Proliferation of Nuclear Weapons, 1968, the two Brussels conventions relating to intervention on the high seas in case of oil pollution damage, 1969, the convention on wetlands of International importance and the convention concerning the protection of the world cultural and natural heritage, 1972 etc.¹⁸ (which is concerned with the protection and conservation of the natural resources of the areas and prevention of danger to the flora and fauna of the marine environment. It was one of the significant developments before the environmental conference in Stockholm¹⁹.

Let us cover some specific measures adopted by the United Nations, besides these conventions, before Stockholm conference to solve the global problem of conservation and regulation of human environment by international consensus on a universal level.

¹⁸Ibid. Reference may also be made to the General Assembly Declaration of Dec. 17, 1970 of Principles governing the sea-bed and the ocean floor and the sub-soils thereof beyond the limits of national jurisdiction.

¹⁹UN Monthly Chronicle, (New York), Vol.8, no.3 (March 1971), p.28.

UN Concern to the problems of Human Environment :

First indication of UN concern was manifested in the objectives of Baruch plan in 1946 for the regulation and control of atomic energy, which in course of time led to the establishment of an International Atomic Energy Agency (IAEA) in Vienna in 1957.

In 1949, the UN organized a scientific conference on conservation and utilization of natural resources, wherein it was declared.

"The Nature's plentifulness is a heritage not to be squandered with impurity, it must be conserved for the future generations or its bankruptcy will extinguish us all"²⁰

It is to be noted that under Article 22 of the UN Charter the General Assembly has established a number of specialized Agencies and launched many programmes, conferences and projects to fulfill the mandate of Article 55 for a higher standard of living and social progress and for the solution of health and related

²⁰See: Year book of the United Nations. 1949. P.329.

problems. These have produced several reports on prevention of natural and man-made hazards, of atomic radiation to marine pollution, outer space to underground explosion of Nuclear-Tests.²¹ Similarly, the environmental awareness of the developing countries was brought by the UN region Economic commissions and helped in formulating, co-ordinating and establishing organizations and institutions to curb their specific environmental problems.²² Nevertheless, it is an established fact, as pointed out by Bishop and Munro.²³

"That nearly all the Economic Commissions are, in one way or other, engaged in major studies or co-operative programmes on the environmental-problem resulting from the industrial and other activities in their respective field."

²¹ See, Report of the UN scientific committee on the Effects of Atomic radiation, (New York, 1955).

²² Robert E. Stein, "The potential of Regional Organizations on managing man's environment" in John Lawrence Hardgrove (ed.) 'Law-Institutions and Global Environment' (New York, 1972) pp.253-293.

²³ Amala A. Bishop and Robert D. Munro: "The UN Regional economic Commissions and Environmental problems", International Organization, (Boston) Vol. 26, no. 2, 1972, pp. 345-71.

Obviously, the question then arises as to what was the need for establishing an independent programme for environmental regulations? The answer is clear when we examine the nature and functioning of these commissions. They were not effective to control the sovereign member states in their technological advancements to the impairment of their own environment, in the wake of economic and industrial competitions prevailing in the contemporary world. They never wish to stop their developmental activities, at the cost of economic and technical adventures. These has paralised the long debate over environment and development. It is suffice here to remark that merger of all this scattered activities of the UN agencies and commissions into one august body was the call of time, as it is evident by the Swedish resolution of 1968 in Economic and Social Council and later by the Report of the Secretary-General as E/4667.

However, it has been felt by a number of scholars that:

"The world organization will able to move towards the management of global environment only at the pace which reflects the lowest common denominator of the will of the member governments, and that is a political, not a technical question."²⁴

²⁴Thomas W. Wilso Jr., "International Environmental

Hence something more positive and dynamic is needed to curb this problems on the part of United Nations. The role of UN Secretariat is very important in this aspect, as it involves the following units for the environmental protection.²⁵

(1) The Office of Science and Technology :, as an advisory body, considers the subjects such as Development and rational utilization of Natural Resources, The identification and control of pollutants etc.

(2) The Social Development Division: The relevant areas of concern for this division includes studies of the social aspects of industrialization and urbanization, Research and Training Programme for Regional Planning and development and utilization of human resources.

... Actions: A Global Survey. (Cambridge, Mass., 1971), p.49.

²⁵Doc E/4667-May 26, 1969, "Report of the Secretary General on the Problems of Human Environment".

(3) The Centre for Housing, Building & Planning :

The main area of responsibility covers the development of measures designed to prevent deterioration of the human-environment due to urban-Sprawl, overcrowding, noise, air and water pollutions, traffic congest, congestion etc.

(4) The Resource and Transport Division :

Within its pureview it covers the planning of integrated development of whole river basins involving the need for difficult trade-offs, and the pollution free transportation in the internal water-basin.

(5) The Public-Administration Division :

It deals with the environmental questions through such activities as a comparative study of administrative aspects of urbanization, study of genetic code and territorial Eco-system etc.

The studies and findings of these divisions of secretarist have been utilized in different programmes of UN, and sometimes special programmes have been launched to solve the specific problems. But these divisions deal with the environment on fragmented

basis.

Specialized Agencies : A special place shall be assigned to UNESCO, UNDP, FAO, WHO, IMCO, IAEA, ICAO and World Bank, which not only deals with the environmental problems but also collaborate in finding out the true solution of a world-problem concerning to Environment. We shall now cover some very important activities taken by these organizations.

UNDP (UN DEVELOPMENT PROGRAMME) : It helps to finance a large number of resources, Survey and Projects related to conservation such as afforestation and Land-Reclamation, study of ecological changes and training programmes, e.g. Forestry and watershed Management Training Institute (Argentina), Forestry Training Institute (Philippines) and several other training institutes has in operation in Turkey, Chile, Lebanon and Jordan, which gives training for the rigorous application of an environmental approach to the decision-makers in the Economic Development.²⁶

²⁶ A comprehensive Study of UNDP and other specialized Agencies in the field of environment have been prepared by a A-Le Roy Bennet, "International Organizations: Principles & Issues", (New Jersey, 1977).

Inter National Labour Organization : (ILO) is concerned with occupational health and hazards since 1919. It has specific concern over the problem of labour e.g. prevention of dust in mining and Air pollution control in the industrial developments. Besides, it has an International Occupational Safety and Health Information Centre in Geneva which distributes abstract materials dealing with air pollution. It has more than 30 national centres for such informations.

Food and Agriculture Organization: (FAO) is deeply involved in conservatist aspects of soil, forests and territorial water. It has laid down certain norms to be followed by member states and organizations such as Water-Quality criteria for Fish, Integrated Pest control techniques, Pulp and Paper Mills effluents and the use of Sewage effluents for agriculture, forest and fisheries. It has organized several conferences on 'Technical Aspects of Marine Pollutions (1970) in Rome, e.g. The effect of Marine pollution on living resources and fishing etc. It has established various commissions, conducted conventions and launched associations for the

protection of living resources of earth.²⁷

The UNESCO has been deeply involved with Research

on natural resources and programmes of such problems

as Arid-Zones Research and Humid Tropics Research. It

has also launched an International Hydrological Decade

'58 under the banner of Intergovernmental Oceanographic

commission. For monitoring the ocean environment, it

has launched an integrated global ocean station system

with World meteorological organization (WMO). In

1968, it has launched a long term programme on 'Man &

Biosphere (MAB) to supplement a social - science programme

and 'Environment Design for living' which began in 1966.

The report of secretary-General has highly appreciated


the works done by UNESCO. To quote

"UNESCO has particular obligations in these fields because it is becoming increasingly clear that development programmes must be structured on the basis of the sound ecological principles and that there is no rational use without conservation."

²⁷The International plant protection Association (IPA), Commission for control of food & Mouth diseases etc. are some examples in this direction.



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The traditional concerns of WHO have been focussed on following three aspects: (a) The definitions of the Environmental Standard for the human adaptability to various stress-factors (b) The identification of environmental hazards, air, water, soil and food pollutions, the effect of pesticides, the Ecology of disease vectors, the abuse of drugs etc. In 1969, this had led to the establishment of an International Reference Centre for Air Pollution and a year later an International Reference Centre on Waste-disposals and community water supply. (c) The study of the effect of induced changes with Environment, such as rapid population changes, massive migration, urbanization, rapid industrialization and the construction of irrigation dams and man-made lakes.

Besides these three specified areas, it has launches several projects in the developing countries for the related areas of its interest. It had made pioneering endeavours before the advent of UNEP.

World Meteorological Organization:(WMO) The WHO has been well known for its programme of world weather

-watch (WWW), based as an International Monitoring system with world data processing centres in the United States, the Soviet Union and in New Zealand. The advent of satellite techniques have facilitated it to keep watch an atmospheric and maritime pollution in the four major oceans of the world. Moreover, in co-operation with International Biological Programmes of USA with International Council of Scientific Union (ICSU), it had launched a global Atmospheric Research Programme for monitoring and surveillance of atmospheric changes of world.

Besides, it has worked in standerization of instruments and techniques for data collection and the analysis and studies of relationship between Air pollutants, meterology and Plant Damages, It has also developed a Liaison with IAEA on the measurement of isotopes in precipitations.

The International Maritime consultative organization (IMCO) was the repository of 1954 International Convention for the prevention of Pollution of the Sea by oil. In the control of Marine-environment, it has developed new methods for the removal of oil

from the sea, technique for protecting coastal areas from pollution and the detection and penalization of deliberate marine-pollution.

The World Bank (IBRD) has been making efforts to apply environmental criteria on major economic developments, industrial projects and to the evolution of development goals and strategies, taking proper consideration of the Ecological factors.

It is to be noted with interest that during 1970, the then president of world Bank, Robert McNamara had taken the general policy position that no loans be made in future without careful screening for the possible environmental side effects. In November 1970, he made it clear in his Report to the ECOSOC that the Bank had established a unit to foresee the environmental consequences of proposed development projects. The Unit consists of outstanding eminent Ecologists, Biologists and system-Analysts of the World.

Besides these organizations, some other specialised agencies have their concern with environmental factors. The International Civil Aviation Organization (ICAO) is concerned mainly with two aspects only

(i) as to aircraft noises and (ii) the problems of sonic boom. It has held several symposiums and seminars on the danger of Ozone Layers by Jet Crafting and disturbance to ultrasonic rays, supersonic aircrafts etc. The Regional Economic Commissions of ECOSOC have also been involved in the environment problems. They have fully utilized the regional and local resources through steps for protection and the improvement of environment. They have been entrusted in their respective regions with the task of formulation, co-ordination and the implementation of the programmes for the promotion of inter-regional co-operation. The most successful amongst them was the Economic commission of Europe (ECE), which had established separate committees to deal specific problems.²⁸ But the role of all these five commissions, that of Europe, was to create an environmental awareness only and not to regulate the activities of member states. These fragmented tasks of environmental considerations were dealt with in Sectoral

²⁸For detail see. Environment policy and Law, Vols. 4 p.18; vol. 5 p.79 and US Dept. of Environment National Environmental Policy Board, Washington Department of State publication. (1977).

fashion, sometimes by the Economic commissions and sometimes by the specialized agencies. There was no integration and co-operation between various programmes and sometimes they undertake quite controversial projects already abandoned by other Body. There was an urgent need to harmonise these various functions in one body and thereby to prevent the impairment of human-environment. This call was echoed by Swedish Resolution of 1968 in Economic and Social Council, which laid emphasis on the examination of problems in different aspects and on an appropriate solution to be sought by all nations, both at the national and international level.

Swedish Initiative and Discussion

We have noted that the General Assembly has considered the Resolution 1346 (XLV) of 30th July 1968 of Economic and Social Council initiated by the Swedish Representative²⁹ and reviewed the work already undertaken by various IGO/NGOs, e.g. International Union for

²⁹See: Res. E/1346(XLV) as proposed by Seven powers (DOC. E/2-1226/Rev. I) orally amended by Turkey, adopted unanimously by council on 30 July 1968 at its 1555th meeting.

conservation of Nature and Natural Resources (IUCN),
Studies for Critical Environmental Problems (SCEP),
scientific committee on the problems of Environment etc.,
works undertaken by specialized Agencies of UN and Economic
Commissions of ECOSOC as well as by national governments
to this respect, as well as the forthcoming meetings of
the governmental experts.

Looking in this perspective the Assembly desires
to encourage work in this field and to give it a
common outlook and direction, for a comprehensive
consideration in the UN framework. It identified those
aspects of problems that could only or best be solved
through international co-operation and agreements.
Therefore, it requested the Secretary-General Thant to
prepare a Report outlining the work and programmes of
the various organizations of the UN family relevant to
the problem of human environment (PHE). The Report was
to be submitted in twenty-third session of the General
Assembly for approval on convening an International
conference of Human Environment.³⁰

³⁰UNDOC, A/7279, Agenda item 91 of 23rd Session.
It is to be noted that the ECOSOC in its 44th session
decided to place the question of convening an Interna-
tional Conference on the PHE by a Letter of 20th May
1968 by Swedish Govt. (See: DOC/E/4464/Add. I Plenary
1528).

The General background of Swedish initiative provided for an increasing sign all over the world, of series negative side effects on Environment through rapid development of science and Technology. It was pointed out that they have trans national effects and crossed the traditional administrative boundaries of states, thereby rapidly rendering obsolete the existing national and international mechanism in the environmental field.³¹

The typical phenomena of developing countries, the lack of technical know-how and the economic factors behind this problem were stressed by several speakers; which clearly described the difference and the magnitude of problems between developed and developing countries. Indian speaker made it more clear during debate in the second committee as :

"....There is a difference in degree and the development between the two. For example, the problem of the industrially developed countries, is how to prevent the deterioration of (their) human environment, resulting from the

³¹Lars Earen Engbelt, "The UN and the Human Environment: Some Experiences" International Organization, Vol 27(1), 1973, pp.393-412.

technological advancement and how to curb the unfavourable consequences of what has already happened.....the same problem which now concerns the developed world are emerging as in the developing countries, and this is in addition to the ones already existing."32

The delegate emphasized on preventive measures and requested that the main task of international co-operation in this field should be directed to enable the developing countries to have access to the type of advance technology, which would not only facilitate rapid industrialization, but also take care of the broad environmental problems.

The basic aim however, can be summarized which leads to the Swedish Resolution.

- (i) To put the problem of human environment in the Agenda of General Assembly.
- (ii) To determine the issues for public attention and inviting public opinion on this issues;
- (iii) To bring a dialogue between Governments officials, leaders and scientific community about

³²Statement of Shri K .P. Saksena, Member of the Indian Delegation of the UN in the IInd Committee on November 10, 1969. Foreign Affairs Record. (New Delhi), November, 1969, P.245-46.

the nature and significance of the environmental problems for society at large, hopefully resulting in better measures to deal with them.

- (iv) To identify those environmental problems which could only or best be solved through international co-operation.
- (v) To demonstrate the ability of UN system to respond effectively to changing new problems of extra-ordinary importance, as a consideration of practical significance for small or medium sized countries with a strong national interest in maintaining a viable world organization.

Thus, considering these factors in its totality, and the condition of man in the technological era, his physical and mental well-being, his dignity and enjoyment of basic human rights and the urgent attention for sound economic and social development, the council debated the matter in detail and further recommended to the General Assembly to consider ways and means for convening a UN Conference on this subject and other preparatory work for such a meetings.³³

³³Yearbook of UN 1968, p.473.

Decision of the Assembly

During 23rd session of UNGA, the matter was first referred to Fifth Committee (Administrative and Budgetary questions) in its 1273th meeting, which was later transferred to plenary for detailed consideration.³⁴

On 3rd December 1968 by Resolution 2398 (XXIII) the plenary, convinced of the need for intensified actions at the national, regional and international level in order to limit and where possible, to eliminate the impairment of the human environment, in order to protect and improve the natural surroundings of man.

The Assembly, thus decided to convene a conference of human environment Stockholm, as requested by the Swedish Government, from 5-16 June 1972.³⁵ The Secretary-General was requested to go into details about the arrangement of such conference in consultation with the Advisory committee on the Application of Science and Technology to Development.

³⁴General Assembly Official Records (GAOR), 23rd Session, Plenary, 1732 and 1733 meetings.

³⁵Doc, A/7514.

Further, the Assembly expressed its hope that the developing countries would, through appropriate international co-operation, derived particular benefits from mobilization of knowledge, resources, and experiences as to enable them to overcome many of such problems.³⁶

Report of the Secretary General

In fulfilling the mandate of Resolution 2398, the UN Secretary-General submitted a report with several recommendations about the scope and arrangements of Stockholm Conference.³⁷ The Report determined the three basic causes for the deterioration of human environment. They were

- (a) Accelerated population growth;
- (b) Increased Urbanization;
- (c) The Extended horizon of New technologies with their associated increase in demand for space, food and natural resources.

³⁶The Assembly took this step with the adoption, without objection of Resolution 2398 (XXIII) as proposed by 55 nations.

³⁷The Report was the response of the operative para(2) and (3) of above Resolution See; UN Doc.E/4667 of 26 May 1969. This Report is a comprehensive document divided into 129 paras. and a big annexure containing the relevant environment activities of UN system.

The Report pointed out that there are so many complex choices amongst the problems that priorities must be determined to achieve success in any programme of regulating and improving the human environment.

The Report also contains both the procedural and substantive aspects for the arrangement of conference. The Report classified the problems in several ways for instance, whether they are predominantly of a physical, biological social or cultural nature, or what are their geographical implications in patterns of settlement. The Report finally asserted that the diversity, the magnitude and the universality of the present problems calls for the:

environmental science research, technological research and development, monitoring standards environmental education, public information, economic planning and analysis, preventive action in the environmental deterioration, creative actions on environmental deterioration, prospective and creative action on environmental management, administrative structure, financial/fiscal and trade arrangements, legislation, and international action and assistance.

All these elements have been examined at other places of this study.

Purpose and Objectives of the Conference:

The basic terms for the conference as set-out under Res. 2398 were as follows:

"It is desirable to provide a framework for the comprehensive consideration....in order to focus the attention of UN of the Governments and public opinion on the importance and urgency of this question.."³⁸

Therefore, the raison d'etre of the Conference was its concentration on the need to deal with the specific problems of management and control of human environment for economic and social development.

Thus, amongst the other things, the objectives of conference can be described briefly as under:

- (i) To provide a forum for exchange of views among governments on the ways and means of handling environmental problems including machineries required for administrative and legislative actions;

³⁸See: Para 7 of the above Resolution, Yearbook of the United Nations, 1969.

- (ii) To focus the attention of governments and public opinion on the importance and urgency of environmental problems.
- (iii) To consider methods to meet the need for intensified actions at all levels, especially in favour of developing countries; and
- (iv) To focus attention on and encourage wider participation and support for present and future activities of UN and other NGO/IGOs related to environment and give them a common outlook and objectives with concrete direction.

These were the main objectives, The Report, however, included three more subsidiary ones:

- (v) The development of procedures to identify criteria and standards of environmental quality.
- (vi) To improve systems of measurement for assessing changes in environmental quality and also their impact on human welfare and
- (vii) To achieve subsequent international or regional arrangements on specific environmental problems.

Thus the primary emphasis of the Stockholm Conference was on action, and as report pointed out, equal importance was given to the provisions of information and education of mankind, on the nature and importance of their common environment, to have a clear public-support needed for effective action.

Reponse for Conference in 24th Session of UN General-Assembly

After considering its earlier resolutions, and the Report of Secretary-General, the Assembly adopted Resolution 2581³⁹ on this subject: The session established a preparatory committee of twenty seven consisting of highly qualified governmental representatives.⁴⁰

The Secretary-General was again entrusted the overall responsibility for the organisation and preparation for the conference. The preparatory committee of twenty-seven was to advise the Secretary-General on subjects set forth during the debate of

⁴⁰Resolution 2581/(XXIV), ORGA/Suppl. No.30, A/7630, pp.24-64.

⁴¹They were: Argentina, Brazil, Canada, Costa Rica, Cyprus, Czechoslovakia, France, Ghana, Guinea, India, Iran, Italy, Jamaica, Japan, Mauritius, Mexico, the Netherlands, Nigeria, Singapore, Sweden, Togo, the USSR, UAR, UK, USA, Yugoslavia & Zambia.

the ECOSOC at its 47th session. It further endorsed the Report of the Secretary General in toto.

The Secretary-General, then, appointed a small conference Secretarial headed by Mauria F. Strong: to invite the specialized Agencies and other Non-Governmental organisations (NGO/IGOs) and to bring the public-attention about the nature and importance of the PHE.⁴²

It was now ruled out that the progress Report of the Preparatory Committee was to be considered through ECOSOC and all the necessary action be taken only in 25th and 26th sessions of General Assembly.

SUMMARY OBSERVATIONS

The initiative by Sweden on this issue was timely. The positive response from ECOSOC and the General Assembly have added one more dimension in it for elaborate discussion. The report of Secretary-General not only covered the traditional functions

⁴²GAOR (XXIV) Annexes, Agenda item 21, Dec. A/7707. p.5-8.

undertaken by the organs of UN systems, and other Inter-Governmental Organisations (IGOs/NGOs) in the field of environment but also laid down certain normative and descriptive approach for further considerations by the World organisation. The seeds of a giant programme to curb the environmental problems had been down by these initiatives, which developed into a big tree of actions and recommendations through the Stockholm conference, which begin with the optimistic call of Secretary-General U. Thant:

"Like it or not, we all are travelling together on a common planet and we have no national alternative but to work together, to make an environment in which we and our children can live full and peaceful life."⁴³

⁴³See: UNEP/Information-07, 1973 (Nairobi).

CHAPTER - II

PREPARATORY WORK (1968-72) OF UNCHE: AN ANALYSIS

By Resolutions 2394 and Resolution 2581 the Secretary-General of UN was requested by the General Assembly to appoint a preparatory committee (PC) "to discuss and formulate vital issues to be placed in the Agenda of Conference-72". In this respect the co-operation of interested member states, specialized agencies and the non-governmental organizations were called for, to support the cause of protecting human environment.

The P.C. of Twenty Seven was an inter governmental advisory body to go into details of the issues supposed to be raised for action in the Stockholm Conference.¹

The general feature of debate during this period was that the national interest of some states were at stake, especially the attitudes of United Kingdom

¹It may be noted that the PC was a subsidiary organ of G.A. Established by Res. 2581 (XXIV) and is governed by the rule 162 of the Rules of Procedure of G.A., which reads as under: "The General-Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions." A/Conf. 48/PC/L.1.

and France. They were rather sceptical about the idea of UN Conference. They favoured the continuation of sectoral activities within the specialized Agencies of UN without costly manifestations at the central level. Besides this, they felt that the UN concern in this field would have involved the developing countries in a large number, whose problems were not particularly acute, but which could be expected to use "Environmental band-wagon" as the vehicle for financial assistance from the industrialized countries.

The second feature of debate was the mixed reaction of hope and despair. While some predict doomsday, then others were optimistic, revealing great faith in human-ability to solve these problems and to build a better human environment. However, the shift in existing pendulum was stressed throughout.

Amongst the developing countries, the views expressed by Ghana and Brazil were noteworthy. On the one hand they foresaw, behind the Conference, a conspiracy on the part of developed countries to reduce their industrial developments by the fear of pollution and hazards to human-health, and on the other hand

the capability of the United Nations itself to regulate the activities of states which are exclusively in their domestic jurisdiction, for the cause of national development. They even preferred pollution, rather than to check it, as it is a stigma of development. This was acknowledged as potentially more serious problem for the success of UNCHE.

Thanks to the Swedish representative who not only intervened to moderate such controversial views but also conciliated the diversified approaches of these countries by his marathan speeches in the multitudes of the problems of human environment and his emphasis on the institutional solution of these problems. His approach was further carried out by Maurice F. Strong² who stress this seriousness of PHE in the very beginning of preparatory process:

"The question of managing the global environment is the most intrisirkly instrument of all the

²Mr. Mauric F. Strong (Canada) was appointed as Secretary General of Conference by the UN Secretary General. One of his main responsibility was to pursue the preparatory work in effective way. This overall mandate enabled him to play a major role in consultation with the Governments and other International organizations.

great issues which are confronted or are likely to confront, the human race."³

The behaviour of Soviet delegation in the early stage of proceeding calls for our attention. They made it clear that the Ecological issues, though basically national in character, required international co-operation for a successful and permanent solution, as it accompanied healthy development process. The participation of socialist countries, in this way, was very important as they have some special experiences to solve the environmental issues threatening their national development. But the Soviet Union could not maintain its promise of healthy co-operation and walked out from the Conference on the question of German representation.⁴

³See Address of Secretary General of UNCHE, UNDOC. A/Conf. 48/PC.SR1, 10 March 1970.

⁴It is evident from the early history of UN that the German question stumped many initiatives of UN. The Preparatory Process was also not aloof from it. Here also, the Soviets pressed for the participation of GDR in the Conference and in the preparatory process. The determined opposition of USA, UK and France resulted the walk out of Soviet Union and nine other countries of Soviet bloc and they organised a separate conference on the same subject, as parallel to UNCHE Stockholm-72, known as Conference on the problems of IIIrd World and Human-Environment. See: William H. Mathew (ed.) 'outerlimits & Human Needs! The Dag Hamnerksjold Foundation, (Uppsala, 1976), pp.41-43.

Nevertheless, a via-Media was emerged by the successful participation of specialized Agencies of UN e.g. UNESCO, WHO, IAEA, FAO, World Bank etc. and the regional Economic Commissions of ECOSOC. It secured the way for on going and planned activities of UN in the environmental sphere. Their role was appreciated throughout by the Secretary General, not only for mobilizing support activities from other IGO/NGOs and co-operations, but also to channelized the knowledge in various other fields. This had paved a way for the organization of other conferences on PHE as on Water 1977), Desertification (1977), Marine Pollution (1974), Rational use of Energy (1977), Population (1974), National Parks (1975) etc.

Constitutional Norms for Preparatory Committee

There were certain norms for the guidance of the entire preparatory work of conference.⁵ Some of them may be illustrated here:

⁵As laid down by the Secretary General of Conference and President of preparatory committee, Keith Johnson (Jamaica), during the first session of P.C. Conf. 48/PC/S. (10 March 1970).

- (1) The preparatory process should satisfy the express desire of the Governments for covering a comprehensive field of environment, and then laid down action measures for the solution of such problems;
- (2) Every effort should be made by the Committee to reach at all decisions by the consensus, but in the absence of such consensus, decision should be reached by a vote, as provided by the rules of procedure of General Assembly;
- (3) The Committee might usefully establish such working groups as to facilitate in the preparation of Reports on different 'identifical' areas, which could include:
 - (i) A survey of the most urgent problems;
 - (ii) Priorities between these problems for an international action; and
 - (iii) Suggestions for actions to be taken by the conference.
- (4) Within the existing budgetary limits, the setting up of small but efficient conference-secretariate.

- (5) The documentations to be submitted in the conference shall be limited in numbers, and no irrelevant Report be placed which can adversely effect the opinion of government delegates.⁶ and
- (6) Special measures should be taken to stimulate the interest of developing countries in the conferences.

Under these guidelines, the Central theme of the Committee was proclaimed 'HARAMBEE' (i.e. Let us Work Together). The members, thereof, acknowledged together that man can't see himself apart from a agile, web of life that encircles the earth, which he has, now, capacity to destroy and thus now, a responsibility to care for.

⁶The reasons for such decision were obvious, that merely all the Specialized Agencies and other UN bodies had submitted basic papers drawing on their knowledge and experiences in concerned area of specialization.

Secondaly, various other NGO/IGOs and individuals took part in the presentation of specialized papers, which naturally increased the burden of documentation. Therefore, an Indexing order was provided to keep them in ready manner.

The Preparatory Committee held its four sessions at UN Headquarter in New York and in Geneva.⁷ The committee's very first task, was the preparation of a 'Report on the state of Human Environment' by an international panel of scientists and other experts:⁸

⁷The sessions proceedings have been reported in the UN DOC, A/CONF. 48/P.C. 1 to A/CONF. 48/P.C. 17 with their addendums and corrigandums. A brief sketch of these sessions are as :

- 1) The First Session (NY-10-20 March, 1970)
The P.C. here define the contents and selection the topics for the conference. Areas of Actions have also been identified here.
- 2) The Second Sessions: (Geneva - 8-19 Feb. 1971)
Preparation of Provisional Agenda for conference and contents of Declarations' were discussed here. The Intergovernmental working groups were set-up here to preliminary examine the questions of marine pollution, monitoring and surveillance, pollutions - Release limits, conservation, soils, Training & Education, Information - exchange and Genetic Pool. The organizational implication for Action Plan were also discussed here.
- 3) Third Session : (NY 13-24 Sep. 1971) - Here the P.C. reviewed the progress of the substantive works and discussed in details about the preamble of Declaration.
- 4) Fourth Session : (NY 6-17 March 1972) - The discussion over organizational implications, financial provisions, fiscal approval of Draft Declaration and recommendations of action proposals were the main task carried out by this session.

⁸Only ONE EARCH: The Care and Maintenance of small planet, Barbara Ward and Reni Dubos (ed), (New York), 1970.

Government were asked to submit national reports on their experience in dealing with environmental problems.⁹

The specific topics suggested for these reports were on : (1) planning and management of human-settlement for the environmental quality; (ii) Environmental aspects of the management of natural resources; (iii) Control of pollutants and Nuisance of broad international significance; (iv) International institutional implications of action proposals and (v) The Economic, financial, social and educational aspects of environmental issues.

The Preparatory Committee emphasized the need for a 'special fund'. In this respect the consolidated document, submitted by the Administrative Committee on Co-ordination on "UN System and the Human Environment",¹⁰ make it clear, that:

⁹Eighty-six (86) Governments submitted their reports outlining their National Environmental experience and areas of concentration. They were considered as conference document and discussed by the P.C. with the assistance of specialized Agencies of UN and other experts from the Government.

¹⁰UN Document A/CONF. 48/12....17 December 1971.

"Any additional new resources provided for activities in the field of Human Environment should not be provided at the expences of resources available for development."¹¹

This made it clear that there will be a separate fund for the environmental activities within the UN system. However, the Report submitted by the Secretary-General on this issue discussed in detail, about the manner of mettings, coats of projects secretariate, organisations etc.

Regional Seminars

To facilitate the discussion in the preparatory committee, the Economic and social commissions of ECOSOC took an interesting responsibility on convening the Regional seminars, workshop and symposium on "Environment and Development". The purpose was to create public opinion and support in favour of the environmental awareness. These seminars focussed on the different aspects of developmental activities carried out in the respective regions of these commissions and pointed out their possible side

¹¹Ibid., Para 67.

effects, if not carried for an environmental causes.¹²

Moreover, a panel of 27 senior experts in the field of 'Development and Environment' met at Founex (Switzerland) from 4-12 June 1971, which stressed for the urgent need of developing countries on protection, improvement and development of their national environment. Through this Report, the panel made it clear that the environmental considerations should be an integral part of developments process. The report was later endorsed by the Preparatory Committee and admitted for the recommendations in its priority areas for the protection of Human Environment.¹³ It noted that this is an indispensable pre-requisite to the kind of international co-operation which will be required if mankind is to deal effectively with newly perceived environmental challenges.¹⁴

Besides, the report makes clear that the environmental issue is indeed of great importance to developing countries and points out why it must be

¹³For details, see "Environment and Development" (The Founex Report), International Conciliation (New York), No. 586, January 1972.

¹⁴Ibid., Introduction by the Secretary-General of Conference Maurice F. Strong, on p.7.

considered as an integral aspect of their own development

TABLE

Commission	Venue	Date
1. Economic Commission of Africa (ECA)	Addis Ababa	23-28 Aug.1971
2. Economic & Social commission for Asia & Far East (ECAFE)	Bangkok	17-22 Aug.1971
3. Economic Commission of Latin America (ECLA)	Mexico	6-11 Sept.1971
4. Economic Commission of Europe (ECE) with collaboration of EEC	Prague	2-15 May, 1971
5. Beirut Working Group	Beirut	27 Sept. to 20 Oct. 1971

proress. It brings out the important differences in perspective and priorities between the environmental problems of the industrialised countries and those of the developing countries. It makes, however, compelling case for a common concern and common action in a number of important areas.¹⁵

¹⁵ Similar views were also expressed by UN Advisory Committee on the application of Science & Technology for Development (UN/CASTD). The role played by UN/CASTD for bringing together a number of specialists from developing countries to express their views on this problem, was highly appreciated by the P.C. and General-Assembly in its various proposals and resolutions respectively.

Moreover, the conference Secretariat had organized a conference at CASIBERA (From 24 August to 3 September, 1971) bringing the experts of environmental science together with the special committee on Environmental problems' of IUCN (International Council of Scientific Union). Their discussion on different environmental subjects were fruitful for the further development of the conference papers.

In this way, the preparatory process was the hallmark for the success of conference, because it not only encouraged participation of developing countries but also facilitated discussions, through various expert reports, to be fruitful for an action oriented conference. Let us examine some positive developments of P.C.

Sessions of P.C. and their outcomes

While inaugurating the first session of P.C. Mr. U. Thant, made it clear that: (The then Secretary General of UN)

"It was for the United Nations to harmonize the efforts which were being made to solve the problems of human environment".¹⁶

¹⁶UN Doc. A/CONF-48/PC/SR-1., 10th March 1970.

The debate during this session was centralized around the theme of 'Development and basic biological balance', emphasizing a new trends which marked the beginning of a new era after the industrial revolution. However it was emphasis that any control of the effects of productive-process henceforth would required a new thinking in economic policies new legal instruments, new administrative measures and, of course, new governmental priorities to face this new crisis.

During the open debate, it was further emphasized that man and institutions are fully capable to solving the problem in due time and industry would undoubtedly be able to devise clean process of production and proper means of waste-disposals.

"Man is in threshold of new era of International co-operation, as international scenrio is bound to change in Economic, Physical and social sense, each after twenty five years. For instance, the world population has doubled and so is the case with consumptionof water, minerals, energy transportations etc."¹⁷

Likewise, under the modern impact of rapid scientific and technological changes, nations were being brought closer and the problems were becoming

¹⁷UN DOC. A/CONF-48/PC/ 1. Para....24.

the same in all countries. The total effects of these changes would be such that joint international surveillance, consultations and actions would be required if human life is to be preserved and enriched. In this way, what is the urgent desire of time is to fill up the gap in knowledge, because:

"It would be far less costly to take concerted preventive action than to repair the damage after it had occurred."¹⁸

Throughout the discussions¹⁹ the delegates made it clear that the idea of progress, confined with the power science and technology have given mankind an opportunity to dominate the nature in the name of economic progress. The grievous split between rich and poor nations of the world threaten only the Economic progress, but life itself in these countries. At the same time, the careless consumption of scarce resources has resulted in the tremendous threats on contamination and world-wide pollution.

¹⁸UN Doc. A/Conf. 48/PC/SR.1 Para. 10.

¹⁹Participation: There were 29 states represented by their experts, 20 states as observers and several specialized agencies of UN IGO/NGO/ e.g. IUCN, SCEP, SCOPE etc. took full and active participation in the recommendations & decisions making process for the outcome of a final action plan.

The Committee then discussed the preparation of documents for the conference, Selection of topics, measures for encouraging noted participations and other arrangements regarding public-information in relation to preparation for the conference.

The discussion during this session were circled around following specific questions:

- (i) Is Ozone Layer threatened with destruction?
- (ii) Is all earth's life threatened with radiation contamination, as we are moving in the Nuclear Age?
- (iii) Will salination and handening of soil destroy most of the agriculturally productive lands in the-world?
- (iv) Will careless mining of the ocean floor destroy the vital oxygen producing capacities of the oceans?

It was agreed, during the 2nd session that the conference would be a desirable devise to provide a framework for comprehensive consideration within the UN of environmental problems, in order to focus the

attention of the govts and public opinion, the importance and urgency of these questions and to identify those aspects of it, that can only or best be solved through International co-operation and agreement.²⁰

The P.C. also considered as to what should be the purpose of an action-oriented conference,²¹ where emphasis shall be given to the promotional aspects of information to fulfill the objectives of Resolutions passed by the General Assembly.²²

Among measures to be considered for international action, in the first instance, the following items were recommended : (i) A regional and Global monitoring of the quality of Air and Water. (ii) Establishment of Air & Water quality standards. (iii) Protection of Soil deterioration. (iv) Control of Pesticides and (v) Agreements to prevent the future deterioration of Oceans.

Likewise, the emphasis here was on the fact that the question of environmental pollution was of vital importance but other matters like urban and rural planning, conservation of nature and proper management of natural resources called special attention of the world community. It was the unanimous view of delegates

²⁰ Res. 2581 of (XXIV), Session also affirmed this decision as "It would be the main purpose of conference to serve as a practical means to encourage, protect and improve the human environment to remedy and prevent its improvement by means of international co-operation. See- UN Yearbook, 1972, p.436.

that continuing Economic progress must be ensured while minimizing environmental degradation and pollutions. Thus, a link was placed between environmental control and Economic and Social development.

It was further agreed that the conference should be a focal point of present efforts as well as starting point for the future action on the field.²³ Here special attention should be given for the related deficiency in governmental and administrative structure to deal with the environmental management. At this stage, it adopted certain recommendations concerning to the following subject matters, for the conference :

- 1) Environmental aspects of human-settlements (physical, biological & cultural aspects).
- 2) Rational management of natural resources,
- 3) Environmental degradation from pollution and Nuisance.

²¹ See: A/Conf. 48/P.C./2...item (6) of the provisional Agenda.

²² A/Conf. 48/PC/5-9 March 1970, titled "arrangements regarding public information in relation to the conference.

²³ Meaning thereby to utilize the outcome of other programmes like Man and Biosphere (MAB) of UNESCO, Atmospheric Monitoring programmes of WMO and indicative of world plan of FAO etc.

The Preparatory Committee then felt it necessary to recognise in any one of these three areas, problems and approaches, e.g.

(1) Preservation and development of cultural aesthetic and scientific values of human environment,

(2) The forecasting of and the control of the affects of catastrophic alteration of the environment resulting from earthquakes, floods, cyclones etc.

(3) Comprehensive analysis of the urban and rural habitable environment, present trends and problems, causes and consequences of different sizes of settlements in cities and their socio-economic patterns;

(4) Environmental deterioration through mining and industrial enclaves and impact of over concentration of industries in some regions;

(5) Development of an early warning system for environmental deterioration, and

(6) The system analysis and the operational Research methods, programmes-planning and their management goals and objectives in the field of their interdependence and their capabilities.

It follows, therefore, that in any approach to environmental problems, it is necessary to employ a strategic assessment which takes full account, not only of effects on the environment, but also a financial, administrative, legislative, social, Economic scientific and technological factors.

The P.C. then ruled out that no recommended action should be planned or implemented in a fragmentary way, isolated from other factors. To this effect, action at national and international level should be so devised as to give emphasis over research and development in respected areas.

The second session (8-19 February 1971) recommended that the main task of UNCHE could be carried out in three main committees, with geographical representations of members . The implications of Action-Proposals could be distributed among the other two committees.²⁴

Thus, the distribution of subjects were ensured for proper discussion in the three main committees. Besides a sub-committee of the whole were also constituted to integrate the discussions of all committees.

²⁴Besides these main committee, there were a Committee of Consultants, where more than 150 distinguished persons were invited from 60 countries to secure intellectual support of PHE. Other committees of UN were also served in this committee. See A/Conf.48/PC/9.

DIVISION OF SUBJECT MATTER FOR DISCUSSION :

In order to facilitate a balance between the need for comprehensiveness and need for action, it was decided by the P.C. that the subject matter of the conference could be dealt with in the following three levels.

A. Intellectual conceptual Level:

The level shall be consists of representative groups of World's intellectuals, including physical and social scientists for a comprehensive assessment of the existing state of knowledge, to identify major areas of problems and opinions as the principle aspects of the relationship between man and his environment and the implication of these for the relationship of man and society.

This level was designed to produce the ingredients for a "Report on the state of Human Environment,"²⁵ as well as in the preparation of the position papers in Economic, financial and socio-Educational aspects of PHE.

B. The Action Plan Level :

It consists of series of items on which a sufficient degree of consensus be taken at stockholm to request Governments and interested organizations for the specific Actions of future.

²⁵Prepared by Barbara Ward and Rene Dubos.

It was, however, an Unofficial documents.

The IInd Level shall also examine the alternative institutional arrangements for the implementation of such actions. It was realised that the adoption of such an action plan would define the work programme in the environmental field for the post-Stockholm developments.

C. The Action Completed Level:

It is apparent that all topics can't be accorded equal weight and time in the preparatory process as well as in the conference, hence they could be discussed at first level, with emphasis of selection at IInd level.

The level identified those few items in this level on which action could be hopefully completed by the conference.²⁶

It should be noted that there were some working groups on emphasis to specific topics to reduce the length of these three levels e.g. on soil, marine pollution, monitoring, conservation and drafting of a Declaration may be put to either of three level for specific guidance and further action.²⁷

In this way, the ambitious terms of reference which were given to these groups facilitated in bringing together

²⁶See: Annex 5. of UN Doc.A/Conf.48/PC 8, which lists all the Specific topics as pointed out by the and by the specialized agencies of U.N.

²⁷UN Doc. A/Conf.48/P.C./9 and P.C. 13 paras 87-91, PC/16, para 75.

governmental experts and diplomats on a common environmental platform for an inter-governmental conciliation thereby to produce a concrete result in the conference and aftermath. The discussion at this stage were quite fruitful for building a structure for the solution of PHE.

The Third and Fourth Session : were rather more important for the finalization of all the discussions and completion of documents to be submitted in the UNCHE. They manifested together with a consensus approach for the determined will to solve the PHE.

Again, it should be noted that the previous two sessions had established the guidelines for the programme of substantial work by agreeing upon the contexts of the programme agenda and identifying areas for level third action.

But the obvious aim of third and fourth session was to provide a final opportunity to P.C. to review the earlier works and advise the Secretary general about the documents submitted for the consideration of UNCHE.²⁸

Beside, the IIIrd session also reviewed the resolutions passed by Human Rights committee on "Human Rights and Scientific Developments"²⁹ and other relevant documents of ECOSOC for the conference.³⁰ It also reviewed an important Report of the European Economic Community (EEC) on "Symposium Report on Problems Relating to Environment".³¹

²⁸See: UN Doc.A/Conf.48/PC./9 & 10.

²⁹Report of the Secretary General; E/CNU/1028 & Add. 1-3,83/CORR 1,4 and 6. ³⁰A/Conf.48/P.C.10. ³¹Doc.

The session also prepared a glossary of six-hundred terms defined in the environmental context, as suggested in the earlier sessions.³²

The fourth session categorically stated the urgent importance of an International Referral system (IRS) to facilitate the existing source of environmental information and for a feasibility of a working net-work for decision makers, in the environmental field.

The proposal of (IRS) to operate as a switch board mechanism between different user and suppliers of the informations relied on Software computers and Electric instruments, were accepted with applause. It was an unique attempt on the part of international community to provide informations related to their domestic net works and approaches relevant to the environmental research.

Provisions for Conference Arrangement and Public Information.³³

Chapter 5th of the Report of Secretary General to the fourth session deals with documentations invitations, composition of delegations, the pre-conference meetings of Experts, seating arrangements, allocation of the agenda items of the three main committees and the arrangements

³²A/Conf. 48/PC/9...para 120 to 147.

³³Draft Report on the IVth Session of PC, Doc. A./Conf.48/PC(iv)/CRPS and Addl. L 2, 3 (A to C) & 4.

of the "Environmental forum".³⁴

It was decided that the conference will be held on Ministerial Level. There shall be a pre-conference meeting to provide a short of dress-rehearsal of the conference on 3rd June 1972 for the consultations of the substantive issues to be raised in the conference. This has provided a more careful assessment of the problems of environment and more intensive deliberations at the conference.

An important question was raised by some delegation as to whether it would be appropriate for the conference to adopt resolutions. It was made clear by the president Keith Johnson that the UNCHE should proceed its decisions by consensus and not by voting.

The information programme of the conference had been geared to generate the maximum interest of the people for the protection of global environment.³⁵

Important issues discussed by the Preparatory Committee:

It is desirable to cover some possible length of discussion on subject-wise to which the committee has given special attention during a period of March 1970 to March 1972. An endeavour has been made here to cover some important topics, which bears their relevancy throughout the preparatory process. A content analysis has been prepared as under :-

1) Exchange of Information : The committee made it clear that the solution of many environmental problems

³⁴For detail, see Un Doc.A/Conf.48/PC/15/Chapter IV & Vth

³⁵See: A/Conf.48/PC 18, 30th Sept. 1971.

at the national level would be greatly facilitated if channels were opened for quite and effective exchange of knowledge and experiences. This is particularly true in the case of developing countries.

The discussion of this problem were aimed at making recommendation to governments and international organization in possible technical administrative and legislative measures formulating proposals for necessary institutional arrangements, e.g. IRS, earth watch etc.

2. Survey of research :

The purpose of discussion on this topic were to yield insight for common outlook and direction in order to secure maximum practical utilization of the results of Research. The working group on this topic recommended inter-alia: a) Possible establishment of the informations Centres to avoid the problems accompanying rapid industrialization and urbanizations. b) Methods to promote consideration of environmental factors in the Development planning. c) Reviewed of all existing programmes and their assessment.

3. Socio-Cultural Aspect of Problems :

The following were the main area of discussion

1) Population centralization in urban areas and Transportation. ii) Administrative methods for the use and management of natural resources, and iii) Soil conservation, water quality and Human settlements etc.

The National Report submitted by eighty six nations were discussed in detail with emphasis on collecting

informations and devising methods for co-operation among the developing countries. It also reviewed some problems concerning the causes and effects of demographic patterns on human settlements. Some specific problems were also discussed, they can be summarised here as :

1. Effects on population of Air, Water, Soil as well as noise and vibrations on the health and living working conditions of rural-urban population;
2. Water-supply and waste disposals;
3. Housing, slum clearance and community facilities;
4. Environmental deterioration through mining and industrial enclaves.
5. The impact of over concentration of industries.

8. Rational Management of Natural Resources :

The working group of this subject examined the questions of natural conservation and legislations to encourage the utilization of Natural Resources.

The study covers the problems of land-damage due to thermal erosion, thermal Rarst and the loss of wild life habitat through altering water-shed patterns and by removing vegetation covers.

The working group came to the conclusion that many of the current problems in this field are due to the limited single sector approach adopted by managers and administrators. It prefers to adopt a "Multi-disciplinary managerial

approach" to solve these problems.³⁶ At the same time, the working group covers certain specific problems in the resource management. They were :-

(i) Selected Technical Problems : eg Effects of technological revolution on resource development, desalination of water and their control etc.

(ii) Economic Problems: e.g. Effects of environmental actions on demand and supply of natural resources, production-process, development opportunities for the developing countries, need for new Economic concepts to compute costs of environmental degradation and its modification etc.

(iii) Man-Made Environmental Values: National Parks and sanctuaries, Recreation and aesthetic values, protection of historical sites and movements, conservation of endangered species and the likes.

(iv) Administrative and Legal Problems: Among other things, it deals with :-

(a) Policy formulation based on adequate data collection with a view to harmonizing development and conservation activities.

(b) Long term natural resource policy in relation to environmental perspectives.

(c) Preservation of man made environmental values.

(d) Resource-data and documentation, storages, as well as the retrieval systems.

³⁶ See foot note 39.

In all these field adequate legislation would be framed by the National governments, so that to ensure an orderly and effective development of natural resources.

3. (i) Environmental degradation resulting from Pollution and Nuisance:

The inter-governmental working groups of this subject drew the attention of P.C. to the various sources and types of pollution and requested an urgent action by the International community to stop it.³⁷ The working group examined the following questions in detailed:-

(1) Relation of pollution-management to the Human Environment alley;

Table 2:1
3(c)

POLLUTANTS

Source	Types			Media
	Physical	Chemical	Biological	
*Industrial				
*Agricultural				
*Urban & other Human-activities	*Noise & Vibrations			*Air
*Natural-Causes	*Radiations			*Fresh Water
*Resource-Devpt.	*Nuclear Fall out			* Seas
*Transportation				* Soils
*Nuclear-Fission				*Cyclone & Earth-Quicks

³⁷ See: table 2.1(3 c), Illustrating the source, types and Media of pollution.

- (i) Relation of pollution-Management to the Human alley;
- (ii) Economic and social causes of these control; and
- (iii) Education and Training in all aspects of environmental pollution to be recognised as basic activity.³⁸

The working group recommended for long term forecasting studies to analysis the trends and development in the pollutant release limits. It also recommended for a system analysis and operational Research Methods to include planning, programming management and decision-making techniques, systematic analysis of goals and objectives in the field of their interdependence and their capabilities to solve the human problems.

- C. (ii) Identification and control of Pollutants and Nuisance of broad International significance:

The main task assigned to P.C. were :-

- (i) Identification of principle types of pollutants, their dispersion and transformation;
- (ii) Identification of economic and social measures for achieving environmental qualities, e.g. incentives, subsidies, penalties, compensation, prohibition, Taxation and different changes thereof.

³⁸The working-group III had prepared a list of National and International activities to provide a background information for action by the conference. (See: A/Conf.218/PC.11 and BC 12 containing Reports of working group on this issue).

It also undertook to study the problems relating to discharge standards, environmental quality-criteria, operational-requirements, harmonization of policies, treatments of special interest groups, industrial-planning and so on.

C. (iii) Effects of Pollutants and Nuisance of International Significance:

The following areas were examined in this head :-

(i) Transport of pollutants in the bio-sphere, contamination through food-chains, water and Air supply, criteria, standards and guidelines for permissible levels of human resources;

(ii) Identification and evaluation (IE) of the principle acute and long terms effects on man's health (including effects on Man's genetic development);

(iii) Identification and evaluation of related effects on other living organism and soils;

(iv) Identification and evaluation of effects on the composition of chemicals which changes the climate's atmosphere and their related effect on cloud and released heat.

(v) Identification and evaluation on goods, materials building constructions etc. and problems of corrosion.

Beside these, the working groups also considered the co-operative measures for maintaining and improving the quality of global environmental media.

4. The Planning and Maintenance of Human settlement for Environmental Quality :

The comprehensive Development Planning was considered in this respect as a means for incorporating a quality standard in human-settlement, The ^{Committee} emphasizes for the avoidance of replication of inadequate and faulty environmental patterns and policies.

Urban Land Reforms were considered as a means for environmental improvement. The following areas and problems were identified for action.

Table-3

AREA	PROBLEMS
1. Population growth and Development	Urban Rural Dichotomy
2. Rural Development	Needs, problems and priorities of developing countries.
3. Industry	Production Location (Environmental specification of working Peace).
4. Housing & Related Facilities	Human Requirements, mobilization of technical human resources.
5. Transitional and Marginal Area, (specially the problems of central city areas)	Problems of migrants, settlement Improving living conditions and services in Slum areas
6. Transport & Communication	Tele-communications as an alternative.

AREA	PROBLEMS
7. Recreation and Leisure	Environmental aspects of Tourism
8. Water-supply, sewage water-disposals	Sources of Human and Industrial Water-disposals, Recycling Technologies and Role of infrastructure in the settlement patterns.
9. Human-Health & Welfare Factors	Factors affecting physical and mental health; Pollution and Nuisance standard and enforcement in context of urban-management, Urban-micro-climate.
10. Social, culture and aesthetic factors	Problems of creating sense of community-preservation and use of significant, historical, cultural and material sites as a lesson conservation.

The Preparatory Committee discussed about these areas and problems and included some of them in its lists for 'Action Plan' as well as in the "priorities". The object was to cover as much areas of human importance as possible within open survey.

The main emphasis remained on social and cultural aspects of these problems. For instance, in the social category it considered the impact of environmental considerations on relations between people, demographic and

behavioural aspects of society in relation to environment. The problem of apartheid was also considered here as one of the main area of action. The development of an environmental ethics was emphasized throughout.

5. Educational and Information Aspect :

The Committee recommended inclusion of environmental and ecological principles in formal education at all level of schooling. The only problem, however, is to solve the substance and Methodology the investigation of means for the development of capable man-power through education, training has to provide competence at all levels of environmental management and search of most efficient means for supplying them at national and international levels.

The Committee felt that the role of adult education is crucial at this stage for the development of environmental consciousness amongst the group-up people in rural-urban areas.

In information field, the committee considered the methods for environmental improvement, measures to arouse the interest and participation of young people in environmental activities.

The object behind this discussion was to enable development and presentation of informations to the people to enable them to understood the costs and benefits of alternative policies and actions.

6. Development and Environment :

The crucial and long discussion on this subject matter in committee led to the adoption of several important recommendations. The most important amongst them can be summarized here as :-

(i) The environmental policies should be considered as the component of comprehensive development policies, taking particular interest in the problems, needs and priorities of Developing countries. To this aspect, Link and strategies to be devised for the second UN Development - Decade.

(ii) Special concern should be given to the problems, priorities and actions concerning to the developing countries.

(iii) Examination of impact of National and International Environmental actions on Economic growth and their impact on Human environment.

(iv) Calculating costs of Economic transaction as contravention of the ecological principles;

(v) Fiscal implications of planning, conservation and developing natural resources and of environmental programmes for decontamination of air, water and elimination of industrial wastes.

(vi) Environmental considerations in the choice of location of new industries in national levels with particular emphasis to new industries in areas of lower-industrial concentrations.

(vii) Resources, required to meet needs for the environmental quality at different stages of economic - development, alternative uses of resource flows implications, financing of international programmes of environmental actions, Technical co-operation and assistance in particular reference to developing countries, and

(viii) Implications of environmental issues for the international trade, technical and development assistance- including transfer of technology costs and financing of these technologies etc.³⁹

The committee here elaborately heard the approaches of developing and developed countries, the side-effects of regulations, the adoption of legislations by the nation-states,

³⁹The committee, here accepted the report of Founex Panel and concluded that: "For from retarding the process of Development the Environment should forms an integral process of the whole Economic and social development". See: UN Doc. A/Conf.45/B.C.(9). The debate made it clear here that while the world whibh men inabits is for from one world politically, it is one world environmentally and no place is isolated from the actions organized in other place. The issue provided a new imperative as well as new oppportunity to make the world a living rivaliries,of ideolo- gically devided world, but useful, tival and inhabitable ecological earth.

human-health and related questions to the development of a sound-environment in the pattern of ecological considerations. The recommendations were also included in the declaration.

7. The International Organizational Implication of Action Proposals :

The committee recognition some functions to be carried out at International level. Here it review certain existing organizational structures at the international level and their capacity in planned activities for future. In this respect, the committee recommended some actions to be followed by National and International organizations. As:-

(a) Mobilization of Public support and active participation of allcommunities in planning and formation of preventive and corrective measures:

(b) Systmatic-development of Research and co-operation of national organizations in the identification and collection of, and evaluation of necessary data for operational use.

(c) Programmes of action to brsee, prevent and remedy harmful environmental consequences of natural catasrops, directly or indirectly related to man's activities etc.⁴⁰

The fourth and Final Session circulated the guidelines and recommendations in this respect.⁴¹ It suggested for the setting up of an (i) Inter-governmental body; (ii) Secretariat (iii) A Special fund and (iv) Co-ordinating Board.⁴²

⁴⁰UNDOC A/Conf.48/P.C./11,15 & 17.

⁴¹A/Conf.48/PC.15.

⁴²PC/17 para 17-58.

It was agreed that the institutional arrangements should be essentially so flexible as to permit their adoption in changing needs and circumstances. It shall make maximum use of existing machinery and resources within and outside the UN system for co-ordination and rationalization of planned international activities. To this respect, it is desirable to go beyond the traditional line of organizationalism. The final verdict were reserved for the conference here.

8. Drafting of a Declaration :

It was agreed in the Preparatory Committee that the declaration should be document of basic principles calling the urgent attention of marking to the many varied and interrelated problems of the human environment and to draw attention to the rights and obligations of man and state in this respect.

It was further agreed that the declaration would stimulate public opinion and public-Participation for the protection and betterment of the human-environment and when necessary for the restoration of primitive harmony between man and nature especially in the interest of present and future generations.

The declaration would also provide guiding principles for governments in the formulation of national policies and setting objectives for future international co-operation.

Due account here had paid for the environmental stress caused by the differences in social and Economic developments between various parts of the world.

It was generally agreed that the declaration should be concise and inspirational and it should be easily understood by the general public- so that it may serve as general instrument for effective educations to stimulate public awareness and community participation and further actions for the protection of Human Environment.⁴³

Nevertheless, there were certain differences among nations regarding the general character, contents and text of the Draft-declarations. Some nations even attached their reservations to few principles of draft declarations.⁴⁴ It was, however, ruled out that it should be based on the well-established principles of International law, especially those which are embodied in the Un charter. The Draft was thus approved for the adoption by the conference.

9. The task of Defining the Human Environment

As there was no generally agreed definitions of the human environment, it was the task of the working group to agree in a working definition. It covered this gap and formulated

⁴³Chairmanship of working group on Declaration was held by G.Migliuolo (Italy).

⁴⁴See: Draft Text of Declaration by Indian Delegation, A/Conf.48/PC/W6/II/CRP-6, which seeks a compromise view between different controversial stands. The draft was appreciated as one of the pioneering concern for dedicated commitment for the protection of human environment.

a working definition for the conference.

"The term human environment refers to those aspects of man activities which by affecting the natural biological-ecological systems of man, of which he is a part, affects his own life and well-being.⁴⁵

In other words, the human environment is a matrix of elements derived by evolution through nature and contrined by men through culture.⁴⁶ It has been further made clear that for each individual and for all society the environment is a complex unity, although the environment of two persons are not similar. In generic sense, it is the aggregate of surrounding things, conditions or influences, and in the specific sense a thin layer of life-supporting system-called bio-sphere, devided into physical & biological environment.⁴⁷

⁴⁵See: A/Conf.48/PC/8 para 7.

⁴⁶See: Iynton Keith Coldwell, "Environment: A Challenge to modern society", New York, p.XII.

⁴⁷It is to be noted that the most acceptable definition of human environment were given by the "UN SYMPOSIUM ON POPULATION Resource and Environment" held in Stockholm (From 28 Sept.-7 Oct., 1973. It defines: Environment as : "The sum total of identified and identifiable natural resources, existing in the finite quantities on Earth and, on the other hand, the quality of the environment...of the milieu, which constitute an important element of the quality of Life and which also determine the available amounts and quality of renewafle resources.See: William H. Mathew (ed.) "outer limits and Human Environment" Uppsala 1976, Sweeden, p.10.

III. Some special problems: Analysis by Working Groups :

The following are the brief survey of activities and recommendations of Four-working groups :-

A. Marine Pollution : T

(i) The extent to which any general guidelines and criteria can usefully be established to assist governments in preserving or controlling the pollution of the marine-environment.

(ii) Specific actions to prevent or limit the discharge in the Marine-environment of toxicity persistence accumulations of living issues and other properties.

(iii) An appraisal of International arrangement in this direction,⁴⁸

The group suggested that a convention on ocean dumping be adopted by the conference. Among other things, it recommended for the setting up of an International Register on Toxic Potential Material, as to when the materials are dumped at the sea, informations requiring the kinds and amount disposed of, disposal site and the other relevant datas could be supply to it.

The group recognised the need of Regional arrangements relating to pollution in particular sea. The suggestions of group have been discussed in other chapter.

⁴⁸A/Conf.48/PC-9, Para 10-21.

2. Monitoring Surveillance

For the proper balance of the bio-sphere and the health and well being of man, the committee proposed:-

- (a) The continued assessment of those physical chemicals and biological changes in the environment that are brought about by the human activities,
- (b) The continued assessment of the changes of the National resources of the Biosphere,
- (c) The detection of the climatic changes and;
- (d) The forecasting of the natural disasters.⁴⁹

The IRS was the part of this subject matter "as a regulatory mechanism" to plan optimal technological development.

The group laid down Nine-principles for any International monitoring programme, including thirty five specific recommendations as priorities under four broad categories ; viz, Atmospheric, Terrestrial, Oceans and Environmental Health Monitoring.

3. Conservation

The main task, here to identify areas of Natural, cultural and of historical significance. In this respect, a draft convention on conservation of world-heritage,⁵⁰

⁴⁹Monitoring has been defined, "as a system of continued observation, measurement and evaluation for defined purpose."A/Conf.48/PC/11/Add.1.

⁵⁰As adopted by the IUCN in 1969.

and a convention on conservation of wet-lands⁵¹ where the main recommendations. Two principles, however, were laid down for consideration in the preparation of draft:

(a) Regarding the definition of World heritage emphasis should be given on the conservation of Natural-areas-without excluding cultural sites;

(b) Regarding the ways, in which decisions related to world heritage should be taken into considerations, a Board of Expert shall be given a final hand.

The group recommended for the establishment of a World Heritage Foundation.⁵²

4. Soils

The steady and sometimes irreversible degradation of soils, followed by highly detrimental decline of productivity, was a matter of series concern for the developing countries. The National actions were emphasized here to curb the soil deterioration. The Action plan in this field will guide the national governments regarding to their problems of:

⁵¹ Adopted at Ramsar-Conference (Iran), 30 Jan.-3 Feb., 1971.

⁵² A/Conf.48/PC 11/Add.3; The UNESCO's Convention concerning the protection of Munuments, Groups of Buildings and sites of universal values were also considered here; See: A/Conf.48/PC/IGCI/II, para 11, 15 and 23, and A/Conf/48/PC-11, para 5 J.S. Kanwar of India was the Chairman of this group.

- i) Preventing various forms of soil-deterioration;
- ii) Improve or restore the productivity of degraded lands, makes best possible use of Naturally-unproductive lands ;
- iii) Education and Training Programmes to avoid the effect of ignorance, negligence or short shifted exploitation as the quality of soil or otherwise land use not based on sound ecological principles.
- iv) Stabilization of Marginal lands and adoption of policies to let the soil rest wherever necessary for the reclamation.
- v) Setting up of National bodies to advise governments and local authorities in this field for proper land used planning and adequate legislation for land-reforms.

IV. Other Subjects

The committee considered certain more sophisticated problems from long terms perspective. The Genetic pools were one of them. A Bank for GENSE^E Registration were recommended for survey. It has become more clear that what new task would have to be carried out, there would be a little benefit in discussing about these problems.⁵³

It was further agreed in the committee that highest priority is to be given to the need for co-ordination and realization of the activities and programmes of various

⁵³Report of the secretary-general to the IIIrd session of committee, UN Doc.A/Conf.48/PC/11, para 222.

International organization active in the environmental field to avoid duplication and over lapping of scarce processes of money and man power.

The UN should be the principle centre for international environmental co-operation as to strengthen and enforce the entire structure of recommendations. Other areas of discussion includes the Noise, where an International standard for Noise Certification for civil Transport and protection against the effects of Sonic-booms were the chief recommendations, and Nuclear Activities of studies. The committee recommended the setting up of a Register of significant Radio, Nuclide release into the environment, the development of guidelines, the continued development of waste-management practices as well as other Nuclear radio elements and the establishment of an international Disposal sites- both territorial and oceanic to serve the need of a particular region.

Special need, with regard to the transport of pollutants, in the bio-sphere have been examined here. These includes the employment of epidemiological indices for prompt warning of a change in health status of a community and an early warning and a net work for fast relay of information.

V. Analysis of Progress-Reports of three main Committees

The chief recommendations were as under :-

a) The committee recognised the main areas of action, as on human-health population growth, distribution of resources water supply, sewage, waste-disposals, the setting and management of Industries, construction process, housing and transport for an immediate attention.

b) Rural Development

The following means were considered as "higher necessary to improve the quality of life in the rural environment :

- i) Location of new productive enterprises;
- ii) Upgrading of rural housing;
- iii) Provisions of necessary infrastructure of water supply, energy-supply, water-disposals and roads construction;
- iv) Adequate Technology for rural development; and
- v) Providing essential services to rural people.

c) Industry

The setting of new industries should be planned with respect to human health. The production process ought to be harmonize with the National programmes of population, control, population movement and other aspects of environmental qualities. Excessive concentration of Industries in large cities should be avoided and thus, to allow the small cities for development.

d) Housing

To promote the interest and well being of low-income people, the committee recommended for a 'self-help programme feasibility of temporary housing and the improvement of slum-areas. It favoured an action oriented character of 'Habited conference (Because, (Canda) 77) for the further development of this subject.

The committee (I) also considered the Educational, Informational, social and cultural aspects of environmental issues (subject area (4) for awareness and commitment for a better human environment.⁵⁴ It emphasized for the Training of Environmental specialists. The international action on this field shall be inventory and be based on exchange of knowledge.⁵⁵ While discussing the "Environmental quality control the committee stressed the fundamental importance of the development of criteria and primary protection standards for the planning of any environmental quality control. Programme; especially developing the standard at National Levels were recommended .

Institutional Implecations

The Institutional arrangements discussed here consisted, of basically three components: Inter-governmental

⁵⁴See UN Doc. A/Conf.48/PC 11, Paras 89-104.

⁵⁵The School of Environmental programmes and International Post Graduate institute were the two institutional Recommendations on this respect.

arrangements, a secretariat and the question of an International Environmental Fund. The administrative Committee on Co-operation (ACC) of UN submitted a report of organizations already concerned with environmental activities within the UN.⁵⁶ The United States also submitted a draft Resolution on funding and Institutional Arrangements including a brief statement of the uses to which an Environmental fund could be put.⁵⁷

The nature and function of proposed machinery were discussed in details. The Principle of additionality, however, accepted in regard to the Environment fund, wherein the amount shall be in addition to existing sources of development aid and should not result in any contribution to those sources.⁵⁸

V. Response of Ecosoc & General Assembly on the Preparatory Process : (1970-72)

A progress report on the preparation of UNCHE was submitted by the secretary-General to the ECOSOC at its July 1970 session, in accordance with the Resolutions of General Assembly.⁵⁹

⁵⁶UN Doc. A/Conf.48/PC 11, Annexure 1.

⁵⁷UN Doc. A/Conf.48/PC.17, Annexure III.

⁵⁸UN Doc. A/Conf.48/PC/14, Para 83-84 and 109-112. SEE Report of the secretary General, A/8783.

⁵⁹GAOR-Res.2581 (XXIV) of 15 Dec., 1969.

The Report noted that the popularization of Environmental problems raised the danger of a concentration on more spectacular aspects of deterioration e.g. Pollution, to the neglect of less obvious aspects of a cultural and Economic issues.

There was a need for an information programme aimed at legislators, governmental policy makers and leaders in Industry and agricultural sectors to provide them advance knowledge of popular socio-economic perspective of Environment.⁶⁰

The ECOSOC, while considering the Report expressed its hope that the conference would promote the aims of the IInd UN Development-Decade by contributory to sound Economic and social Development and recommended that the conference be presented with a draft-Declaration.

Again, on 29th July 1971, the Council without adopting a Resolution took note with appreciation of the Progress of the committee and with light of the importance of the subjects, decided to transmit the summary records for the discussion of its co-ordinating committee.⁶¹

On the 7th December 1971, the General Assembly after expressing its awareness that the International

⁶⁰See Records of ECOSOC (XLIX) Session, Plenary 1718-1719. Res. 1536 (XLIX). 27 July 1970.

⁶¹See: Doc. E/5033(XLI) Plenary meeting 1785 of July 1971 and E/5052 as reports of the Co-ordinative committee.

Development strategy (IDS) for the second Development Decade (UNDD) called for intensified national and international efforts to arrest the deterioration of human environment to promote activities that would help to maintain the ecological balance on which human survival depends, reaffirmed that the environmental policies should be considered in the context of socio-economic development, taking into account the special need for development in the developing countries.⁶² It, thus, recommended :-

i) That the Preparatory committee should consider the priority of possible environmental action with a view to ensuring that additional resources were provided to the developing countries in the context of the protection of the environment and;

ii) Inclusion of in in Agenda-item so as to reconcile national environmental policies with national development plans and priorities.

Moreover, at its 26th session (1971) the Assembly took a number of decisions concerning the main theme of "Development and Environment" based on the report of the Secretary-General.

⁶²GAOR Res. 2657 (XXV) by a recorded vote of 86-0-10, See. The Report of IInd Committee, A/8195.

On 29th December 1971, the Assembly set forth its main decisions on the conference by adopting resolutions - 2849 (XXVI) as recommended by the IINd committee.⁶³ by a Recorded vote of 85/2/34. The resolution reiterated the importance, urgency and universality of the environmental problems and noted that the rational management of the environment was of fundamental importance for the future of mankind, especially those who are still under-developed.

The Assembly was convinced that the solution of those problems depended in large measures on an integrated and comprehensive development, including industrial development, based on advanced -Technologies and the rational management of Natural Resources.

It further observed that the pollution of world-wide impact was caused primarily by some industrially developed countries and therefore, the responsibility for financing corrective measures fell upon them.

The Assembly then urged the international community and organizations to strengthen their co-operation for maintainance of an adequate ecological balance. It requested the Secretary-General to submit a report to the Conference on a scheme of voluntary contribution to provide additional financing by the developed countries to the developing countries for the environmental causes.

⁶³GAOR Doc. A/8577 of 2026 planery meeting, 20th July 1971

The Assembly provided some guide lines for the stock-holm Conference. some of them could be brief as under :-

i) To respect the exercise of sovereign rights over Natural Resources and the right of each country to explore its own resources in such a manner as to avoid producing harmful effects on other countries.

ii) To recognise that no environmental policy should adversely effect the present or future development of developing countries;

iii) The burden of developed countries' environmental policies shall not be transfered to the developing ones.

The Assembly, thus emphasized the necessity of prohibiting the production and use of nuclear, chemicals and biological weapons and of ensuring their early destruction. It then urged to the states possessing Nuclear weapons to put an end to such testings as they have caused disastruss effect on human environment, life and well being of mankind

In this way, the Assembly not only provided guidance to the preparatory process but also steps forward by recognizing the need of time for early action in this field. The mandate was further carried out by the UNCHE.

Summary Observations

The comprehensive and systematic preparation for Stockholm Conference may be described as action oriented in nature, which had set fourth the demands of basic

work programmes to be undertaken by the United Nations.⁶⁴

Since so much work of conference will consist of comprehensive programmes to be carried out in future, the success of entire structure levelled against the preparatory committee. It was a unique example of international co-operation on common cause for the protection and improvement of the human environment. The controversies over some issues were settled and "Consensus emerged for more effective and concrete action, unprecedented in the human history.

Further, the report on the human environment and specialized papers over more than twenty problems, the contribution of Inter-governmental working groups on all issues and substantive commitment of various noted inter-government non-governmental and voluntary organizations. They virtually worked in the spirit of Un Charter, exhibiting a fundamental message of environment that:-

"If human race is to survive under conditions that make life worthwhile, it must devise a way for maximising the productivity of this finite stock of natural resources and of sharing, in some rational and equitable way."⁶⁵

⁶⁴New York Times (USA) June 11, 1971, Col.1-3.

⁶⁵John Lawrence Hardgrove(ed). Law, Institutions and the Global environment, (New York, 1972), p.3.

CHAPTER - III

CONFERENCE : BASIC ISSUES

It has already been noted that the General Assembly approved Res.2850 (XXVI) on 20th December 1971 as recommended by its second committee to hold a UN Conference on Human Environment (UNCHE) in Stockholm from 5th to 10¹th June, 1972.

The Resolution requested the Secretary-General to conclude preparations for the conference and circulate in advance a draft Declaration on Human Environment, a Draft Action Plan and such other draft proposals as might be ready for consideration by the conference. The Assembly then approved other arrangements for the conference including the Provisional Agenda, Rules of Procedure and participation.²

The fundamental task of the conference was to take the Political decision that would enable the community of Nations to act together in a manner consistent with the earth's physical interdependence.

¹The resolution was adopted by a recorded vote of 104-09-07. The countries who opposed the convening of a UNCHE were from Soviet bloc, on the issue of representation of GDR. The Amendment to the Resolution, submitted by the socialist countries to postpone the conference by 1973 was rejected in a recorded vote of 17-70-29. see: GAOR, Res 2851 of 20th December 1971.

²The purpose and Norms of conference have already been noted in the previous chapter while discussing Res.2581 (XXIV) of 15th Dec. 1969.

ORGANIZATION OF THE CONFERENCE :

The conference was attended by representatives of 113 member countries of the United Nations and the specialized agencies of UN, IAEA & GATT.³ The conference established the three main committees to study the six substantive items of Agenda.⁴ The conference elected Ingemar Bengtsson of Sweden as its President by acclamation and the representatives of 26 states as vice-presidents.⁵

Keith Johnson of Jamaica, who was the chairman of preparatory committee, was elected as Rapporteur-General.

The division of subject matters were made amongst the three main committees as :

³On 5th June 1972, OPERA HOUSE hosted the welcome ceremony of guest representatives, however the official inauguration took place in the FOLKETS HOUSE, renowned conference building of Swedish Trade Union. It was also a place of plenary meetings.

⁴The important agenda items includes :

- 1.(9) Declaration on Human Environment.
- 2.(10) Planning Management of Human Settlements for Environmental quality.
- 3.(11) Natural Resource Management
- 4.(12) Identification and control of pollutants
- 5.(13) Educational, informational, social and cultural aspects of Environmental issues
- 6.(14) Development and Environment
- 7.(15) International organizational Implications of Action Proposals
- 8.(16) Adoption of a Plan of Action

⁵The vice Presidents were :

Argentina, Algeria, Australia, Austria, Canada, China, Egypt, France, Guatemala, INDIA, Iran, Japan, Kuwait, Mexico, Nigeria, Pakistan, Peru, Romania, Senegal, Swaziland, The United Kingdom, The United States, Uruguay, Yugoslavia, Zaire, and Zambia.

FIRST COMMITTEE : Human settlement and non-economic questions of Environmental dealings, i.e. Educational and social aspects. The chairmanship was assigned to Helena Benitze of Phillipines.

SECOND COMMITTEE : Deals with the Natural Resource Management and issue of Development and environment. The chairman was J. Odero Jowi of Kenya.

THIRD COMMITTEE : concerned with the identification and control of pollutant elements of broad international perspective. It has also assigned the task for the International organizational implications of action proposals. The chairman was CARLOS CALERO ROADRIGUES of Canada.

Besides, a working group was appointed by Secretary General of conference to consider the different principles of Declaration under the chairmanship of Taief Slim of Tunisia.

While opening the General debate, the UN Secretary-General Mr. Kurt Waldheim emphasized the validity of conference as a turning point in human history, as a major correction in the process of the industrial revolution and as a transforming venus for the profounding conditions of life on this planet. His main discussion were centred around

the 'Development and Environment', the condition of human beings in the developing countries and the necessity to protect the common properties and the necessity to protect the common properties of this earth.

"Humanity was challenged by the developmental and environmental issues and it was necessary to deal with both in proper historical perspective and a sense of justice for all. Therefore, while the environment was an emerging new and very serious scenerio.. development was still the highest priority and an unreachd objective.⁷

The delegations pointed out the total deterioration of the common environment, the atmosphere, the seas and the oceans as continuing phenomena of world ecology, therefore, the necessary International decision should be taken to protect these common heritage of mankind. The conference has to lay down the ends and objectives in this direction and the political will of world should be put to work for the protection of these resources.

Thus, the conference was considered as a launching pad for a new liberation movement to free men from the threat of their thraldoms to the

⁷See UN Chronical, Vol. IX, No.(7) July 1972 pp. 50-51 (USO)(New Delhi).

environmental perils of their own making. This movement could succeed only if there is a new commitment to liberation from the destructive forces of the excess poverty, racial prejudice, economic injustice and the technologies of modern war-fare. For this end,

Man must dedicate himself to the ideal of a peaceful, habitable and a just planet.⁸

Besides, the continuing sophistication and accumulation of weapons of mass destruction posed a direct threat to the human environment and to his survival. Continued Nuclear tests above the ground and in space are a potential threat to the atmosphere of the earth. The chemical weapons laid waste and might be irreversible damage to previous resources of of productive land.

Mrs. Indira Gandhi, Prime Minister of India also made it clear that:

The Environmental crisis, which is confronting the world will profoundly alter the future destiny of our planet. No one can be..... unaffected. The process of change challenges present international policies. Will the growing awareness of one earth and the one Environment guide us to the concept of one humanity?⁹

⁸See Year book of UN, 1972, P.319 for further details.

⁹"Address to the UNCHE, Stockholm(1972) World Environment, New Delhi, 1985 p.(ii)

The theme of conference 'Only one Earth' was unanimously agreed to emphasise the fact that all living and inanimate things among which men dwells, are the part of the single interdependent system and the actions organized on one place of globe have inevitable effects on its other parts also.

To Prof. Rene' Dubas, who was a co-author to the Report on Human Environment under the same title as the theme, remarks that :

"The greatest value of the theme would derive precisely from the fact that it will represent the knowledge and the opinion of the world's leading experts and thinkers about the relationship between man and his natural habitat at a time when the human activity is having the profound affects upon the environment".¹⁰

Thus, thoughtout the discussions of issues in plennery session it was felt that the urgency of problem called for a unified and concerted world action to protect human species from being extinct and perished on this planet. The specific issues, discussed in committees have the similar repercussions.

¹⁰ preface to the Report: 'Only One Earth' : The care and maintainance of the small planet. (NY) 1977, P.(iii).

ISSUES & DISCUSSIONS

Following the general debate, the conference considered the reports of its three main committees, working groups and adopted various resolutions to that effect.¹¹

The representatives of 113 countries agreed unanimously as :

- (a) A Declaration on the human environment: constituting the acknowledgement of new principles of behaviour and responsibility of the members of the community of nations, which must govern the relationship with the environment;
- (b) An Action Plan consisting of 109 recommendations calling on Governments, United Nations Agencies and international organizations to co-operate in taking specific measures to deal with the wide variety of environmental problems; and
- (d) Institutional and financial arrangements for carrying out the Action Plans and providing a continuing machinery within the UN system to facilitate international co-operation in the environmental field.

¹¹In general debate the conference heard 141 statements by Representatives of 113 countries and 160 other representatives of 160/160. The Swedish environmental forum also contributed in knowledge of environmental forum both inside and outside the plenary session; i.e. by awaring the environmental crisis through Audio-visual screens.

Proposed International Machinery

The recommendations of the conference on the international organizational and financial arrangements provided the necessary framework for action to be taken in response to the recommendations included in the Action Plan, envisaged:

(a) A small environmental secretariat to carry out the day-to-day work of the United Nations in that sphere and to served as a focal point for environmental actions and co-ordination within the United Nations system, headed by an Executive Director as elected by the General Assembly on the nominations of the Secretary-General. It was left on the General Assembly to decide the location of environmental secretariat, which was later approved in Nairobi (Kenya/Africa) by a Resolution in 1972.

(b) A fifty-four member¹² for environmental programmes, elected every three year by the General Assembly, which would be a central intergovernmental organizations, to promote international co-operation in the environmental field and to provide a general policy guidance for the direction and co-ordination

¹²The membership was later enhanced as(58) by the constant demand of Developing countries for an adequate 'Representation'.

of environmental programmes within the UN system. It shall have to Report to General Assembly annually through economic and social council.

(c) A voluntary Environment fund to be used to provide additional financing for environmental programmes, solely based on the criteria of consumption of energy by nations. Bodies, outside the UN could also be used to carryout programmes financed by the fund. Briefly, the activities which could be financed by the fund was agreed as to include Monitoring and data assessment system, improvement of environmental quality, management, public education and training and aid to international institutions carrying works on Environmental Research.

(d) An Environmental co-ordination Board (ECE) within the auspices of the Administrative Committee on Co-ordination (ACC), as an inter-secretariat body to meet under the chairmanship of UNEP Executive Director, to be responsible for general co-ordination of the work of the UN Agencies. The board was made responsible to governing council.

ACTION PLAN FOR HUMAN ENVIRONMENT

After considering the Reports of its three main committess, the conference adopted 109 recomm-

endations¹³ which sets out the future guidelines for environmental actions at the international level.

They were arranged in a functional framework, known as 'Action Plan' consisted of three main parts:

1. A Global Assessment Programme :

Constituting the foundation for an 'Earth Watch' programme to identify and measure environmental problems of international importance and to warn against the impending crisis. It was a programme of global assessment and monitoring body, needed to guide the decision makers in all countries.

It is to be noted that the recommendations to drastically curtail emission of chlorinated-hydrocarbons and heavy metals into the atmosphere, to establish an International Referral system (IRS), to exchange environmental information and knowledge between nations, to incorporate environmental consideration into the review of the development strategies, embodied in the second development Decade, to initiate a global programme of genetic resources for future generations.

¹³ Contained in the annexure as in Text Form, as well as discussed under the same title later on. See Doc. A/CONF/48/6.

All these were indicative of a political will to take action transcending traditional political and ideological boundaries.

2. Environmental Management Activities : to use what is known or learned about the environment, so as to preserve what was desired and to prevent what was feared &

3. Supporting Measures : such as education and training, public information and organizational and financing arrangements.

Besides, there were 18 recommendations concerning the Planning and Management of Human Settlements. The conference called for the establishment of an international fund or financial institutions to assist in strengthening national programmes relating to human-settlements through the provision of seed capital and the extension of technical assistance.

The conference also recommended the establishment, through existing national and international organizations, of a world-wide natural disaster warning system, with special emphasis on tropical cyclones and earthquakes. The role of a United-Nations Disaster Relief organization(UNDRO) was emphasized here as a co-ordinating body.

Various recommendations were adopted concerning the environmental aspects of natural resource management. For Example :

1. An international programme to protect the world's genetic resources: crop plants, forestry-species, domesticated animals, microorganisms and wild-plants and animals.
2. The conference called for a ten year moratorium on commercial whaling and for international conventions and treaties to protect migratory animals and those that inhabits in the international water.
3. Another recommendation concerned with the identification and control of pollutants. It proposed the establishment of a world-wide network of monitoring stations, to include not less than 100 stations to monitor the atmosphere on a regional basis, and approximately 10 stations in areas remote from all sources of pollution, to monitor long term trends in the atmosphere which might cause change in the meteorological properties, including climate changes.

At this place, the government were called upon to minimize the release of toxic or other dangerous substance, especially persistent one such as heavy

metals (mercury) and organochlorine compounds (including those found in DDT & other insecticides).

The conference also called for extended cooperation on problems of radioactive waste and of marine pollution. Again it called for a draft-article for a convention on the prevention of marine-pollution by ocean Dumping (as referred by (IWGMP), to be convened next Nov. 1973) in the United-Kingdom in consultation with IMCO & UN system.¹⁴

Finally, the conference made a number of recommendations concerning development & environment. It recommended that government take the necessary steps to ensure that environmental concerns were not invoked as a pretext for discriminatory trade policies or reduce access to market. The Burdens of the environmental policies transferred directly or indirectly, to the developing countries.

Where environmental concerns led to restrictions on trade, appropriate-measures for compensation should be worked out. Further; the conference asked

¹⁴To this effect, A draft declaration was placed by CANADA in Sead Bed Committee (i.e. Committee on the peaceful use of Sea Bed & the Ocean floor beyond the limits of National jurisdiction) on 19th Aug.1971 calling for NINE, proclamation principle for preservation of Marine-Environment.

for the steps to ensure that the flow of international aid to developing countries was not to be hampered during the IInd UNDD by environmental considerations related to conference recommendations.

During the discussion of and voting on the recommendation in the plenary session statements & Reservation were made by a number of states.

Brazil charged that the conference was a rich-main's show to divert attention from the real needs of developing countries. It is a conspiracy on the part of industrialized countries to scattle the economic growth of developing countries and play dominant role.

The strong arguments were refuted by protagonists of the environment cause-Canada, Netherlands, United States and Sweden. They argued that the origin of the environmental problems are fundamentally the same in all countries and in every economic system. It is the poor who stand most to gain from an enhancement of the environment. Hence it is essential that the developing countries use their right to participate in the formulation of an

International Action programme in the environmental field to ensure that their specific interests are taken into account. The poor have everything to gain from an active UN involvement in this field. The developing countries have the possibilities of avoiding many costly mistakes made earlier by the industrialized countries when planning for their own economic development. Thus, without the participation of all countries the only one earth concept made it impossible to take effective-measures.

The problems came out when U.S. said it could not accept the recommendation that where environmental concern led to restrictions on trade, appropriate measures for compensation should be worked out. It further opposed to compensating nation for decline in their exports earnings, regardless of cause, but that it was prepared to consider the question in the context of its obligations under GATT.

Moreover, in implementing its environmental policies, it intended to take practical experiences steps to avoid creating new barriers to trade.

Several other delegations ruled out the unclear provision of compensation. Canada, Japan, U.S. and a number of west European states opposed the recommen-

dation calling for establishment of a separate financing institutions for human-settlements. Japan expressed reservation concerning the recommendation for a 10 years moritorium on commercial whealing. It felt that the implementation of the recommendation should depend on available scientific-information.

Besides their discussions and reservations, the conference adopted a resolution condemning nuclear weapon tests. (16th planary meeting, 14th June, 1972) There the conference expressed the view that there was radio-active contamination of the environment from nuclear weapon tests, and the belief that all exposers of mankind to radiation should be kept to the minimum possible.

Thus it condemned such test to be carried out in the atmosphere and called upon state to abandon their plans of such holistic activities. The resolution was adopted by a roll-call vote of 56-3-29 (China, France & Gabon voted against the text).

Moreover, the conference adopted resolutions recommending that the General Assembly recommending that the General Assembly designate 5 June of each

year as the "world Environment Day"¹⁵ and that it decide to convene a 11th UN conference on Human Environment.¹⁶

Discussion on Marine Pollution : From 108 National Reports, water as a crucial factor in the struggle for environment was widely acclaimed. It was realised that the contamination of the oceans had global consequences, affecting people many thousands of miles away from the source of pollution. The working group recommended in its Report that the absence of effective co-ordination mechanism, both at national and international levels to deal with serious problems made it more urgent for the conference to give it a priority-attention.¹⁷

¹⁵ Acting on their recommendation the adopted Res. 2994 (XXVII) to this effect.

¹⁶ GAOR, 23rd Session. 14th plenary meeting, 13 June 1972. : See report of UNCHE 1972 A/Conf-48/14/Rev. 1.

¹⁷ The control and management of oceans and their resources was an old problem in the United-Nations. The concept of the common heritage of mankind was provided general assembly a land to lay some legal foundations in this field. The first law of seal convention, 1958 (Geneva) was an early attempt in this direction, but it could not evolve any control mechanism to halt the process of dumping of pollutants in the highseas due to strong opposition by the industrialized countries.

The conference laid down a policy oriented co-ordination approach to marine pollution activities within the UN from work. To this effect recommendation¹⁸ of the Action plan incorporated which reads as :

"The marine environment and all the living organism which it supports are of vital importance to humanity and all people have an interest in assuring that this environment is so managed that its quality & resources are not impaired. This applies specially to the coastal states, which have a particular interest in the management of coastal area resources."¹⁹

Recommendations 86 to 94 have special concern to the marine environment. The Res. laid down clearly that the capacity of the sea to assimilate wastes and render them harmless and its ability to regenerate natural resources are not unlimited. A proper management system is required here urgently.²⁰

¹⁸ Report of UNCHE, UNDOC. A/CONF-48-14/Rev. 1 p.23.

¹⁹ See: Report of the Intergovernmental working group on the marine pollution (IWGMP)-UNDOC. A/CONF-48/8 para 197.

²⁰ Ibid....p.23. Reference can be made to the draft Article and annexes contained in the Report of the inter governmental meetings at Reykjavik, (Iceland) in April 1972 and in London 1972 (May) to the UN Committee on the peaceful use of the seabed & the ocean-floor beyond the limits of National-Jurisdiction at its session in July Aug/1972 for information & comments.

The conference recommended for an International Marine pollution conference to be held in 1973(London) Under the auspices of Intergovernmental marine consultative organization (IMCO), as well as the issue to be included for IIIrd Law of sea convention to be held in Jaimaica in 1973 to regulate the furtan deterioration of marine-environment.

1. That governments take early action to adopt effective national measures for the control of all significant sources of marine-pollution, including land based sources & concern and co-ordinate their actions Regionally and where appropriate on a wider international basis.

2. That Secretary General, in co-operation with appropriate international organizations, endeavour to provide guidelines which govts. might wish to take into account when developing such measures.²¹

Besides all these provisions, the loophole was that - the significant aspects of the problem e.g. pollutants reaching the sea directly from the land or indirectly through the atmosphere had not yet received

²¹There were 23 principles of control & improvement of Marine Environment, 60th dealing with national measures.

adequate attention. Nonetheless it recommended the principles suggested by the IWGMP (Nov. 71) as guiding concept representing a basis for general agreement. e.g.

1. Every state has a duty to protect and preserve the marine-environment and in particular, to prevent pollution that may affect areas where an internationally shared resource is located.
2. Every state should adopt appropriate measures for the prevention of marine pollution, whether acting individually or in conjunction with other states under agreed international arrangements;
3. State should use the best practicable means available to them to minimize the discharge of potentially hazardous substances to the sea by all routes, including land based sources, such as rivers, outfalls and pipelines within national jurisdiction, as well as dumping by or from ships aircraft & platform.
4. State should ensure that their national legislation provide adequate sanctions against those who infringe existing regulation, on marine pollution;

5. State should assure joint responsibility for the preservation of marine-environment beyond the limits of national Jurisdiction; &
6. State should assist one another, to the best of their ability in action against the marine pollution of whatever origin.²²

The conference was success on this sphere as it tooks the first steps towards the establishment of a globally co-ordinated multi-disciplinary marine pollution arrangement programmes with the collaboration of :

- (a) InteGrated global ocean station system
- (b) Global invistigation of pollution in the Marine-Environment.
- (c) Joint groupt of Experts on the scientific aspects of Marine Pollution.
- (d) Joint-machanizm of UNESCO, FAO, WMO, IMCO, WHO, IAEA and Inter-governmental oceanographic Commission, (IOC).

²²Declaration 7 has direct relation with marine pollution - it runs as : "states shall take all possible steps to prevent pollution of the seas by substance that are liable to create hazards to human health, to harm living resources & Marine life to damage amenities or to interfere with the other legitimate use of the sea."

Such a collaborative programmes would enable the government to identify significant sources, pathways and effect, of pollutants harmful to human-health or living resources : Article 21 of the Declaration provides a political basis for it:

"States have, in accordance with the charter of the United-Nations and the principle of International Law the sovereign right to export their own resources in presuant to their own environmental policies and the responsibility to ensure that activities within their natural-jurisdiction or control don't cause damage to the environment of the other states on of areas beyond the limits of national jurisdiction."²³

This clause could have far reaching consequences for U.N., indicating that in certain cases, states are prepared to voluntary limit their national sovereignty.

However, none of these attempts was without problems. Several Latin-American states tried to prevent the conference from dealing with marine question in a way, which in their view, could prejudice the outcome of the IIIrd Law Conference 1973.

²³For text see: Annexure. (A).

Canada proclaimed that preparation had gone further in laying the basis for internationally agreed principles of behaviour in relation to marine-pollution problems. It had expressed reservation against what it considered to be a Pielemeal Approach of the conference & its preparation.

Declaration :

Despite the difference and difficulties that had emerged, the fact that the delegates laboured, as they had testified to the importance of Declaration, under the spirit of accountability and survival which their respective governments had allotted to the basic principle and objective of the conference. It proved fruitful in the development of a 'co-operative and sustainable environment' in international community.

On 16 June, 1972, the UNCHE adopted a declaration consisting of a preamble and 26 principle.²⁴

In the preamble, the conference proclaimed that defence and improvement of the human Environment, both natural and manmade, had become an imperative goal for mankind, to be pursued together with the fundamental

²⁴ See Doc. A/CONF. 48/4.

goals of peace and of world-wide economic & social development.

The achievement of these goals was the responsibility of citizens, community, enterprises and institutions at every level. Although local and national government would bear the greatest burden for large scale environmental policy and action within their jurisdiction, international co-operation were also needed both to raise resources to support the developing countries in carrying out their responsibilities in their respective fields and because of growing class of environmental problems whether local, regional or global in extent.

By the preamble, the conference also, among other things, affirmed that in the developing countries most environmental problems were caused by underdevelopment whereas in the industrialized countries they were generally related to sophisticated technological development.

The conference also declared that the national growth of population continuously presented problems on the preservation of environment and required the adoption, as appropriate, of adequate policies and measures.

It is to be noted that the text of the declaration was based on the draft submitted by the preparatory committee for the conference.²⁵ A working group on the declaration on the human environment was to give its expert opinion on various principles to be proclaimed for production of global environment. It is to be noted that one draft principle 20 (on scientific research & development in the context of environmental problems) could not be reached on agreement and on the request of Uruguay it was referred to the General-Assembly to held a separate conference on this subject.

The draft, principle on the information or developments within national jurisdiction & control was needed to avoid the risk of significant adverse effects on the environment in areas beyond their natural jurisdiction.²⁶ In this way the conference adopted the declaration by acclamation, subject to reservation and observations on the part of member states:

²⁵The working group held a total of 15 meeting from 9 to 15 June 1972.

²⁶Gen Assembly : Res 2997 (XXVII) of 15 Dec.1972.

Beside the general debate over the merits and de-merits of the declaration the following specific reservation came to the notice of conference.

South-Africa stated that the first principle which called for the condemnation and elimination of policies promoting or perpetuating apart held, racial-segregation, discrimination and colonial and foreign dominance constituted interference by the conference in the internal affairs of states.

With regard to the second principle concerning the preservation of representative Eco-systems, the United States said that in its views the phrase means retention of a complete system, with all the complex inter-relationships intact.

A number of comments were made with regard to the final principle concerning nuclear weapons. China maintained that the principle should have called for the prohibition and destruction of biological, chemical and nuclear weapons. Peru, Sweden and United-Republic of Tanzania also felt that the principle did not condemn the use of such weapons in strong enough terms.

About declaration, Maurice F. Strong stated that what many sceptics thought, would only be a rhetorical statement, has become a highly significant

document reflecting community of interest among nations regardless of politics, ideologies and economic states.²⁷

It was proclaimed with a firm affirmation that delegates must leave the conference with determination to build, on the foundation laid at Stockholm. It not, then this conference will have a brief flesh, a meter or burning its way through the blackness of space. The conference had demonstrated that the UN is at heart of our troubled-turbulent world.²⁸

Thus the conference was a pioneering venture with no prudent to guide it and had produced as a most significant by product in the form of an UNEP, along with new Environmental code of conduct in the form of a semilar 'Declaration' to guide the policy makers in the welfare of human being as such. The action plan constituted a training point in man's endeavour to a running point in man's endeavour to preserve and protect his plenetary heritage.

²⁷UN Chronical, July 1972, Vol. IX no.7, page 53.

²⁸Address by Ingemand Bangtseen...Ibid..p.54.

In it is way the success of the conference offered great hope for further joint world action on the environment and for the strengthening of the UN as such, to build a momentum to implement the decision made here.

Adoption of Report of the Conference²⁹

The conference having adopted individually all the section of the report except those giving an account of the Action on the conference in the report of the credential committee on the Action plan and on the Report of the working group on the Declaration, authorized the Report over general of the conference to include those section in the appropriate parts of the report, to made any additional change of technical nature that seemed appropriate, and to ensure that all resolutions would be duly reflected in the report on that understanding the conference adopted the report.

Response of General Assembly

The Report of the UNCHE was transmitted by the secretary general to the ECOSOC which took note of it by a decision of 17th Oct. 1972 and sent it to general assembly at its twenty seventh session.

²⁹21st plenary meeting 16 June 1972. See A/CONF 48/14/Add; Para XII.

On 15th December 1972, on the recommendation of its second (economic & financial) committee the Assembly adopted following eleven Resolutions concerning the Environment. A summary has been described below.

1. International Co-operation on Environmental matters³⁰

Recalling its earlier resolutions 2398 (XXVI) of 15 Dec 1969, 2657 (XXV) of 7 Dec 1970, 2849 (XXVI) & 2850 (XXVI) of 20 Dec 1971 the general assembly re-affirmed the responsibility of international community to take action to preserve & enhance the environment, & in particular the need for continuous international co-operation in this end.

2. Co-operation between States & International Responsibility of States

The draft principle 20, 21 and 22 were discussed in the 2nd committee of General Assembly and adopted as Res. 2995 (XXVII) & 2996 (XXVII) by this Res. the Assembly emphasizes that in the exploration, exploitation & development of their natural resources, states must not produce significant harmful effects in zones

³⁰ Res. 2994 (XXVII) as recommended by second committee (A/8901) adopted by Assembly on 15 Dec. 1972, meeting 2112 by 112 votes to 0, with 10 abstentions.

situated outside their national jurisdiction. The international co-operation in the environmental field could be achieved through the exchange of official and public knowledge of technical data relating to work carried out by states within their national jurisdiction, and that the exchange of such data would not be construed as enabling one state to interfere with the development of natural resources of another.³¹

3. Institutional and Financial Arrangements for Environmental Co-operation

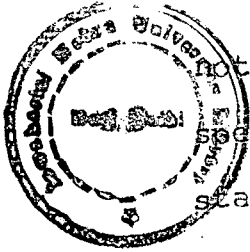
After considering the recommendations of the conference on this subject the Assembly decided to establish the Governing Council of UNEP, an Environmental secretariat headed by the Executive Director of the UNEP, the Environment Fund and the Environment Co-ordination Board. It also decided that the environment secretariat would be located in Nairobi (Kenya).

Location of Environment Secretariat

In considering the administrative arrangement, for environmental co-operation a draft resolution on

³¹See Res. 2995 (XXVII) adopted by a recorded vote 115 to 0, with 10 abstentions.

the subject was introduced in the second committee by 37 members.³²



The draft included preambular provisions noting that the headquarters of the UN and the specialized agencies were all located in the developed states in North-American, Western Europe and expressing the conviction. But in order to employ the international machinery for the promotion of the Economic and social advancement of all peoples, in accordance with the provisions of the United Nations Charter, the activities and headquarters or secretariat of United Nations bodies and agencies should be located having regard to equitable geographical distribution.

The general Assembly adopted the text on 15 Dec. 1972 as its resolution 3004 (XXVII) by a vote of 128 to 0 to 10 thereby deciding to locate the environment secretariat in a developing country and further decided to locate it in Nairobi.

4. Measures to protect the Environment

The importance of action at the national level for protecting and enhancing the environment was

³²See A/C.2./1.1246 and Rev. 1, approved by the IIInd committee on 10 Nov 1972 by recorded vote of 93-0-31.

stressed by the Assembly in another resolution. It called upon the governing council of UNEP to explore, at its first session, ways and means of promoting affective regional environmental-programmes: especially policy measures and objectives to be recommended by the committee on science & technology for development in considering the world plan of Action for the Application of Science and Technology to Development.³³

5. Development and Environment

The Assembly directed the Governing Council that in formulating its programmes & priorities it should give special consideration to those environmental measures and programmes that might also constitute a necessary part of the development process of developing countries. It further recommended that the resources for the environmental programmes, both within and outside the UN system be addition to the present level and projected growth of resources to be made available, under the strategy, for development. Assistant programmes. The Assembly took this decision by adopting Resolution 3002 (XXVII) by a vote of 110-0-16.³⁴

³³Resolution 3000 (XXVII) adopted by a vote of 117-0-10 also: E/4962/Rev. 1 and Corn. 1.

³⁴The sponsors of the text were eleven countries, Doc/A/c2, L 1236/Rev. 1.

6. Questions pertaining to Human Settlements

After considering the recommendation of UNCHE, the Assembly adopted three Resolutions relating to environmental aspects of human-settlements.

By one of these, the Assembly recommended that all development assistance agencies, such as UNDP, IBRD (World Bank) should give high priority to request from government for assistance in housing & human settlements. By providing these guidelines, the Assembly was mindful of the aims expressed in the preamble of the Charter of UN to employ international machinery for the promotion of Economic and Social Advancement of all peoples as well as in Article 55 & 56 of the Charter.

The Assembly further recommended that the International Bank for Reconstruction and development (IBRD) should provide funds in this sector in terms & which fully reflect the objective of principle considering unemployment, rates of urban growth, population density and the general condition of housing stock in the developing countries; and as a matter of priority, implement its stated policy of providing seed capital for housing and related investments.

Other decisions

In the Assembly Iran declared institution an annual prize for an outstanding contribution in the field of the environment. It was welcomed by Resolution 3003(XXVII).³⁵

The need to draw up an International Agreement for the preservation of the wildlife of the Arctic and Adjacent areas was called by Iceland and Norway.³⁶

Thus, the response of Assembly by above resolutions reflects its interest to preserve the human environment through the 'Mechanism' and by providing new vista for environmental behaviour. It also lays ground for the recognition of a new emerging general-principle of International Law that: 'Environmental-safety links with the wellbeing of people and economic development.

The declaration and action plan launched a new movement in the human fight against pollution and extinction. The conference was not a Rich-man's vision for dominance but a 'Flash' for future guidelines of action to protect and preserve our inalienable right to life, happiness and conservation.

³⁵Known as Shah Pahaly International Environment Award, discontinued after 1981, due to war between Iran & Iraq.

³⁶A/C.2/L.241.

CHAPTER IV

PROGRAMME OF ACTION

The action plan set-out in the conference documents, provides a blue print for the launching of a concerted international effort for the protection and preservation of the quality of human environment; both for present as well as for the future generations. The plan incorporates a series of recommendations for a co-operative action and place an opportunity in the hands of decision makers and public the best knowledge that the science and technology could make available, for the solution of such problems.

The Action plan could be broadly divided into following three heads :-

- i) A global environmental assessment programme, or Earth-Watch;
- ii) Environmental management Activities;
- iii) A series of supporting measures, both for national and International actions, of public Education, training and financial assistance.¹

I. Environmental Assessment (Earth-Watch)

The important recommendations included in this field are evaluation and review to provide the basis for knowledge needed and, determine the necessary steps

¹A/Conf.48/4, p.6, Contains 109 recommendations divided into Five parts.

to identify and existing authority within the Un system on central level, as a principle focal point for initiating and co-ordinating Research in each principle areas and, where there are competing claims, established appropriate priorities.² It also designate the following as priority Areas of Research : i) Theories, policies and methods for the comprehensive environmental development of urban and rural settlement, ii) Methods for assessing quantitative housing needs; iii) Water-supply, sewerage and waste disposal system adopted to local condidations; iv) Alternative methods for meeting rapidly increasing urban transportation needs; v) Physical, mental and social effects of stresses created by living and working conditions in human settlements. Particularly in urban conglomerates.

It also considered the need for assistance in the Disaster and warning for tropical cyclones,³ establishment of an effective world-wide natural disaster warning system, with special emphasis on tropical cyclones and earthquakes.⁴ To strengthened the support of national programmes in developing countries exchange of informations and co-operative research were recommended.⁵

²Recommendations 4 (i) b & c.

³Rec. 18 (i) b) and c.

⁴Rec. 18 (i) d).

⁵Rec. 21(a) and c).

Beside, it planned for a world registry of clean rivers to define in accordance with internationally agreed quantity, criteria, the methods and techniques of cleaning rivers.⁶ And to organize the exchange of information on experience, methods and work in progress in connection with continuous social diagnosis, particularly at the regional level and between regions with common problems.⁷ There is a total number of forty two recommendations relevant to the activities in 'earth-watch' programme. They have been related in most of their part, for Research activities to create new knowledge of the lands specifically needed to provide guidance in the making of decisions. It was emphasized all over in these recommendations to increase the capabilities of Un system, "to provide awareness and advance warning to deleterious effects to human-health and well-being from man-made pollutants."⁸

Monitoring

The object behind monitoring system is together data in certain environmental variables and to evaluate such data in order to determine and predict important environmental conditions and trends. It covers a continuing surveillance of the world's forest cover, through a world Forest Appraisal Programme to provide data on the balance between the world's forest biomass and the prevailing environment, and changes in the forest biomass.⁹

⁶Rec. 55.

⁷Rec. 95 (c) 2.

⁸Rec.70 (a &b).

⁹Rec. 25.

It considered the effect of pollutants upon the wildlife shall be considered within environment monitoring system.¹⁰ And to assess the total economic value of wildlife resources. The establishment of a globe network of national and international institutes relating to genetic resource conservations.¹¹

Fisheries

It is noted here that the damage to fish stocks has often occurred because regulatory actions is taken too slowly. In this respect a special programme for management of stocks of fish and other aquatic animals were recommended.¹² The FAO and Development Assistance Agencies were called to support recent guidelines of the fishing organisations.¹³ The creation of river basin commissions on other appropriate machinery for co-operation between interested States for water resources common to more than one jurisdiction.¹⁴

The basic objective of all water resources, use and development activities from the environmental point of view is to ensure the best use of water and to avoid

¹⁰Rec. 29 and 30.

¹¹Rec. 45 (1).

¹²Rec. 46 (e).

¹³International Action has been identified by FAO and its inter governmental commissions and projects like LEPOR (Long term and Expanded Programme and IBP (International Biological Programmes)).

¹⁴ Rec.51.

its pollution in each country. In this respect full consideration was given to the right of Permanent sovereignty over natural resources of each country to develop its own resources. Regional conferences to be organized in this area to focussed about the training, Research and information exchange on :

- i) Inland water pollution and waste disposals
- ii) Water management for rain-fed and irrigated agriculture
- iii) Integrated water Resource Planning and management in co-operations with Regional Economic Commissions of ECOSOC.¹⁵

Moreover, proper collection, measurement and analysis of data relating to the environmental effects of energy use and production within the appropriate monitoring system was recommended to learn about the relationship between such levels and the effects on weather, human-health plant and animal life, and amenity values.¹⁶

In monitoring, the conference recommended the further development of remote sensing techniques for resource surveys and the utilization of these techniques on the basis of proper international arrangement.¹⁷

¹⁵Rec. 52:2 (9-c).

¹⁶Rec. 57:1 (a) & (b).

¹⁷Rec. 67.

Advance-warning of deleterious effects to human health were to be considered as integral part of such arrangements. An International Registry of Data on chemicals in the Environment was another recommendation.¹⁸

To carry out the Global atmospheric Research Programme (GARP) 10 base line stations be set-up in areas remote from all source of pollutions, in order to monitor long term global trends in atmospheric constituents and properties which may cause changes in meteorological properties, including climatic changes. On a Regional basis not less than 100 stations be set-up for monitoring properties and constituents of the atmosphere to note the changes in the distribution and concentration of contaminants.

In the field of marine pollution it recommended that the Governments shall support national research and monitoring efforts that contribute to an agreed international programme, eg. GIPME (Global Investigation of Pollution in the Marine Environment) and IGOSS (Integrated global ocean station system).¹⁹ The joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) were advised to co-operate in such programmes.²⁰

¹⁸Rec. 74 (c).

¹⁹Rec. 79 (b).

²⁰Rec. 87 (a).

Further, the Inter-governmental Oceanographic Commission was recommended to ensure that provisions shall be made in international marine research, monitoring and related activities for the exchange, dissemination, and referral to sources of data and information on base line and on marine pollution. In this field more attention shall be paid to the special needs of developing countries.²¹

Moreover, in Educational and socio-cultural aspects of environmental issues, arrangement shall be made for the UN system to provide technical and financial assistance requesting countries in preparing national reports on Environment and on setting-up machines for monitoring environmental developments from the social and cultural stand point and in particular in drawing-up national, social Educational cultural programmes to support and encourage projects in this field.²²

In the field of environment and Development, recommendations were made that technologies for protection and improving the environment employed universally and a continuing monitoring be made through General Agreement on Trade and Tariff (GATT), UN Conference on Trade and Development (UNCTAD) and standard mentioned in this field should be such as to avoid arbitrary and discriminatory actions that might affect trade of developing countries.

²¹Rec. 81.a.

²²Rec.95.a-b-

Thus, the system of monitoring runs through all the six-heads of actions, designed for appropriate action, for review and appraisal of environmental actions, decisions and laws of national - regional Local Authorities. This subject matter has also been discussed on other places of this study.

INFORMATION EXCHANGE :

The object behind this head is to disseminate knowledge within the scientific technological communities and to ensure that the decision makers at all levels shall have the benefits of best knowledge that can be made available in a forms and at the times in which it can be useful.²² There were at least Thirty-Five recommendations intended to promote more sharing of informations on the problems and solutions as the national government devises in developing these areas. Some most illustratiuous one included as :-

i) Provisions shall be made for the exchange of information and research findings with countries of other geographical regions sharing similar problems.

²²The provision for information exists nearly all heads of action. It has to be considered as an important element for the success of Action plan. In particular see, Rec.39(6)-genetic informations, or margine environment-46.

ii) Research and Exchange of Information in Forest fires, pests and disease...pin-culture and principles of forest managements. Informations on National Parks Legislation and Planning and Management techniques should be developed.

iii) Through the International Referral system :

Information on pollution research and pollution control activities, including legislative and administrative arrangements, research on more efficient pollution control technology and cost-benefit technology, be made available to the governments on their request.²³

Thus, the elaborative provisions of information exchange as a part of Action-Plan, based on co-operative basis, may ensure preventive and curative actions on the part of international community. It may also ensure policy-makers at the national level for decisions which may be sound from ecological point of view. The provision has also increased the capability of the UN system to provide awareness and early warning system on all the six principles heads of action plan. The benefit of this provisions is obvious in the context of collection of information with particular reference to some programmes launched by the specialized Agencies of UN. It has facilitated the development of social, cultural, scientific and geographical indicators for the environment.

²³Rec.84.

Environmental Management

This category includes the functions "designed to facilitate comprehensive planning that takes into account the side effects of man's activities and thereby to protect and enhance the human, environment for present and future generations. It also runs through all the principle six heads of Action Plan. The most comprehensive provision have been included in the 'planning and Management of human settlements for environmental quality". Some important recommendations could be listed as :

i) UN agencies should focus special attention on the provision of assistance for combating the menace of human mal-nutrition rampant in many parts of the world. Such assistance will cover training, research and development endeavours on such matters as causes of malnutrition, mass-production of high-protein and multi-purpose foods, qualitative and quantitative characteristics of routine foods of the launching of applied nutrition programmes.²⁴

ii) Setting of an Inter-governmental body of environmental affairs for measuring and limiting noise emissions and such standard be applied on the production and certain kinds of working equipments.²⁵

²⁴Rec. 3

²⁵Rec.14.

Moreover, the planning for predisaster preparedness requires for the establishment and improvement of natural disaster research programmes and warning system.²⁶ Here an International Programme for technical co-operation have to be developed, designed to strengthen the capabilities of the governments in the field of predisaster planning.

It was further recommended that the urgent remedial action should be taken by the organizations concerned to give new value and stability to the prices of raw materials of the developing countries so that necessary investments on soil regeneration and conservation be secured.

Besides, the recommendations include about the pestmanagement, river basin management waste management, natural resource management, tourist sites and wildlife management etc. to facilitate the improvement of human-environment.²⁷

Special emphasis has been given in the issue of development and environment. Recommendations 101 to 109 are concerned with different aspects of environmental management. It includes, among other things, the preparation of plans and evaluation the administrative, technical legal solutions to various environmental problems in terms

²⁶Rec. 8

²⁷See rec. 33, rec.50, rec.37, rec.62-63.

of both preventive and remedical measures, talking into account the multi-disciplinary approaches to development.²⁸

These recommendations expected for an uniform environmental standard applicable to all countries of world. It has long and close repercussion on the environmental management. In this respect, the recommendations seeks priority for effective and quick solution.

Supporting Measures

The recommendations in this heads relate to measures required for the activities on the other two categories e.g. Environmental Assessment and the environmental management. But the most important aspects of these recommendations are in the field of education, training and public information, which has their objects "to supply needed specialists, multidisciplinary professionals and technical personnels to facilitate the useful knowledge in decision making at any level.

These recommendations have their value for creating a new environmental ethics both at national and international levels. The relative merits of them have been assessed elsewhere in this study.

²⁸See. Rec.101(a-c).

ORGANIZATIONAL ARRANGEMENT

The important of recommendation in this subject areas lies on the fact that they provide an institutional mechanism to implement these recommendations both at national and international levels for a better and efficient management of human environment. There are a sum total of twenty-seven recommendations in this field. Some of them could be listed as :-

i) Entrusting the overall responsibility for an agreed programme of environmental research at the international level to any central body that may be given the co-ordinating authority in the field of environment..²⁹

ii) Ensuring that the institutions concerned shall be strengthened and that special training activities shall be established, making use of existing projects of regional environmental development, for the benefit a less industrialized countries..³⁰

iii) Establishment of sub-regional centres to undertake, Research-Training, Exchange of information and financial, technical and material assistance..³¹

²⁹Rec. 4(a)

³⁰Rec.7(b)

³¹Rec.16.

iv) Existing international activities for the exchange of information and co-operative research and technical assistance to developing countries should be strengthened to support the national programmes.³²

Moreover in the field of identification of pollutions of broad international significance, setting up of base of network stations were on the list of recommendations to monitor long term global trends in atmospheric constituents properties which may cause changes in methodological properties.³³

Recommendation³⁴ listed some criteria and objectives for the operation and management of these institutions. In order to assist with successful implementation of all the recommendations.

Financial and other forms of Assistance

The object behind inclusion of such heads is to provide a well-established framework^e for environmental programmes based on the criteria of energy consumption and on voluntary contribution. There are more than thirty three recommendations of Action Plan which are relevant to this head to refer :-

i) All development assistant agencies should give high priority..for assistance in the planning of

³²Rec. 21(a).

³³Rec.79(a) &(b).

³⁴Besides these institutions, setting of different assistant agencies for analysing and disseminating data on living aquatic resources and the environment in which they live, were also recommended (See Rec. 49).

human settlements, notably in housing, transportation, water sewerage and public health, the mobilization of human and financial resources..in order to achieve the social well-being of the receiving country as a whole.³⁵

ii) Countries which are willing to launch an improvement programme should be prepared to welcome international cooperation, seeking the advise or assistance of competent international bodies.³⁶

iii) Supporting governments in financing and setting up services for water-supply, disposal of water from all sources and liquid waste and solid waste disposals.³⁷

iv) World Health Organization and UN Agencies should provide increased assistance to governments which so request in the field of family planning programmes without delay.³⁷

v) Assisting countries with their planning for predisaster preparedness.³⁸

vi) Secretary-General ~~take~~ steps to ensure that appropriate UN Agencies shall assist the developing countries to plan for the inflow of visitors into their protected areas in such a way as to reconcile revenue and environmental considerations within the context of the recommendations approved by the conference.

³⁵Rec.1(a).

³⁶Rec.2(1) c.)

³⁷Rec.12.

³⁸Rec.13(4).

vii) Financial and technical co-operation of a shared resources.³⁹

viii) Examination of the needs of technical-assistance to government in the study of pollution problems.⁴⁰

ix) To secure additional financial support to those training and other programmes of assistance that contribute to the increasing capacity of developing countries to participate in the international research, monitoring and pollutions control programmes.⁴¹

x) Assisting developing countries in promoting elementary education, with emphasis on hygiene, health, housing, sanitation and water supply and controlling soil-erosion. In environmental management, emphasis shall be placed on techniques promoting the use of local labour, materials and expertise.⁴²

In this way, the provisions under this heads mostly includes the encouraging measures on the part of development agencies and bodies within the UN system to assist the developing countries; guiding them in their national sciences, technology and research policies to acquire the capacity to

³⁹Rec.51(c) viii)

⁴⁰Rec.85(a)

⁴¹Rec.94.

⁴²Rec.102.j.

identify and combat environmental problems in the early planning and development stages.

Thus, the action plan, actively involves the preparation of an International Information System (IIS) by the governments of 115 countries, as a key-element for achieving the degree of political-consensus, without which no meaningful action could proceed. Nevertheless, it makes explicit the types of steps that must be taken by the peoples and the governments of the world to identify environmental problems and to proceed systematically towards their solution. They, however, do not represent the final solution, but an 'important First Steps' to make possible the long march of world-order, where the environmental crisis makes it necessary to devise a means like UNEP for the survival and well-being of the whole human-species.⁴³

The word 'Environmental Protection' implies the optional and rational use by man of both the natural and human-resources on which man depends in such a way that he can guarantee not only his own immediate existence, but also that of future generations without damage to environment.⁴⁴ Thus the twin problem of Environmental protection and economic development calls for special aid to developing countries.

⁴³Press Release UNCHE/102.21 April 1972.

⁴⁴UNEP/GC/10/2Add.(6), 11 Feb., 1982.

Thus, while taking Action-Plan of Environmental consequences, to achieve maximum social, economic and environmental benefits, special 'status' and assistance to developing countries was maintained. The helps were also arranged to mobilize additional resources to provide technical assistance, education, training and free flow of information in environmental matters.⁴⁵

The objectives of Action Plan Included

- i) Preventing threat to human-health and well-being posed by contamination of food, air and water;
- ii) Preventing serious threat to the ocean and assuring continuing vitality of marine-stocks;
- iii) Improving the quality of water for human use;
- iv) Helping governments to improve the quality of life in rural and urban settlements;
- v) Preventing the loss of productive soil; and
- vi) Arresting the process of desert encroachment and restoring soil-productivity.

⁴⁵See: Res. 3130 (XXVIII), as recommended by the IInd committee, A/9402 and adopted by General Assembly on 13 Dec., 1973, Meeting 2199 by a recorded vote of 89-0-38.

Besides, the recommendations contains provisions whereby; helping government to manage forest-resources, anticipating natural disaster and helping to mitigate their consequences; Assisting governments to prevent adverse effect of man-induced weather and climate modification; Supporting the development of sources and uses of energy to ensure future energy level, adequate for development needs, while minimising deleterious effects on the environment, helping ensure that environmental measures taken by the industrialized countries did not adversely effect the international trade; preserving threatened plants and endangered species; particularly, those important to the human well-being, helping to preserve nationally significant natural and cultural areas as part of the heritage of all mankind, helping developing countries to maximise opportunities arising for changes in the comparative advantages induced by the environmental concerns, and, helping governments in their development planning the relationship between population and available resources and environmental effects, helping increase public awareness of environmental concern and support for environmental-cause.⁴⁶

⁴⁶These were the issues broadly discussed at the preparatory process and then unanimously approved for a concentrated strategy to be incorporated in an Action Plan.

It is to be noted that the quality of human-life was the central to the programme of action: specially through :-

- a) Assessing major environmental problems;
- b) Environmental management, and supporting measures, including technical assistance, training financial support, and provisions of information etc.⁴⁷

Thus, the Action Plan adopted by the conference on the Human-Environment has been referred to the Governing council by the 'General-Assembly' for appropriate action.⁴⁸ In this connection⁴⁹ the attention of council was invited to Resolution 3002 (XXVII) titled 'Development and Environment' wherein the Assembly requests :-

'The governing council of UNEP in formulating environmental programmes to ensure in accordance with the principle set forth in the General Assembly Resolution 2849 (XXVII), the compatibility of these programmes with the objective and policy measures of global-strategies and sectoral guidelines for the economic development of developing countries as defined by the UN.

⁴⁷ See: UN Doc.A/Conf.48/14 and Corr.1.Ch.II.

⁴⁸ See: GAOR-Res.2994 (XXVII) Para.2, Supra.

⁴⁹ See for detail 'Institutional and Financial Arrangement for International Environmental co-operation', Resolutions adopted by the General-Assembly at the 2112 Plenary-meeting, 15 Dec. 1972, Res.2994 (XXVII), Also A/Conf.48/9.

Attention was also drawn to the General-Assembly's Resolution 3000(xvii) entitled 'Measures for Protecting and enhancing the Environment', Para (2) of which calls upon the attention of the governing-council :

"To explore at its first session ways and means of promoting effective regional programmes in the field of the environment"and para (3) of which request the council as :

a) In formulating the environment programme to ensure, the compatibility of the implementation of these programmes with, the policy measures and objectives for the International Development strategy for the IIInd United-Nations Development Decade relating to science and technology;

b) Policy measures and objectives that are to be recommended by the committee on science and technology for development upon the consideration of the 'world plan of action for the application of science and technology (S & T) to development.'

It should be taken into account with special-interest that these recommendations for an action-plan are at their various stages of evolution, but together they constitute crucial first steps towards the larger goals for environmental actions.

The action-plan must be seen as a key element of a political-process, the indispensable process of achieving the degree of international political

consensus, without which no meaningful action could proceed. The significance of Stockholm is that it has provided a basis and a focal point to this political process.

World Environment Day

It has been noted in the previous chapter that UNGA Res.2994(xxvii) para.(4) had designed 5th June of each year as world-environment day and urged governments and the organizations in the UN system to ^{be} undertaken on that day world-wide activities reaffirming their concern for the preservation and enhancement of the environmental awareness and to pursuing the determinations exposed at the conference. 72.⁵⁰

It has an inherent object of Action Plan to observe 5th June as 'Action Day' for preserving and enhancing the quality of human-environment. Mustaba-k-Tolba, the Executive Director of UNEP, has once said:

World-Environment Day is a key feature in our relations with non-governmental organizations (NGO) and with the public at large. We do not regard it as the day set-aside for environmental considerations, but as the climax of the UNEP's, year round information activities reaching out to the public general."⁵¹

⁵⁰The procedure is that: Informations about the activities undertaken on that date will be submitted to the governing-council to its session and it will report to General-Assembly through ECOSOC.

⁵¹UNEP/6C/L-48; 9May 1977, pages.4.

Amongst all the 109 recommendations, several priorities areas were recognised on which immediate decisions ^{were} required. These directly relates to the commitment of government to development. The includes the improvement of human-settlements and wealth, the development and environment, use of fresh water, land and energy resources, harmonizing development goals, social and cultural values with the environmental qualities-objectives and avoidance of inadvertent-climatic-modifications.⁵² The earth-watch programme provided a basis for reconciliation between severe political and economic differences of nations and constructed a 'common-environment platform' from there 'co-operative measures! The goal was not to 'catch-up', but to ensure a quality of life for all with a productive base compatible with the needs of future generation.

The action plan reminded the theme of 1949 UN Scientific Conference on conservation and utilization of Resources that :-

"Nature's plentifulness is a heritage not to be squandered with impunity, it must be conserved for the future-generations on its bankruptcy will extinguish us all." ⁵³

⁵²These recommendations that makes up the overall action plan are continued in the reports of Secretary General, A/Conf.48/5, 16, 17, 18, 19, 10 and 11.

⁵³UNEP/6c./17/Ad.2, 14Feb. 1974.

In this way, the action plan was the clear manifestation of inner will of international communities, especially those of 'third-world', Secretary-General Mr. U. Thant rightly emphasized these action when he said :-

"The developing countries are intimately concerned in this problem, which are crucial both to their own future and to the future of the environment. Their voice must be heard and listened to, even if at the outset their technical contribution may be relatively small. Their confidence and their co-operation as representing the largest part of the worlds' population, are vital. Otherwise, we shall once increase the gap between advance and developing nations, which is already one of the major source of tension in the world."⁵⁴

As an integral part of 'Action-Plan' for the human-environment, the declaration postulates the international environmental ethics for a better world. It gives a central conception that 'mankind inhabits a finite-planet with a finite-resources. The sense of immediate threat has recorded, but it has become increasingly clear that present trends in population, energy production and industrial-activities can't be extrapolated indefinitely without reaching the limits of its capacity of the earth to sustain them. The declaration gives a fundamental message that if the human-race is to survive under conditions that makes

⁵⁴Quoted in John Lawrence Hargrove (ed). Law Institutions and Globle Environment, op.cit,p.5.

life worthwhile, it must devise ways of maximizing the productivity of the finite-stock of resources and of sharing the product in some rational and equitable ways.

Before we proceed⁸⁴ to a conclusion on declaration, it would be desirable to give a systematic analysis of its genesis, evolution, adoption and criticism, if any; so that the assessment of UNCHE be factual, orderly and impartial for further evolution of UN influence in the environmental field.

Genesis of the Principles for a Declaration Proposal

It has been noted that in the preparatory process, the call for settlement of these principles, have emerged. At the first session the committee enunciated the call as⁵⁵:

"The declaration should be a document of basic-principle calling mankind's attention to the many varied and inter-related problems of human-environment, and to draw attention to the rights and obligations of man and state and international community in regard thereto."

It was the intention of members of preparatory committee that the declaration should serve to stimulate public opinion and community-participation for the protection and betterment of existing human-environment. It was emphasized that the restoration of its primitive-harmony, where appropriate, should be made as model for the

⁵⁵A/Conf.48/PC/6, Para 29, (1970).

interest of present and future generation. Besides, the declaration would also provide a fix-guide line; an principles, for governments in their formulation of policy and set objectives for the future international co-operation.

In formulating the declaration due attention was given to the environmental stress caused by the differences in social and economic development between various parts of the world. On this issue a great variety of opinion had emerged. Doubts and divergences were expressed as to the perspective of directing the declaration to include, 'FUNDAMENTAL-PRINCIPLES' recommended for action by the individuals, states and international community as a whole. The degree of speciality for the declaration's guidelines was in much dispute. It was expressed that the declaration should not, and by its very nature could not, formulate binding principles of law, but it could recognised the fundamental need of the individual for a satisfactory environment which permits the enjoyment of his human-rights.' Nonetheless, some states wished the right and obligations of states to be set-forth in the declaration, itself.⁵⁶

⁵⁶A/Conf.48/PC.8, Para 32. The Rights and Obligations of States were later drafted by the UN General-Assembly in a separate draft. See: Yearbook of UN, 1971.

In this aspect, some states (e.g. Canada) sought a clear statement of state's right and responsibilities including their possible liabilities. Others, however, wished to include only the most general principles accepted by all nations without any reservation on their interest.⁵⁷

Due to so many difficulties and divergences of facts, the preliminary discussion on declaration has failed. Some of them, as very important, have been listed here :-

i) The member states had legitimate and desperate priorities regarding national development, military and security affairs.

ii) Some delegates viewed the whole environmental issue/discussion as an intrusion on the National-sovereignty; other saw it as a diversion of the polluted rich-nations, striving to clear up their own mess while probably cutting back on assistance for development efforts of the poor countries.

iii) The blunt developing-countries viewed that- "We want pollution as it is a sign of successful industrialization", yielded to the more subtle expression that - "we poorer's lands are less polluted than the rich and therefore, our

⁵⁷A/Conf.48/PC/W6.1/CRP 4/Add.2...(1971).

pollution tolerance is greater, so invest and industrialized us." Brazil had represented the extreme-channel of this 'hot-pursut' and saw a 'conspiracy' behind this environmental-debate.

What can be said in the justification of above divergences is that the delegates serving in the working group were not environmental-specialist, but rather generalist with international diplomatic background and experiences. Moreover, the deleberations lacked the benefit of the years of experimentations and growth which has preceded the drafting of the Universal declaration of human rights on the Declaration of the right of child and similar other declarations passed prior to 1971.

In short, the May meetings found it most difficult to hammer out their divergences and create the inspirational document called for. Several reservations were registered by different members of the working-group.⁵⁸ Most notably, there were dispute over the fifth paragraph on 'population-growth', some states continued to argue that population

⁵⁸Ibid. Annex II(1971), Report of the repporteur on Reservation and observations on the draft-pr^ambles and fundamental principles expressed by the Intergovernmental working group.

growth is a valid goal within their own country own country boundary and, therefore, viewed population issue as domestic and properly included in declaration at all.

The seventh and eight paragraph were deemed redundant and in need of consolidation since sovereignty includes the elements of inalienability by definition. These criticism have merit, while there is no doubt that sovereignty over natural resources is agreed to by many nations. The purpose of declaration was not to reiterate political statements or responsibilities of that sovereignty. The thrust of the entire text was to define the interdependent and interlocking nature of the natural and human environment. Those so called limitations were no more than the explicit recognition of the environmental implications of sovereignty.

The tenth preambular paragraph made it clear that environmental problems in developing countries are part of social and economic development. It acknowledged that there may be ecological detrimental development which in the long run may diminish the quality of the human-environment. The committee's debate did not explore this distinction and settled on resting

the developing country's point of view.

Omitted from the preamble were concerns such as the need to include environmental education at all stages of curriculum^u, the importance of youth in preserving and enhancing environmental quality and further emphasis on social and economic development. The committee consensus was not to go into these areas.

Beyond the preamble, then, seventeen 'fundamental principles' were set forth. Although the principles were not especially well conceived or logically ordered, they can be roughly broken into four classes: (i) Rights; (ii) Responsibilities; (iii) Duties; and (iv) Permissive voluntary recommendations.

It should be observed that these classes go beyond the uniform expression of individuals' rights and states' responsibilities as found in the Declaration of Human Rights. For example, the first principle, "Everyone has a fundamental right to a safe, healthy and wholesome environment, for the full enjoyment of his basic human rights including the right to favourable physical working conditions and to a standard of living for his health and well-being" reiterate the objective in reluctant way.

Moreover, the Declaration does not distinguish between general responsibilities and specific duties, the difference in apparent on the face of the Declaration. The command of the Declaration is phrased as state "shall" do a given act, incorporating a mandatory provision, but the developed world preferred the use of "should", to through all provisions into voluntary premises. The Founex meeting had a historical turning point in this respect.

A criticism of the Draft Declaration

Many of the defects of this draft appear on its face. It is neither succinct nor very inspiring. Its internal contradictions and varying degrees of fundamentality do little to distinguish it. The vice-media was sought by India when she urged that the basis for the Declaration should be the idea of creating humane conditions of life on this planet. It should avoid controversies, be 'educational and inspirational' and commend the greatest measure of support.⁵⁹

Brazil repeated its 'status qua' argument and shouted that the 'Draft' declaration was anti-developmental, and merely conservationist in nature,

⁵⁹ See UN Press Release, Human Env./66, Sept.14, 1971.

and, therefore, unsatisfactory. This was the pronouncement of a continuous divergent views. It was again emphasize that rather than determining in the abstract what basic principles are needed, an empirical examination of needs should precede choice of principles. To short cut, such an examination is, in substance, to magnify the pre-existing political, economic and social differences among nations.

More Specific Criticism is as follows:

First, Central to such extra-polation from empirical analysis is the scientific fact of an interdependent and interacting series of eco-systems. It must stress the concept of environmental quality as defined by :

- (a) Scientific criteria with reference to the biological and physical well-being of natural eco-systems upon which mankind depends, or
- (b) The national level of development with necessary focus on issues of public-health, sanitation, ecologically sound agricultural and industrial development, etc. at one end and similar focus on pollution, transportation etc., at the other extreme, or
- (c) Global and recurrent concerns such as population growth or urban and housing planning.

Alternatively, one could say that the scientific realities or criteria on environmental quality provides the first principles from which the others are deductively derived with reference to actual conditions to provide order and priority. Thus both deductive and inductive analytical methods takes their point of departure from the scientific reality and concept of environmental quality.

Second, Formulation of responsibilities of governments needs to be examined in relation to both the responsibilities already assumed by states (e.g. Planning, requirements of environmental impact policies, transportation and housing authorities) and need not yet to embodied in government conduct. An international standard should be coaced in broad terms of responsibilities; Leaving the means and specific duties to definitions within each country compatible with national cultures, patterns of governments and specific problems etc.

Third, It should be clear that the Declaration is not an attempt to limit national sovereignty or to graft wholly new powers on the international community. Rather, environmental concern involves a new understanding of existing jurisdictional bases of power. It emphasizes that there is, within these jurisdictions,

an environmental dimension which permits all aspects of activity.

Fourth ,although the Declaration appreciates the importance of technology and its proper use, it shows no rule of technology assessment.

Fifth, the Declaration should not be a reaction to the alarms about environmental dangers. It can't be injected either by unexamined fears of developing countries or by greedy preoccupation with cleaning up the excesses of pollution in the overly developed lands. It must be anticipatory, it must reach out and say where the international community ought to go and with what standards of conduct. Without such a progressive orientation the Declaration will not achieve the lasting impact.

Sixth, the declaration should be clearly framed in terms of maintaining environmental quality, thus placing the developed versus developing country issue aside as best as possible.

Seventh, the Declaration as a 'general principle's ought not be confused with agreed international law. It may embody new understandings of rights and responsibilities and not be specific on governmental duties. A general expression of responsibility would be appro-

prate in the Declaration, but not an announcement of legal principle, which may adhere reservations and counter reservations in national interest.

Eight, Finally, just as the UNESCO charter observed that the defences of peace must be call in the minds of men, so the reframing of institutions to cope with environmental needs will require new commitments, new values and new thinking patterns.

The Declaration recognised man as trustee to maintain his environment for the future generation, and stewards of the present quality of life. This was a unique feature for the fiduciary responsibilities of man and his social-structure. However, no easy consensus as to the 'proper' criteria for determining international environmental concerns can be found in the Declaration. The elements of such criteria, those empirical as well as those derived from value judgements, can be discussed but can't codify for an international 'conduct'; nonetheless it has its impact on arms and security, trade and business and concern for unlimited development.

Maintainance of environmental quality as a guiding principle of conduct resolves the dichotomy between the developing countrie's environmental ills

and the developed country's pollution troubles. It does not, however, reorder ipso-facto the priorities of states. Unless military spending is curbed, funds for development and pollution abatement will remain limited. Poverty and the attendant environmental ills will likely continue for some time to come, since funds will be scarce and the rich lands will be slow to find a greater empathy for the poverty environmental ills of the poor lands.

It is an open recognition in developing countries that education and new environmental attitudes and values will take several generations to fully produce a new ethics favouring maintenance of environmental quality. The declaration has political impact only.

In short, even though the proper international environmental carriers can't always be identified, the international community has agreed that there is a need for principles to guide conduct in relation to these connections. It follows that there is a need for an orderly and systematic institutional response to concerns. Only our experience will indicate what criteria can be employed in setting priorities among globe environmental concerns and structuring programmes to cope with them.

The Relationship between General Assembly Resolution 3129(XXVII), Principle 21, 22, 24, of the Stockholm Declaration and the General-Assembly's Resolution 2995(XXVII) & 2996(XXVII)

It is clear that principle 21, 22, 24, of the Stockholm Declaration are explicitly predicted on the tripartite concept of sovereignty, responsibility and co-operation.

Thus, while Article (21) recognizes the sovereignty of states over their natural resources, it declares that a state is responsible for ensuring that activities within its jurisdiction or control do not cause damage to the environment of other states on of areas beyond the limits of its national jurisdiction.⁶⁰

This fundamental obligation of states has been included in the charter of Economic Rights and Duties of States adopted by the General Assembly at its Twenty Ninth Session.⁶¹

On the other hand, principle (22) calls for co-operation among states both for further development of international law regarding liability and compensation for the victim of pollution and other environmental

⁶⁰ See Annexure 'A'

⁶¹ See Art. (31) of Declaration on Economic and Social Rights GAOR. Res. 3281(XXIX).

damages caused by activities within the jurisdiction and control of the states to the areas beyond such jurisdiction or control.

Principle (24) goes a little further and recognizes the important principle that international matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries on an equal footing. Such co-operation may take the form of multilateral or bilateral arrangements or other appropriate means that took due account of sovereignty and interest of all states.

These principles, therefore, are in themselves, in a sense "International-Standards" for the guidance of states conduct in the field of the environment.

Now it has become part of international jurisprudence that the obligation of a state to compensate foreign victims of environmental harm arising out of activities. **Within** its territory should be viewed as a principle of conduct then as a consequence of failure to observe International standards.

The primary obligation of states is to cooperate with other states in order to avoid inflicting significant harm to their environment in the first place, rather than to pay compensation when the

actual damage incurred.

In the field of environment, the emphasis must necessarily be on preventive method then in remedial measures. When liability arises, it would more often be an indication that the principle of co-ordination has not been adequately observed.

What resolution 2995(XVII) did is to reaffirm these three principles and goes one step further in one direction that it indicates one methods of achieving effective co-operation amongst the state in the dimensional field of human-environment.

The resolution calls for the exchange of information, both official and public, relating to technical data on the work to be carried out by the states within their national jurisdiction with a view to avoiding significant harm that may occur in the environment of adjacent areas. The Resolution, further establish the principle of Good-faith in the giving and receiving of the information. It provides that the exchange of the information must be carried out in the best-spirit of co-operation and good-neighbourliness. It should not be employed as a pretext for unreasonably delaying or impeding development plans of the states.

Resolution 2996 (XXVII) reaffirms that the exchange of information is not extended to override the principles of sovereignty, responsibility and co-operation as embodied under principles 21, 22 and (24).

The Resolution 3129 (XXVIII) compliments the above provisions as the reaffirmation as apparent on the 1st preambular paragraph of Declaration 1972. The IIIrd preambular paragraph recognized the duty of international community to adopt measures to protect and improve the environment and the need for the continuous international collaboration to this end.

The fourth preambular paragraph states a fact widely recognized by the international community that there is a need to elaborate "International Norms" conducive to the improvement and protection of the environment.

What is needed is a system of co-operation that would harmonize the actions of the states concerned and protect their human environment. Hence Para (1) calls for the establishment of "Adequate international standards for the conservation and harmonious exploration of natural resources shared by two or more states."

These standards, must, necessarily be a guide lines which the state would observe in the context of the normal relations existing between them, in order to guide their conduct in the exploitation of shared natural resources.

Summary Observation

It is clear from the out set that the Action Plan and the Declaration on human environment demonstrated sincere concern for the solution of global problems. The Action Plan can be described as "behavioural change in the attitude of national decision makers" and Declaration as a psychological attitude for the world community, to think and act in accordance with the well-established principles of harmony and co-operations with nature. The detailed strategy for the Action Plan were quite successful with more than its 600 projects running throughout the world for the several cause of natural protection and a better condition of life. The impediments remains only in the Declaration, which has yet to adhere as a guiding principle for the formulation and implementation of globe-regional and national policies.

The concern of Declaration was no more than an independent man to his environment and society. In

this respect, the policy of apartheid has no place in the human society. The hurriculian attempt of United Nations and governing council of UNEP for quality of life, equality and well-being of peoples all round the world is not all but a recognition that apartheid must go from the sense of human being. The attempts to attack on this policy is still in its zinal sense on the part of governing council of UNEP.

The relationship between the resolutions of General Assembly and those of the principles of Declarations constitute well understanding on the part of United-Nations to solve this problem by mutual assistance, co-operation and information of the policies of world organization.

It is very obvious that the Declaration and Action provides were manifestations of concrete understanding by the international community of the problem to be solved by an institution within the UN System. The shared resources of world need protection and this was envisaged provided by the Action Plan. The priority areas of Action Plans, discussed in next part would clearly make explicit as what is imperative.

CHAPTER V

PRIORITIES FOR THE PROTECTION OF HUMAN-ENVIRONMENT

Amongst the priorities, as decided by the conference, the environmental ethics has been placed on the top priority as underlies in the Declaration on Human-Environment to serve as a guidelines for any national, regional or international action for the launching of any concerted international attack on the specific problems of human-environment. The priorities incorporated a series of actions on specific and most dangerous problems of human-environment which could be solved only through a co-operative approach. Similarly it placed with hands of general public and the decision maker authorities, the best knowledge which science and technology could make available for the mitigation, eradication and currying of such problems from the human surrounding. It also included a series of supporting measures with area of environmental management, public education, Law, Training, Technical & financial assistance without which no general framework for a permanent solution be constructed. These priorities, however, don't represent the final solution, but they do constitute important '1st step' to make possible the Long march of world-order, in which well-being of human-species be guaranteed against environmental hazards. These subject areas for immediate action makes explicit the types of steps that must be taken by the people and the government of the world, to identify environmental crisis and to proceed systematically towards their solution. These priorities includes with their objectives as:

(i) Human Settlement: to assist Govt. & other bodies to promote an enhance quality^{of} human-settlement, generally in the human-habitat, through better forms of development & management of human settlements. A Human Settlement Centre shall be established within the environmental structure to support the developing activities, with particular reference to marginal settlement.

(ii) Human & Environmental Health: To promote the conditions of health without creating need hazards to human well-beings. The quality of human life is the centre of the programme-activities: which includes inter-alia:

(i) Assessing major Environmental Problems

(ii) Environmental-management supporting measures including technical assistance, training, financial support & provisions of informations.

The concept demands the development of appropriate technologies to minimize disruption of natural environment & thereby to conserve soil, vegetation & water resources. The subject-matter also calls for the adoption of appropriate waste-management practices to reduce pollution, recycle wastes and dispose safely of ultimate residues.

(iii) ECO-System: To establish guidelines for the integrated management of ECO systems to minimize the adverse long term effects of man's impact & to obtain regular sustained production within each ECO System.

(iv) Oceans : To safeguard the life supporting system of the oceans, in the particular emphasis on the regional seas, e.g. Meditarian, the Gulf, bordering Beharin, Iran, Iraq, Kuwait, Oman, Qatak, Saudi-Arabia and the United-Arab-Eminates (UAE), the Carribbean Regions the Gulf of Guinea & the straits of Malacca, with first instance.

Here preparations have to be made for co-operative actions programmes for the protection and the enhancement of the marine environment including legal, scientific and socio-economic aspects. The Regional seas have been given priority for actions. Protection of wheals & other marine animals have a special attention here.¹

(v) Environment & Development: It has been noted in the previous chapters that ultimate things of everything to be done under the UNEP was development that is to be environment-ally sound. In otherwords, the aim of the proposed machanism have to assist the governments & other bodies in a view to ensure that environmental consideration are fully underfaken to account in the development process. The activities in this sphere are wide ranking at many level, globe-regional & local. (We shall considered it in other places). Hence, the management of all human activities that impings upon the environment is

¹ It should be noted that the survey of the living Marine resources called by Gen Ass Res. 3/33 (XXVIII), were begin immediately by Food & Agriculture Organization (FAO) in behalf of UNEP; to implement this priority area of Action Plan.

essential if the biosphere is to respond on a continuing basis to human needs & aspiration. In brief they includes as:

- (a) The promotion of alternative development patterns & Life systems in all countries that are less destructive to the environment and less wasteful of energy.
- (b) Support to design of technologies with less destructive effects upon the environment, which require fewer resources than technologies now in common use;
- (c) The development & applications of environmental criteria for industrial settings;
- (d) The development & application of criteria for the rational use of nation's natural resources;
- (e) The improvement of methods to ensure that the environmental dimensions is freely incorporated in development plans at the globe, regional & local level, as well as in the planning & extension of major development projects;
- (f) The explicit consideration of environmental concerns in the re-structuring of International Economic relations.²

(vi) Natural Disasters :

The aim is to prevent or mitigate disastrous consequences resulting from various natural phenomena: e.g. sudden onset like tropical cyclones, floods & earthquakes.

²The close link between the environment & 'NIEO' were recognised in the 32nd session of UNGA when it stressed "the need for ensuring that environmental considerations are taken into account in development programmes in different socio-economic settings, in the implementation of the programme of Action on the establishment of a New International Economic Order (NIEO) & with formulation of a New International Development Strategy (IDS).

⑤ New International Economic Order

The programmes and activities in this area is to include such activities as early warning system, relief, rehabilitation & reconstruction, information, education, training and technical assistance. The role of a United Nations Disaster Relief Organization (UNDRO) within the fram work of a UNEP was stressed here. The other specialized agencies were also incorporated in these activities, to which we concerned in the later stage of development in regard to priority areas.

(vii) Energy : The objective behind this was to assess the environmental impact of the alternative patterns of energy generation and to use & encourage the sound form of energy for environmental protection in the field of production, transport & use of environmental resources.

The priority also concerned with the establishment of units for production of energy from renewable resorces in rural areas, especially in the developing countries.³

The role of Internation Atomic Energy Agency (IAEA) was evaluated here for peaceful use of atomic energy. The subject-matter has been covered some where else here.

³ For this effect, the UNEP has established an Experimental Resnal Energy Centre (EREC) in Sri Lanka for the karnessing Solar & Wind energy including biogas. There are two-three other regional centres for Natural Resorces, Energy & Transport (CRET) in Sonegal, Mexico & Phillipines.

Programme of Action on the establishment of a New International Economic preleh (NIEO) & in the formulation of a New International Development Strategy (IDS).

(viii) The Earth-watch Programme : i.e. a Globe environmental Assessment Programme (GEAS). It has already been noted that the overall Action Plans is one of the two major proposals that was before the UNCHE. The first was a Draft Declaration as H.E. (A/CONF/48/PC.16) to incorporate agreed principles of international behaviour & responsibilities in respect of the environment and to give a first expression of the International environmental ethics. Basically, it was for the principle that nations should accept the responsibility for the effect of their environmental actions on other nations.

The Earth watch programme is to help further this principle by contributing objective assessment of damage inflicted by environmental actions, conducted exclusive in the domestic jurisdiction. It would thus provide a basis for reconciling difficult political & economic ~~affair~~ differences that are thereby created.

In brief, it was a comprehensive programme to identify different environmental issues and ^{to} gather evaluate necessary data to provide a basis-for the information and understanding for effective environmental management.

These were three main component of the Earth-watches:

- i) GEMS : Global Environment Monitoring System,
- ii) IRS: International Referral System for Sources of environmental information &
- iii) IRPTC: Intranation Register for Potentially Toxic Chemicals

The aim of GEMS was to collect informations by monitoring, observing measuring and interpreting selected environmental variables related to elimate & health.

The IRS is a world wide Register of Sources of environmental information designed to facilitate the dealing of information to those who needed it.

The IRPTS aims at facilitating the reduction of the hazards presented by the chemicals in the environment by supplying relevant background informations on the scientific, socio-economic & regulatory aspects of chemicals and providing base data for evaluating the hazards associated with particular chemicals.

The Monitoring System as a core link of above mechanism should be developed for pollutants liable to affect weather & climate, persistant & widely distributed substances liable to accumulate in living organism & move through ecological systems. To this effect, a

primary protection standard should be developed as a basis for assessing the significance of pollution level of human health.

9. Land, Water & Dessertification:

The objective behind this priority included the integrated research programme on arid & semi-arid lands. Water in this field should be carried out on a Regional basis through studies, meetings and the creating of programme activities centres.

10. Environmental-Management:

The objective was to improve the understanding of environmental management, thus enabling man to manage his environment to secure sustainable development, and to develop & adopt legal means to serve this end.

Beside, these ten heads of priorities there were also one, more important head - viz. - 'Support-Activities' to encourage the development of activities which may support the implementation of the environment programmes, for example:

- i) Environmental education & training
- ii) Technical assistance

- iii) Information
- iv) Environmental Law.

We shall discuss them in other place of this Chapter.

It should be noted that the 5th June of every year has been decided by the General Assembly as a World environment Day, with a theme "Global interdependence - The Care & the use of the Earths' Resources". To further this objective the assembly urged the governments & UN Agencies to make environment Day with activities reaffirming their concern for the preservation and enhancement of the environment. The Day was also considered an integral part of Action programme to be included in the priority areas list.⁵

II. The first session of Governing Council of UNEP held its session from 12-22 June in Geneva. It marked the official launching of UNEP by approving the Reports of Conference as well as of General Assembly & ECOSOC.⁶ Looking to the needs of priorities action plan the council

⁴ See: The Reports of UN Water Conference 1977, which is relevant to this priority head.

⁵ For detail see: Priorities in Doc.G.C/1/Decision 1(I)/Part III, Para 5.

⁶ The 58 member council was established by General Assembly Resolution 2997 (XXVII). Details in other place.

set-up its objectives as to provide policy guidance & coordination of the various UN's plans with the environmental-organ's framework. It was altogether a new dimension in the UN family. It also decided a plan for the projected conference exposition on Human-Settlement scheduled for the 1978 in VanCouver (Canada).

During 1973 the environmental coordination board of UNEP had approved 78 projects out of these six priorities to be funded by the Environmental Fund. Out of these 58 projects were of global importance and remaining 20 were of Regional concern. An analysis of these projects will provide US knowledge of actions taken in the field of priorities. They were:

Areas of Action	Project
1. Human Settlement & Habitat	6
2. Human health & Well being	6
3. Soils & Deserts	6
4. Ecosystem	6
5. Water & water technology	2
6. Pest Control	1
7. Training & Education	11
8. INFORMATION	3
9. TRADE & ECONOMY	4

10. Environmentally sound technology and its international transfer	7
11. Marine Pollution	5
12. Conservation & Management of Living Aquatic Resources	2
13. Conservation of Plants, Animals & Endangered species	1
14. Parles	2
15. Conservation of Genetic Resources	3
16. Energy of Genetic Resources	1
17. Monitoring	5
18. International Referral system	4
19. Other programmes Development including the future plan of Action 3	3
-----	-----
19 Total	78
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The allocation of resources out of a total fund of \$3, \$3,264,485, 73.4% were of global interest and remainings of developing regions of Asia, Africa, Latin America and Meditarian.⁷

It is to be clear from the 1st phase of activities, that the implementation of long recommended area of action

⁷ See: Year book of United Nations (1973) pp.365-66. The rate of distribution of these percentages were of according to the decisions of the General-Assembly.

received a massive mandate in the hand of UNEP.

While taking into account these projects for maximum social, economic & political benefits, the Council approved three general policy objectives for priorities:

- I. To provide improved knowledge for integrated and national management of resources of the biosphere and for safeguarding human well-being as well as the economic systems;
- II. To support & encourage an integrated approach to the planning & management and development, including that of National resources, so as to take account of the environmental consequences;
- III. To assist all countries, especially the developing ones, to deal with their environmental problems & to help mobilize additional financial resources to this end. With a view to promoting to the full participation of the developing countries in national & international efforts for the preservation & the enhancement of the human-environment.

The G.C. also noted the need for the mobilization of additional resources to provide technical assistance, education training & free flow of informations. As a guidelines for UNEN in the field of priorities, it designated these subject areas for immediate action. *Another classification*

reads as under:-

i) Human settlements, human-health, habital and well being
 ii) Land, water and discertification; iii) Education, Training, Assistance and information; iv) Trade, economics, Technology and Transfer of Technology; v) Oceans, Marine resources etc. vi) Conservation of Nature, wild-life, genetic resource and vi) Energy.

It is to be noted that the list of these priority areas is intended to be neither exhaustive nor permanent nor will it prevent the action being undertaken towards the achievements of other objectives of the programmes but the action will be concentrated in the period between one year.⁸

The quality of human-life is the control of all these priorities.

For this one decision of Governing Council reads as under :-

"The quality of human life, must constitute the central concern for this programme and, therefore, the enhancement of the total human habital and the study of the environmental problems, having an immediate impact on man should be given the highest priority in the overall programme.⁹

⁸UNEP, NGOs News, June 1974 (Nairobi Kenya). It shall also be remembered that the UNEP has signed 'A Memorandum of Understanding between the UNEP and other organizations of the UN' to encourage them to inject environmental consideration to the framing of the international development strategy. See: the relevant documents; i) UNEP/GC/INFORMATION 6, Add(1), ii) ORGA, UNGA Res-A/33/25, and iii) UNEP/GC.7/3 Add(1) and Corr.1.

⁹Press release UNCHE/102, 21 April 1972; also. Doc. ORGA: Suppl. no.25, (A/9023), Ann.1.

Besides, the programme also gives priorities to certain more specific areas, viz. helping governments to manage forest resources, anticipating natural disasters & helping to mitigate their consequences, assisting governments to prevent adverse effect of mass induced weather & climate, modification, supporting the development of sources and use of Energy to assure future energy levels adequate for the development needs - while minimizing the detarious effect on the environment. Helping ensure that environmental measures taken by the industrialized countries did not adversely effect the international trade, helping to the developing countries to maximize opportunities arising from changes in comparative advantages induced by the environmental concerns: helping to preserve nationally significant natural and cultural areas as part of the heritage of all mankind. Planning the relationship between population and available resources and environmental effect and helping increase public-awareness of environmental concern and support for the environmental laws.¹⁰

The Council of UNEP decided in its IIInd sessions (11-12 March, 1974-Nairobi). But the major functional task of the programme consists of: the identification & assessment.

¹⁰

The decisions of Council were approved by the General Assembly Res.3131 (XXVIII) of 13 Dec. 1973 (Meeting 2199) by a recorded vote of 118-0-9 (See Year Book of U.N. 1973, p.368-70 $\frac{1}{2}$)

of major environmental problems. For this purpose 'Earth-Watch' was leveled as one of the important instruments for management & supporting activities.

The list of priorities, as we have seen, were exhaustive one and the fund resources could not fee all the activities in one year. Hence, on 21 March 1974, the Governing Council of UNEP decided to select specific areas of concentration within the priorities approved in the first session. The Executive Director laid down certain criteria to govern the choice of priority AREAS for action in future. They were:

- i) The Universal significance of the problem.
- ii) The urgency of the problems.
- iii) Consideration of works being already alone within and outside the UN systems.
- iv) The possibility of making significant contribution with available resources and
- v) The likelihood of improving international environmental cooperation.

Balance Activities

The governing council (GC) approved the ~~process~~ and methods of the programmes development and implementation as presented by the Executive Director of UNEP as a means of dealing specific problems on a mere experimental basis. The subject areas, however, was arranged in order to the priorities as they relate directly to the immediate physical conditions of human being & to the problem of environment.

In this connection our attention must be given due account to the Res.3002 (XXVII) entitled 'Development on Environment, wherein the Assembly request the Council of UNEP that in formulating environmental programmes, it should ensure, in accordance with the principles set-forth in the GA Resolution 2849 (XXVII)

"The compatibilities of these programmes must be assured with the objectives and the policy measures of global activities & sectoral guidelines for the Economic Development of the developing countries as defined by the UN".¹

Attention is also drawn to the GA Res.3000 (XXVII) entitled "measures for protecting & enhancing the Environment" of which calls upon the Governing Council to explore at its first session ways & means of promoting effective Regional programmes with field of environment, and of para ³ which request the council "in formulating Environmental Programmes" to ensure the compatibility of the programmes with:

- i) The policy measures & objectives of the 1st International Development Strategies for the 11nd UN Development Dedicated to service & technology;
- ii) Policy measures & objectives that are to be recommended by the Committee on Science & Technology for development upon

¹¹

The Report - UNEP/GC/5 - 'On programme Development & priorities'.

consideration of the "World Process & Action for the Application of Science & Technology for the development".¹²

Mr. Maurice Spong commented ^{on the} above direction as:

"It is through the process of development that environmental problems & risks are created, and it is through the development process, given a new perspective & fuller meaning - that they must deal with: UNEP is a long journey of hope".¹³

The statement reiterates the principles embodied in the Res.3326 (XXIX) of 16 Dec.1974¹⁴. which pointed out the importance of both aspects of Man's environment (the natural & man-made) as vital to well-being of men & to the exercise of basic human rights and that the protection, preservation & enhancement of the environment for present & future generation was the responsibility of all states".

Overall, it can be assessed that the priorities of Action plan must be seen as a key element as a political-process, an indispensable process of achieving the degree of International Political consensus without which no meaningful action could proceed.¹⁵ It is a blue print of such manifestation. It also postulates some specific measures

¹² Ibid, Introductory Report of the UNEP Executive Director

¹³ Address of Executive Director, Maurice F Spong to the Governing Council UNEP/Information, 1974; p.2

¹⁴ Approved by a overwhelming majority of 133-1-1. See YUM, 1974, p.316.

¹⁵ *ibid.*

on the area of the environmental management to provide international co-ordination & support for national actions with establishment of a wide range of environmental criteria & standard and the negotiations of essential international instruments.

III. So far as dissemination of informations is concerned, it should be level as the main priority of all the programmes; primarily because of shaping of environmental knowledge & experiences among the developing nations, as it would not only permit them to avoid costly duplication of work, but could also contribute more than any other form of assistance to the progress of their environment-programmes. The IRS has an important contribution here as a pilot-project of UNEP¹⁶. The basic requirements is to provide a global mechanism by which those requiring access to substantive information an environmental matters could readily be put into action/touch with these most likely to possess such information.¹⁷ The Functionaries are well expressed through following digram, showing the mechanism of IRS & other information units.

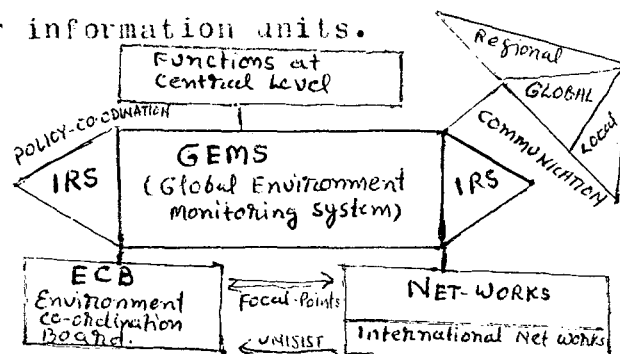


Diagram showing the Information system of UNEP, as a priority subject-under "Earth-Watch" level.

¹⁶ Decision 3(I) paras 4(d), 12C(v) & 30 of GAOR, (XXVIII) Suppl.No.25 CA/9025.

¹⁷ UNEP/GC/25 of 11 March 1971. It has to operate as switch Board-mechanism principles; between the different users vs

Directory Services:

It was strongly emphasized that the IRS central unit should allot priority to the development of a range of permitted directories & other manual deinvival aids, in order that this directory service may be readily utilized by a range of users who may wish to separate at various levels of technical complexities.

The objective behind the system was that the central unit should accept such inputs as could be provided by the networks partners in forms most convenient to them. This can be supplied either as copies of completed inputs forms or in a mechanise readable forms.

The input forms, when it is sent out, should be accompanied by a clean set of instructions & a worked example to help the source to complete the forms.

The merit of this system is that the central unit will explore the various options for inputting the data & suitable data compression system/techniques. In addition, to the existing fields, the record should contain an indication of the existance of supporting background documentation made available by the sources.

Environmental Data:¹⁸

One of the difficulties frequently encountered in the

environmental assessment & management is the lack of Land datas.¹⁹ A number of activities have been incorporated to cover this gap, e.g. IBS, GEMS, IRPTC, SWMTEP (System wide medium Term Environment Programme 1984-1990) & ICSAFPE (International Commission to Study Actions for the Protection of the Environment); as components of Earth-Watch programme.

In this respect, the decision of the Council²⁰ in its fourth session laid down the broad approach to the collection & presentation of the datas for this purpose.

The Activities have its priority in the following areas. viz. - Inventory of Requirements & availability of Environmental Statistics.

- (a) Aspects of human settlement; so as to cover the aspects of population distribution and density, its relations both economic activities & to the housing and the sanitary facilities/services. It also assessed of such problems of human-settlement as came under Pollution, Water Supply & waste-disposals.
- (b) Energy & Non-renewable materials;
- (c) Environmental health, oceans & terrestrial Eco system. etc.

¹⁹ Environmental Statistics refers to the Stocks & Flows of all elements of the system, both natural & man-made elements interacting in a dynamic system & permits the identification of Envl.ponds.

²⁰ Dec 50 (iv) & 48 (iv)

It also provided some principles as to the developments of guidelines on methodologies for use by countries and International organizations.

To this purpose an Inter. Agency Task Force on Datas (IATFD) was established to continue its activities on Level one. It was designed as a subsidiary body of Environmental co-ordination Board (ECB)²¹. (The level one activities include Environmental Management Education & Training and Development).

2. Monitoring & Surveillance:

As defined by the preparatory committee "It is a system of continued observation measurement & evaluation for defined purposes."²²

As noted, the monitoring programme was designed to provide information about environmental variables including their possible effects on man & their well-beings, and more specifically to ensure that the various dimension, including regulatory of other measures can be taken.

²¹ See: Decision 47(N), Part III, Para 5
²² A/CONF48/PC/11/Addl.1.

The provisions of information are vital to ensure present & future protection of human-health, safety & wise management of environmental resources by:

i) Increasing understanding of the environment and of how a dynamic balance could be maintained in economic system as a basis for the managing resources;

ii) Increasing quantitative knowledge of natural and man-made changes on the environment of impact on man's health & welfare.

iii) Providing early warning of significant environmental changes, including natural disasters, so that protection measures may be considered.

The working group on this subject laid down following these priorities for urgent attention: as

- a) Atmospheric
- b) Terrestrial Land
- c) Oceans &
- d) Environmental health monitoring

The reports of the Working Group, as well as the recommendation made by conference confirm the necessity of collecting data on a wide varieties of environmental variables, not merely those pertaining to pollutants & nuisance of international concern but also those relating to such other subjects as human-settlement strengthening

of national disaster warning system with a programme of world weather watch (WW), soil degradation etc. As the task were great, only such problems could be chosen as suitable for immediate attack at the international level. The current experiences with such system of information is quite healthy. It has altogether substituted the functional characteristics of UNEP alone, which provide the realistic basis for a more ambitious attempt to co-ordinate information exchange in the future.

3. Land, Water & Desertification:

Environmental Aspects of natural resources Management are primarily the subject of national, nature then International action. However, because of the influence of economic _ political strategy they have significantly affected the international community. The priority action plan has its objective as follows:

- i. To mount a concentrated programme to help countries in controlling the loss of productive soil through erosionsalination, desertification & caterization, and to help them in the land relamation which is ecologically compatible with special emphasis to be laid on asserting the spread of deserts;
- ii. To help countries to assess soil degradation caused by the mining operations and to assist them in the prevention and remedy of such degradation.
- iii. To help countries to prevent the loss of production soils caused by pollution and to help them abate existing soil pollutions.

- iv. To support and encourage concerted Research Programmes to develop, manage and conserve Eco-systems, particularly arid lands and tropical forests. Special account being taken for support of initiative by governments in the national and regional programmes.
- v. To support, encourage and initiate national and international efforts for efficient drought forecasting and help countries *in mitigating* the consequences of drought.
- vi. To help countries prevent or remedy pollution of water and to develop safe methods for waste recycling.
- vii. To help the development of water resources to meet the present and future requirements of water of high quality.
- viii. To support and encourage national and international efforts for assessing environmental effects of agricultural chemicals on man and ecological systems and for avoiding their undesirable effects; and
- ix. To initiate Assessment of trends of forestation and deforestation.

CONFERENCE ON DESERTIFICATION²³

(29 Aug. to 9 Sept. 1977) initial

a set of studies in the feasibility of transnational projects to combat desertification. These projects were:

²³

For Detail See : A/CONF. 74/36. The conference was held at Nairobi and attended by the representative of 15 states & other organizations. It also adopted a plan of action to combat desertification. (The Desert covers about 36% of the earth's Land-surface about 12.8% of the world population resides here.

- i. The development and management of rangelands and livelihood on the Sudano santon region (SOLAR). (Doc.....cont 74/26)
- ii. The establishment of a Green belt across the five countries to the North of Sahara (A/CONF74/25)
- iii. A similar Green belt in Africa, South of Sahara extending from the Atlantic to the red sea.. (A/CONF. 74/29).

Disertification is caused by the misused or over use of land, mainly by man wresting to secure a ~~æ~~ livelihood under Ecological conditions which are ~~aninitiallyx~~ essentially fragile. Landing alternatives he is often forced to resort to land use practices that are destructive to the productive Eco-system. ²⁴

It was estimated that more than 1/3 of the earth's Land area including the natural deserts is arid. Some 84% of the worlds population live in vulnerable drylands gardening the world's deserts, the losses wrought by the process are manifested in the various ways, the most serious being the loss of degradation of human life. Many countries could have their Eco-base destroyed, as happened to various ancient civilization. The priority have a ~~concered~~ future perspective secure the utilization of arid lands and prevent further deterioration. The projects mentioned above have extended further to cover the most sophisticated area of land problems.

The Water Conference ²⁵ sponsored by the UN in 1977 have its own merit; 40 for it laid down the minimum water quality standards required for human health. The conference strongly recommended for a multinational accords to limits national actions

²⁴ See : UNEP/6c.G/I/Addl. 1. (4 April. 1978) p. 3, para 6.

²⁵ Held at Buenos-Aires in 1977 for proper management of water

with negative environmental effects on the international water resources. The International river-basin commission Established to this effect proposed the law that when water resource activities are contemplated that may have an environmental effect on another country, the other country notified well in advance of the activity envisaged. The commission also laid down the provisions for the judicial & administrative protection of water rights & claims.

4. TERRESTRIAL ECO-SYSTEM:

Our Eco-systems is best considered as a total concept, and natural resources as its components. Soils, air, water, animal, plants & other genetic resources confer themselves to form Ecosystems in which the fate of individual resources is found up with that of others and of Ecosystems as a whole. This intricacies of Ecosystem functioneries demands a highly scientific & quantitative approach to the solutions of the problems brought about by the balances in the system. We have already made it clear that Eco-system is a component of:

- i) Arid & semi arid lands
- ii) Tropical forests & woodlands and
- iii) Mountains, islands, coastal & other Eco-systems

Thus, the interdependence of our Eco-system argues for treating conservations, protections & management of natural

resources as essential part of environmental management. In this area, the activities of UNEP supports research and to promotes integrated international policies & programmes. The UN family of agencies (CAO, WMO) are most deeply concerned with these problems.²⁶

The objective & strategy for the concentrated area were approved by the Governing Council at its IIIrd session and has been summarized else where.²⁷ Besides, a series of works have been undertaken by UNEP with the close co-operation of other UN Agencies. eg.

- a. The Arid Zones Programmes (UNESCO)
- b. The International Hydrological Programmes (UNESCO)
- c. Desertification, Soil degradation & Land Evaluation Programme (FAO)
- d. Forestry Programmes (FAO)
- e. Human-Resources, institutions & programme reforms case studies
- f. Regular Animal Production Programmes
- g. Man & Biosphere programme (No.3) etc.²⁸

²⁶ UNEP/PROG/1(1975)/UNEP/GC/30

²⁷ GC/Decision 39/III; & UNEP/GC/INF/I, Sec.III B.1 (9) (i) & (iii)

²⁸ UNEP/GC/90 - (Also Notes (11)).

Besides, there are two more specific programmes to this area:

i. EMASAR (Ecological Management of Arid & Semi Arid Rangelands) to promote regional and national activities to overcome the effects of drought, seasonal water shortage & over exploitation in this field.²⁹

ii. IPAL (Integrated Projects on Arid Lands) to identify the causes of ecological degradation & the desert encroachment in this zone, assess carrying capacities & Management regimes compatible with the rehabilitation of degraded ecosystems, carry out experiments in & initiate monitoring programmes.

1) Since the activities in relations to parks, reserve and wild-life were an important component of the socio-economic development, it was felt necessary to identify certain global areas/criteria for parks & wildlife management- which would include those socio-cultural factors influencing the behaviour of human communities as important component of national parks. See: Para (143). UNEP/GC/56-(CITES/WEF) of the Convention on International Trade in Endangered Species of Wild ~~Animals~~ Fauna & Flora; signed at Washington.

²⁹ The 1st operation phase was taken in Africa & North Middle-East iv/78/00/61

TROPICAL WOODLANDS & FORESTS ECOSYSTEMS:

Tropical forests are estimated to cover an area of about 3,050 million hectares. Their Chief Economic value lies in the timber production and use of their outputs for food, drugs & breedings.

After the IIInd world war, the impact of man on the humid topics has entered a new phase because of large scale lambering & tree monoculture, conversion into grass lands for cattle feeding, construction of roads & air ships, intensified hunting and hericide sprayings etc. It is predicted that if the conservation efforts are not greatly intensified, most of these forests would be destroyed by the end of this century. The Action Plan has its urgent priority hope. The Governing Council at its IIIrd sessions approved the objectives & strategies for tropical woodlands & forests.³⁰ In Fourth session, the two activities of this priority were in the concentrated area:

- i) Encouraging programmes of the scientific research & pilot projects in integrated tropical ecology and developing guidelines for the Ecologically sound management of tropical woodlands & forests & concentrations of

³⁰ UNEP/GC/Decision 29 (III)

threatened life within these systems;

ii) Promotion of a world-wide programme for the protection & planning of the trees.³¹

In co-operation with FAO/UNESCO, the Executive Director of UNEP was requested by the Council to launch a practical-programme in the form of a pilot project for the promotion of the applied & appropriate studies and Research & Training in this direction.³²

Special attention was given to the "Trees-Programme" because it is relevant to several other programmes areas e.g. GEMS, human-Settlement, energy & Natural disasters. The main objective of this programme is to safeguard & rehabilitate the natural vegetation, so that it can fulfill its main functions - i.e. soil conservation and improvement of the hydrological conditions and of the micro-climate agricultural and pasture systems, thereby contributing to the general ecological equilibrium and the maintenance of a varied genl-resource-pool and serve as a source of renewable energy especially for the poor rural communities.

MOUNTAIN, ISLAND, COASTAL & OTHER ECO SYSTEMS

³¹ UNEP/GC/57 Para (4~~2~~); Decision 47 (iv), Section (i) Para (3)

³² See. Decision 54 (iv) Ibid - also UNEP/GC/90 Para 280-94 (pp 61-64)✓

For this subject, strategy objectives and concentration areas was endorsed during the IIIrd session.³³ IUCN, UNESCO came forward for collaboration with UNEP here. However the brief activities of Fund programmes can be summarized as:

- i) Review of mountain Eco system and development of Regional plans of action (ANDEAN PROJECT)
- ii) Survey & preparations of ecological guidelines.
- iii) Development of a convention on the conservation of certain island for scientific use.³⁴

5. Human Settlement & Habitat:

The subject matter is quite comprehensive and include not only the physical world around us but also our shelters, communities & a total sense of well being. The Action Plan believed that there can be ecologically sound human settlement, within which man can live decently and in ways which can enhance the beauty & harmony of the world.

The Plans & programme of operation for the UN Habitat & Human settlements Foundation (UNHHSF) was finalized by the documents UNEP/GC/36, which not only provide technical assistance but also help countries to establish national

³³ Decision 29 (III)

³⁴ See Paras 295-303 of UNEP/GC/90, also IIIrd session UNEP/GC/56 para 140, p.32

environmental policies, legislation & administration. More & more technical assistance was sought by the co-operation of UNDP, for a clearing house to provide increased technical assistance in the Environmental field.

The habitat conference ³⁵ has produced many recommendation for national actions; directly relevant to activities at this level. It is intended to produce guidelines for Human-settlement, Planners & Managers, thereby promoting ecological considerations.

The guidelines to this priority were as under:

- i) To encourage & support the programmes aimed at raising the level of standard of health & eliminating endemic disease, which are due to the environmental conditions, especially those related to undevelopment
- ii) Establishment of a Fund for the human-settlement.
- iii) To anticipate & prevent threats to human health and well being posed by the contaminations of atmosphere, water & food etc. and to co-operate with organisations concerns in establishing criteria for the relevant pollutants,
- iv) To promote, encourage and support the development of new low cost technologies with potentials for

³⁵

Held in Vancouver (Canada) in 1978, See.H

v) To assist the developing countries in co-operation with the appropriate-agencies in developing & applying the low cost techniques, meeting the environmental aspects of their housing needs.

Here emphasis has been laid down on the labour intensive measures & methods utilizing local materials.

vi) To promote studies related to the special problems of transitional settlements, including the socio-economic factors of rural-urban migration.

vii) To help in providing potable adequate water-supply ~~UN~~ Urban & rural settlement; and

viii) To ensure that due attention is given to environmental aspects of population density.

The Division of human-settlement has to co-ordinate efforts to inform the nations of the world about the problems of the uncontrol growth of the population and the methods available for assisting in its control; eg. contraception. In these fields the Division has a role of catalyst & promoter; but not a large scale operator of programs.³⁶

³⁶ It was provided that not less than \$50 million annually for the first 5 years of the operation of UNHHSF, and thereafter, atleast \$100 million annually be assigned to the division from the Environmental Fund of UNEP.

Moreover, the provision of human settlement has its impact in the modification of universal declaration of Human rights, 1948, whereby it has been laid down that each individual has a right to a decent home in a suitable living environment.

An international Programme was undertaken to develop transportation systems that are in harmony with the goals ecologically sound human settlements. Thus the subject area categorically divided for

i) The Human Settlement Fund ii) Development Assistance

iii) Refugee ~~sett~~ Resettlement iv) Transportation & Low cost

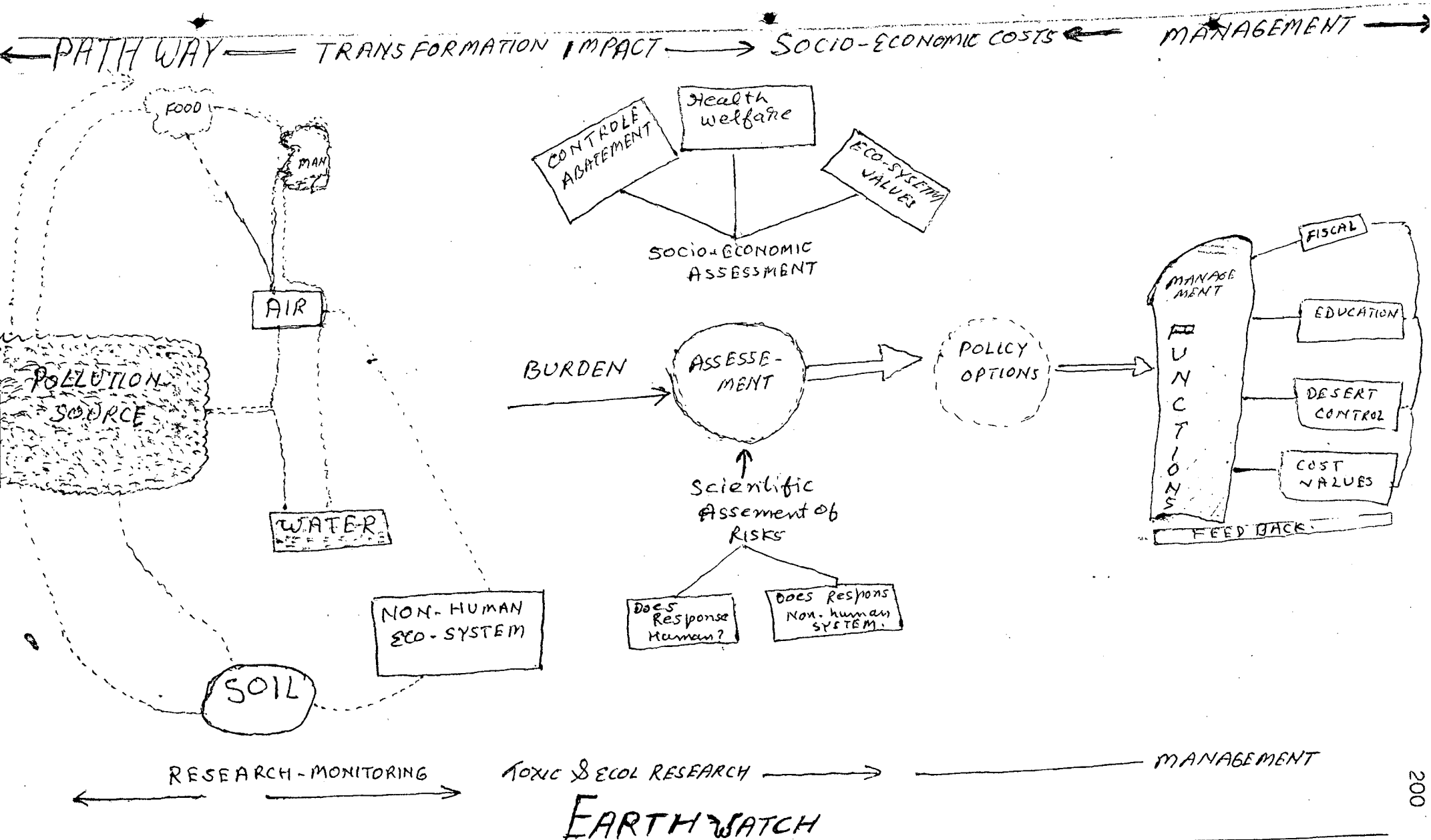


FIGURE: ASSEMENT OF POLLUTION; A CONTROL BY INTERNATIONAL CO-OPRATION.

Human & Environmental Health:

Health is a basic human needs and an integral aspect of the quality of life, which is influenced mainly by the actions/interactions between man and the biotic, chemical, physical and socio-economic factors in the human environment.

The major cause of disease and death in the developing countries are communicable bacteria & virus backed by the air & vector born, diseases aggravated by the malnutrition. The dangerous health hazards are the side effects of the technological advances, industrial and agricultural expenses and the complexities of the social life itself. The hand to hand co-operation is the only solution to tackle these problems.³⁷ Nevertheless, inadequacy of knowledge and action still exists in our global system. The decision 29 of the IIIrd session of G.C/UNEP (para I) endorsed the objectives & strategies for the human health; eg.

- a) The assessment of the impact of pollutants on man & environment.
- b) Support for the protection of food & water from pollutants.

These actions have been focused on the needs of the

³⁷ UNEP, Rep.(2) of 1977 enlists a detailed studies/survey of the activities of govts, UN Agencies and various others NGOs in this field.

of the developing countries, where the problem of contamination of food & their storages are accute, due to deterioration ~~of~~from such environmental factors as fungi, bacteria, insats, ehemical & physical agents produce series threat of human well-beings.

Support for measures to provide protection from Nuclear Radiation

These are a subject area for priority action under head 'Identification and Control of pollutants & Nuisance of Broad International significances. It is well known that the working of the earth's oceans & atmosphere are mysterious; and the effects of the substances man puts into these are poorly understood, baseline data are lacking in nearly all areas of present concerns, and where such data are available the significance of known changes are in dispute, This has a paralyzing effect on the development of environmental policy. This is more true about Nuclear-radiations, which are hitherto known as sacret cows for national-goverments.

It is to benoted that radio-active pollutions is treated separately from other pollution because the process of nuclear radiation is distinct, and the agencies involved in the survillence/control differ from those concerned with stear environmental pollutants.

During the 31st session of General-Assembly a change has been occurred area the responsibility of the secretariat of the UN scientific-committee on the effects of Radiation (UNSCEAR) has been transferred to UNEP.³⁸ Now the UN concerned organization has been co-operating in the elaboration of close or effects relationships of selected radio-Nuclecides. The

International commission on Radiation Protection (ICRP) has also collaborated here with UNEP, the recommendations of which are the basis for the national legislation in most countries and are also used by most of the other international bodies e.g. IAEA, ILO, WHO to devise their own standards in this field.

The other important activities were as :

- (1) Establishment of a Register of significant Radio-Nuclide release into the environment.
- (2) The continued - development of waste-management practices as well as other nuclear-radio elements.
- (3) The ~~est~~ablishment of International disposal sites.

Both terrestrial and oceanic to serve the need of a particular region.

We have already noted the contributions of the working group in the issue

³⁸ ORGA, XXXI session, supplement No.25 (A/31/25) paras. 40-5
Paras 460-66.

Pest Management System:

Pest & Vector control is essential to the health and nutrition of mankind. The large scale application of chemicals has a serious environmental side effects. It is even by food-chains. The priority-programme stressed for a more comprehensive approach in this field, to combine all relevant control techniques within the ~~form~~work of the nest-lost Eco-system so as to produce favourable economic, ecological and social consequences.³⁹ It was decided into fourth session of the governing-council that the development of environmentally sound pest management system should be in a concentration area.⁴⁰

The General-Assembly eader passed a resolution to the "concept of collective ecological security" to this effect.⁴¹

On the same time the COCOYOC Declaration in pattern of resource use, environment and development held in Mexico- (Oct. 1974 8-12 Oct). Under the joint agies of UNEP & UNCTAD. This declaration contained important insights and elements that should be taken into consideration on the activities of the UN system, in order to integrate the environmental components in the development efforts, in particular the casue and effect relationship between the environmental degradation and differences in the economic and social conditions of the countries.

³⁹ See : UNEP/GC/INF/1. Section III, 2(6)

⁴⁰ See : UNEP/GC/57. Para 4. Decision 47(iv) Sec. 1 Para 3.

⁴¹ ORGA : Res. 3326 (XXIX) of 16 Dec. 1974.

It should be noted that this waste first major international statement of the environment object sought to integrate to objectives of sixth special session of G.A will development goals.

Thus, the COCOYAC declaration had formulated in a clear and convincing manner the concept of inner limits and outer limits. Which under scored the basic need to remedy the "pollution of poverty", ~~and~~ while providing the necessary ~~safeguards~~ to prevent the violation of the plants and life support-systems.

During the world of the IIIrd session of G.C it was agreed that poverty being the worst form of pollution affecting the majority of mankind. UNEP should promote the improvement of the Environmental Programmes with a view to eliminating that social ill.

Thus, in the development process the first concern was made man rather than things. It was also laid down the declaration that Development should not be limited to the basic satisfaction of the human needs, but should also include other goals and values, including freedom and expression and impression, the the right to give and receive the ideas and stimulus, the realization of the need to participate in shaping the basis of one's own existence and the right to work

The goal was not to "catch up" but to ensure a quality of life for all with a productive base compatible with the needs of the future generation.⁴²

⁴² Technologies were termed environmentally sound and appropriate if they supported the ecological balance, growth and promoted the economic and social justice.

Oceans : -

Oceans, which cover 71% of the earth's surface have been used in discriminatly as waste receptales. Their search size had led to the belief that they had an infinite waste receiving capacity and therefore the atmospheric impact would be insignificant. This mistaken notion has much serious repressions on the physical, chemical and biological processes, which have localized the accumulaton of waste and then unfavourable environmental consequences.

It shall be kept into mind that the oritical ocean pollutants are metals, persistant organic chemicals, petrolieum, hydro carbons, raid-nuclicides and solid wastes. They entered into the marine environment through rivers, rains, atmosphere transport ocean dumping and coastal discharges.

To curb the problems, the UNEP have set-up a Joint Group of Experts on Marine Pollution (JGEMP)⁴³, with the collaboration of IMCO, FAO, UNESCO, WMO, WHO & IAEA.

Activities :

The level one activities are summarized into two categories :

1. Marine Pollution &
2. Living marine resources.

A solution oriented programme has a multidimensional sector to curb the problem wherever it may be found

⁴³
• See : UNEP/GC/60/PROG/ 5 & 6 - 1970

The Globe Programme includes.⁴⁴

i. Marine Pollution

- a. Continued support for the law of sea conference.
- b. Enhancing on going programmes for understanding the sources, pathway and effects of Marine Pollution in the Marine Environment.
- c. Enhancing the technical capabilities of the developing countries, as to help them in implement of International agreements for the pollution of the marine environment.

ii. Living Marine Resources

- i. Development and implement of globe plean of action for the living marine resources
- ii. Education and Training Programme for Marine Parle Managers and other conservative experts, and information compaign forum.

To this effect, there were an Inter governmental Meeting of Experts on the Protection of Meditarian in 1974. They have appointed an International whealing commission (IWC) for the protection of Mrine resources. We have already noted about it that in preparatry committee declamation on the protection of marine resources were also in question.

⁴⁴ Several pilot projects were launched 50 for in this direction including the Regional seas as well as right seas.

This include a wide range of activities to be pursued by the UNEP.

There are certain other subject matters to be included in the priority list. The UNEP and other UN specialized agencies have approach through it for a peaceful and living human environment. A brief analysis of those other activities are as summarized.

(i) Energy :

It has been estimated that man's perception use of energy has doubled during the past 30 years; and the current trends indicate that these consumption will grow faster in the near future. Thus, there is clearly a need to examine rationally the environmental aspects of energy consumption and use. The fossil fuels have four components viz

Extraction ---- Transport ---- Conversion ----- & use.

Each of them have environmental impacts eg. Extraction of coal can affect land, Air, water and human health. Similarly the extraction of oil from the offshore wells can have impact ~~on~~ on marine environment.

Moreover, when fossil fuels burns in conventional power stations different types and pollutants are emitted into the atmosphere (eg. sulphur and nitrogen oxide), carban mono-oxide and hydrocarbons etc. Such pollutants cause minor changes in the metrological conditions on a local and regional scale as well as expected to cause some globe changes in the long terms. Radioactivity from the decay products of Nuclear Fission have their typical problems. Despite the regid safeguards they have entered into

the human environment several times in history, thereby causing losses to the human life & resources.⁴⁵

UNEP here has task of initiating studies to define the impact on the local, regional and global environment of Extraction, processing, transport conversion, transmission and Use of various forms of energy; & of demonstrating the feasibility of harnessing renewable energy resources to improve the human environment in the rural areas of the developing countries.⁴⁶

The fourth session of G.C. has decided following⁴⁷ as to included in the concentration area.

(i) Updating the review of the impact of energy production & use on the Environment and following of issues identified in it.

(ii) Establishment of three rural energy centers in Asia : Africa & Latin America.

(iii) Examination of the impact of N-energy in the environment (with IAEA)

There was also a proposal for the establishment of an International Energy Institute to this effect within the UN system.⁴⁸

⁴⁵ UNEP/GC/61/Add.1.

⁴⁶ See: 6.c./INF/1. sect. III. e. 1 (a) & (b)

⁴⁷ UNEP/GC/61/ Add. 1.

⁴⁸ See : The Recommendation of General Assembly- Res. 3362 (5-VII)

(II) NATURAL DISASTER :-

A Natural disaster is an extreme physical event. occusing physical. social and economic damages. There are drought (covered u/ Arid & semi Arid tropical cyclones, floods and Earthquakes out for instance the effect of these disasters are horrifile, eg.

- (i) damage to building & services
- (ii) occurence of epidemics
- (iii) Destruction of vegetation cover,
- (iv) Ecosystem & wild life paralised.
- (v) soil Erosions
- (vi) The loss of genetic resorces.
- (vii) salinization of a rafle land.
- (viii) pollution of water supply, destrpction of crops and so on le ding to malnutrision .

The response of world community is relief & rehabilitation only.⁴⁹ But the UNEP is concerned with the disaster preventing and mitigation approach directed towards the long term reduction of mistakes a d involve measures to reduce the impact of extance natural events These includes; among other things: Land Use planning structural protction measures Building Regulations etc.

⁴⁹ . The organization of UN system most deeply concerned with the issues are : UNDRO (UN disaster Relief organization
 2. WMO (World Metrological organization). Primarily concerned with the natural disaster caused as aggravated by the Metrological, phemomena
 3. WWW (World wheather watch): as a a major venture of WMO include the Tropical cyclones analysis.
 4. UNESCO:---In the field of sessimology volconology && studies of Floods.
 5. WFP: (World Food Programme) provide energy food assistance to the victims of disaster and help in the reconsturcion of devasted area.

For detail see : UNEP Report No. 3. 1977.

During the Third session the Governing council endorsed the objectives & strategies for the areas of natural disaster-by decision 29 (iii) part I, and in its forth session emphasized for the (1) Establishment of an early warning system & (ii) Measures for prevention & Mitigation of natural disasters.

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The council also agreed here that support for the activities has meant to ensure early warning & community preparedness for Natural disaster should be accounted the areas of stress.

(III) INDUSTRY & ENVIRONMENT

We have noted that the concern of UNEP in the field of Environment & Development is to help ensure that the environmental consideration are fully reflected in thinking and action of the development. The Industrial location, environmentally sound and appropriate technology and the use of natural resources the few instances in this direction.

UNEP is co-operating with ~~UNCTAD~~ UNCTAD --- in elaborating an international code of conduct on the transfer of technology.

The basic strategies for industrialization have been laid down in 'Lima Declaration & plan of Action on Indus-

⁵⁰ Decision 59 (iv) para 1.)

⁵¹ UNEP/GC/89 Annex 1, Para II.

trial Development and co-operation adopted by the IInd General-conference of UNIDO.⁵²

The relevant activities in this concentrated area are numerous. A few for instance :

- i. Completion of the review of, and dissamination of information about the environmental problems associated with the major industrial sectors
- ii. Completion of a study of the impact of industrialization process in the environment health
- iii. Development of environmental critatias and ~~RESOURCE~~ Research in the industrial locations.⁵³

During the UN Conference in Science & Technology for the development (1979) a preface was presented on this subject. It is to be noted further, that UNIDO, UNCTAD, UNESCO & WIPO are co-operating with the UNEP in an effort to reduce the technological assistance-dependence of developing countries which have widespread environmental implications. The later developments in this field laid emphais on the implementation of empirical studies and pilot projects to examine social-economic mea-

⁵² See : DOC. A/10112, Ch. (v) and GAOR - Res. 3201 & 3202 (5-vi) regarding NIEO.

⁵³ UNEP/GC/89 Para 14 (g).

asures of these regulations in integrating environmental considerations in decision making process of industrialization. We shall further examine this issue in another chapter.

SUPPORTING MEASURES : -

Education, Training-Management, Information &
Technical Assistance:

The educationa, informational and managements ~~kk~~ are the most curcial matters scheduled for the priority actions. It was suggested in the preparatory committee for the conference-72 that present science and technology could solve most of the environmental problems and solutions are available through the modification of certain human activities. A resolution of national and international environmental problems will require an understanding and modification of the social, psychological, economic, political, moral and relegious assumptions and practices that have influenced human activities leading to the basis of the environment.

It was also emphasis that assitance must be provided to the policy matters and planners of the developing nations through educational programs, to ~~ex~~ encourage the most effective short and long term use of human and natural resources with emphasis on managed, responsible social growth at each stage of development. The object behind this was :

"Man's unique problem solving ability must be encouraged if he is remain involved in his destiny, that of his fellow man, and of his progeny, and if he has to realize the fullest expansion of his human-reason".⁵⁴

The International conference on environmental education, held in TBILISI (USSR) Oct. 1977. emphasize the importance of avoiding partial thinking. It recommended the establishment of Regular programme activities centres on Environmental education and training, in Africa for the experimental level, both formal and non-formal educational sectors.

The UNEC governing council step forward by recommending for the ~~st~~ establishment of regional institutions ~~st~~ for the environmental education and training. So for many such institutions are in operation in Africa, Asia and for East, Latin America & Europe. The US has established a separate institution, as US centre for International Environmental studies, mainly to investigate the reactions of the natural environment to products of industrial, urban and social growth.

⁵⁴ 'Stockholm and beyond' : Report of the secretary of States Advisory Committee, May 1972. (Dept. of State Publication : USA, Conference series # 101 18157, Washington D.C. p. 95.

TRAINING

Supported by the ~~fx~~ fund of UNEP, the training has to be given in the following fields :

- i. Monitoring and Evaluation of GEMS
- ii. Information Exchange - IRS & IRPTC
- iii. Human-Settlements; human & Environmental health
- iv. Terrestrial Ecosystem
- v. Environmental management and laws.⁵⁵

INFORMATION

The relevant activities in this head includes :

- i. Strengthening publicizing capacities which may include regular, monthly bimonthly quarterly and annual literatures serving the informatics objects about the human-environment.
- ii. Wider use of news-agencies, syndicate-services T.V. and news-films for dissemination materials.
- iii. In co-operation with informatics agencies, supporting projects to launched.⁵⁶

⁵⁵
UNEP/GC/57(4), Decision 47 (iv) section 1.
page 3.

⁵⁶
'Ambio' magazine is one of the important result of rare activities. The numerous other publications are still coming to us through UNEP & UN's publications departments. They have been enlisted in bibliography. eg. 'Environment' (Washington) & "Environmental Management (N.Y) etc."

TECHNICAL ASSISTENCE

The relevant activities are :

- i. Continued development of clearing house facilities
- ii. Support for the strengthening of the regional advisory team
- iii. Assistance on Administration & Legal aspects
- iv. Continued emphasis of projects on serious problems in the developing countries.⁵⁷

ENVIRONMENTAL MANAGEMENT & LAW

The priority area includes the following activities here :

- i. Development of a programme of action in relation to the environmental laws to be implemented at the national level.
- ii. Development of a code of international environmental laws.
- iii. Encouragement of universities and other research institutes to include in this curriculum and work, the study and projects for the promotion of environmental ethics.

It is to be noted that the governing-council, at its IIIrd session took note of the G.A. Res. 3129(XXVII) of 13 Dec. 1973 and appointed a working group of experts to formulate the principles and guidelines which would promote the harmonious utilization and conservation of natural resources shared by two or

shared by two or more states.⁵⁸

There were also some provisions in regard to legal guidance to the legislators and administrators in formulating an environmental policy. Most generally, the following activities worth accepting :

- a. Periodic survey and updating of the states of international conventions and agreement on a continuing basis.
- b. Systematic evaluation of the existing treaties on a continuing basis.⁵⁹
- c. Establishment of a Register of international environmental laws.
- d. Promotion of the development of a new international conventions.
- e. Development of new principles in the international law especially in the field of environment.

The elaboration of new legal principles for dealing with the environmental problems is a regular part of the development of the international law. The UN agencies has its role concerned through FAO, WHO, UNESCO, ECLA, ILC & OECD for the recognition of this 'soft'

⁵⁸

A working group was appointed to this effect on 1976 to carryout the recommendations of general-assembly. V. Res. 3129(XAVII)

⁵⁹

See : Following (draft) Conventions were given special emphasis in this field :

- i. Convention on the conservation of world heritage
- ii. Convention on the protection of monuments, groups of buildings and sites.

(contd)

field of International law. The decisions furnished by ICJ in curfew channel case (1948) reveals this thinking.

It should be kept in mind that customary international law provides a limited means of social engineering and localize regime to protect the needs of human environment. The general international law contains no rules or standard related to the protection of environment as such. Nevertheless, three sets of rules have major relevance :

- i. The rules related to the state responsibility have a long logic and vitality as not to be injure the interest of other states diversely.
 - ii. The territorial sovereignty of states have double impact. It provides a basis for individualist use and enjoyment of resources without setting any high standard of environmental protection.
-
- (Contd) 59.
- 11i. Conventions on the conservation of of wetlands of International importance.
 - iv. Convention on conservation of certain Islands for science.
 - v. Convention on Export, import and transit of certain species of wild-animals and plants etc.

Nevertheless, it provides a basis for the imposition a state responsibility on a sovereign state, causing, maintaining or felling to control a series of influence- /nuisance of other states.

iii. The concept of freedom of seas, outer space and other celestial bodies contains elements of reasonable user and non-exhaustive enjoyment, which approach the standards of environmental protection, sharing conservation.

iv. Principle of vicarious Liability, as in curfew channel case .

Undoubtedly, it shall be concluded here that existing international law is tolerant concerning the pollution and conservation.⁶⁰

The object of environmental management or law is to create new ethics in the international decisions making principles, which provides that due consideration must be given to the ecological elements in planning for development.

There were a number of seminars and symposiums, conventions and codification for this effect.⁶¹ The function

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- ⁶⁰
- . There are still some valid ~~xxx~~ laws in this field : eg. Article 24 of the convention on the High seas, 1973 provides that 'every state shall draw up regulations to prevent pollution of the high-seas; Article 25 provides the dumping of radioactive waste in territorial sea limits.

For detail see : Arctic water pollution preventing Act 1970.

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- . UNEP/GC/31 _ 61, Para 162-174 & 316-319 respectively.

The decisions of UNEP/GC - 8(II), 29(III), 47(IV), 50(IV) are also important here.

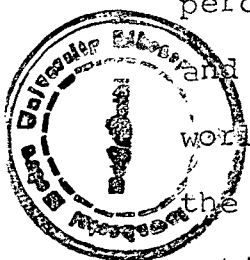
of environmental management is to include the environmental dimensions into the considerations of economic, social, political and other issues. It also include environmental statistics for rational decisions for the long term sustancial field from the bio-sphere by proper management of the natural resources, especially looking to the benefits of present and future generation.

Some important management activities have been formulated here :

- i. The preparation and dissamination of materials on the environmental management to attract the govt's application
- ii. Development of guidelines for the design and implementation for the environmentally sound development projects.
- iii. Initiation and launching at the regional and sub-regional levels of ~~xxxx~~ integrated environmental management programmes for the benefit of the area concerned and for demonstration, catalytic and learning purposes, and
- iv. Incorporation of lessons learned through programme activities into the concept and practice of the environmental management.

A glossery have been also prepared to include the vital terms for clarifications of doubts regarding the ambiguous approach on selected subject matters. This has been considered important achievement of UNEP.

(V) SUMMARY OBSERVATION



Thus, from the above sets of priority areas it shall be made clear that the first experiment in environmental protection has become a pervasive factor in our perception of the world, an experiment whose materials and goals constantly changes according to the need of the world. It has a strong recognition on the part of UN to the threat of the human environment and the demands for action to reduce it. It is one of the most useful step in the world for concerted joint action to prevent the further deterioration of human environment.

One thing should also be made clear that the priorities have a three level programme approach, as the basis process for the development and for the management of the environmental issues. In brief they are :

LEVEL ONE

It seeks to identify the emerging problems requiring the attention of the governments. The review in each priority subject areas or functional tasks identified by the governing council to display issues in relation to the activities being undertaken on planned to deal with them, and thus to help the governments to identify gaps in action, establish or revise objectives and priorities and allocate responsibilities for action.

LEVEL TWO

It is based on the objectives and priorities as established by the governments. It define a programme of action to meet these objective. Basic tools in this regard are the

"programme framework" which outline the conceptual approach following in programming to meet the objectives, and point out the principle actions to be taken on principle level. This provides for the identification and collaboration within each programmes framework of specific projects.

LEVEL THREE

Consists of those actions and projects identified within the framewrok of programme at level two which are selected for the support by the fund of the UNEP.

Such supports will normally consists of only a portion of the parts involved and is to based on the degree to contribute in the implementation of the programme.

These three levels have in operations as a guideline for comprehensive action plans. The crux of all these is that they implies a sustainable development of all countries, aimed at meeting the basic human needs without transgressing the outer limits set by man's endeavour in the biosphere. It also includes the strategies to enhance and safeguards the environment for proper ethics as well as for the benefit of present and future races of mankind.

UNITED NATIONS ENVIRONMENT PROGRAMME: THE INSTITUTIONAL

M E C H A N I S M

The awareness of human community to the global problems of environmental protection has been well introduced in earlier chapters; by envisaging the action plan and priority areas for the implementation of recommendations of stockholm conference. What is more important for all this concern is the analysis of institutional mechanism devised to fulfil the mandate of UNITED NATIONS¹. The present chapter makes an assessment of UNEP'S organs, its impact, special characteristics and various programs launched under its guidance. It should be reminded that when the planery approved the draft resolution on institutional and financial arrangements for adoption by the conference, the outstanding issues debated were no more of a substantive interest^{the} to the basic institutional structure. They centered around five main issues :

- (1) The size of the proposed governing council,
- (2) The location of the Head-quarter of Environmental Secretariat,
- (3) The method of the contribution to the fund,
- (4) The possibility of convening a second UNCHE;
- (5) The role for the UN Agencies in this respect.²

1

It may be noted that:

The General- Assembly of UN. is empowered to create such functional agencies as to fulfil the international development co-operation. See. Art. 22 of UN chapter. A good survey of these functions are contained in books of DAVID A. Key., eg. 'The UN SYSTEM: Co-ordinating its eco. and social works (1978) cambridge, London.

2

The assembly adopted this resolution (A/8783) by a recorded vote of 116-010.³

The only change in the original recommendation was made through an amendment to increase the size of governing council from 54 to 58, and the decision to locate the HQ of Environmental body in Nairobi (Kenya).⁴

Thus, by resolution 2997, the general-Assembly established the followings four bodies which together constitute the epoch making structure of UNEP.^{4a}

(i) Governing council : An Inter governmental body, comprising of 58 members: elected by the general Assembly for a term of three years on the following geographical distribution: African states (16), Asian states (13), Eastern Europe (06), Latin America (10), Western Europe and others (13)

3. ORGA., Res. 2997 (XXVII) of 15 Dec. 1972. The abstentions were made by soviet bloc on the question of Germans-Representation.

4. See. DOC. A/ Com. 2/ c. 1243 and ORGA Res. 3004 (XXVII) of 15 Dec. 1972. The increase of membership was made at the request of the Asian countries for adequate representation.

4a. The detail discussion has been made in the IIInd chapter containing subtitle of Institutional Implication of HEs Agenda .6. see pp 74/75 (H.E. = human environment)
Human-Environment.

The council is a policy making body in dealing with the Environmental ^{concern} of International significance. Amongst other things, the council has been entrusted the following responsibilities:

- (i) To promote International co-operation in the field of environment and to recommend, as appropriate, policies to this end.
- (ii) To provide general policy guidance for the direction and co-ordination of environmental programmes within the UN system;
- (iii) To receive and review the periodic reports of the Executive-Director on the implementations of Environmental programmes within the UN system :
- (iv) To keep under Review the world environmental situations in order to ensure that emerging environmental programmes of wide international significance receive adequate and appropriate consideration by the governments.
- (v) To promote the contribution of the relevant international scientific and other professional communities to the acquisition arrangement and exchange of environmental knowledge and information, and, as appropriate, to the technical aspects of the formation and implementation of Environmental programmes within the UN system.
- (vi) To maintain, under the continuing review, the impact of National and environmental policies and measures on developing countries, as well as the problems of the additional costs that may be incurred by developing countries on the implementation of the environmental programmes and the projects shall be compatible with the development plans and priorities of those countries;&
- (vii) To Review & approve annually the programme of the Utilization of resources of the environmental fund.

Thus the governing council is a primary organization to attain the desired goals of world community for a healthy and safe human-environment.

This has attracted the intellectuals, officials of govts. and workers to come in this council and deliberate the policies for the future actions. The importance of council and its decision has far reaching consequences. 5

(we shall deal with this ^{issue} later in the same chapter, while analysing of the Functional Approach of UNEP.)

II. THE ENVIRONMENTAL SECRETARIAT:

Headed by the executive Director of the UNEP, is to act as focal point for the environmental actions and co-ordination within the UN system. 6

For the successful functioning of Program, the role of the executive Director is of immense importance. The Executive Director is to be elected by the general Assembly on the nomination of the secretary-General of UN and hold-office for a period of Four years. He is entrusted with the following responsibilities

- (i) To provide substantive support to the Governing council of UNEP;
- (ii) To co-ordinate the environmental programs within the UN system. to keep their implementation under review and to assess their effectiveness, all this is to be made under the guidance of the Governing- council (6)

⁵ Brain Johnson : The UN Institutional Response to the STOCKHOLM : A case study in the international policies of International change; International ORGANIZATION ; vol. 26 (2972) p.255

⁶The First Executive Director of UNEP was Mn. Maunice F. Strong; the secretary-general of UNCHS. Mr. Mustafa. Kamal Tolba succeeded him in 1976 and continue his position even now for IIIrd successive terms (1977-1988). see : UN DOC. A/ 890 and con. 2 and 3. (1973).

- (iii) To advise as appropriate, the inter-governmental bodies of the UN system on the formation and implementation of the environmental programmes.
- (iv) To secure the effective Co-operation of, and contribution from the relevant scientific and other professional communities in all parts of the world;
- (v) To provide, at the request, to the parties concerned, advisory service for the promotion of international co-operation in the environmental field.
- (vi) To submit to the governing council, (G.C.) on his own initiative or upon request, proposals embodying medium range long policies for UN programmes in the fields of environment
- (vii) To bring to the attention of the governing council any matter which deems to require consideration by it;
- (viii) To administer, Under the authority and policy guidance of the council and the Environment-Fund,
- (ix) To report, on Environmental matters to the council and
- (x) To perform such other functions as may be entrusted to him by the governing council.

The cost of this secretariat is to be borne by the UN's Regular Budget. But the operational programme costs is to be borne by the Environment-Fund.

The promotion of environmental research should be for the development of industrial and other technologies, best suited to a policy of economic growth, compatible with adequate environmental safeguards, and such other programmes as the governing council may decide from time to time.

In the implementation of the programmes, due Account has to be given of the special needs of the developing countries.

Moreover, in order to ensure the development priorities of the developing countries adequate measures should be taken to provide situation of recipient developing countries.

The executive-Director was requested to see this problem of developing countries under constant Review in co-operation with other competent National Regional and international organizations.⁷

7

For contribution, Expenditure etc of Fund. See Table attached in this Chapter.

III. THE ENVIRONMENT FUND :

By section III of the Resolution 2997 (XXVII), the Assembly established a voluntary Fund with effect from 1st January 1973, to provide additional financing for environmental programmes.

The Fund was to be established in accordance with existing UN Financial procedures and the Governing-council was to formulate such general procedures as necessary to govern the operations.

The Fund was intended to support the Governing-council in its policy guidelines and was directed to the need for the effective co-ordination in the implementation of international environmental programmes of the organizations of UN system and other International organizations of UN system.

The Environment fund was to finance, wholly or partly, the costs of new Environmental activities/initiatives Undertaken within the UN system, including those envisaged in the Action plan for the Human-Environment.

Besides, the recommendations of General-Assembly also contained certain general terms for the operation of fund --

The Fund is to be used for financing such programmes of general interest as Regional & global monitoring, assessment and data collection system, the improvement of environmental quality management environmental research, information exchange and dissemination, public Education Training, assistance for national regional and global environmental institutions.

IV. ENVIRONMENT CO-ORDINATION BOARD:

To solve the problem of inadequate co-ordination and sectoral approach, the Assembly established an Environment, Co-ordination Board, under the auspices and, within the framework of the Administrative Committee on Co-ordination (ACC).

The Board, chaired by Executive Director, is to ensure co-operation and co-ordination among the UN Bodies concerned with the implementation of the environmental policies and programmes.

It is to report annually to the G.C. The Assembly made a request to other UN Agencies and Regional Commissions of ECOSOC and others I60/N60_s, to lend their full support and collaboration to the UN system, with a view to achieve the largest possible degree of co-operation and co-ordination. Not only this, but national governments were also called upon to ensure that appropriate National institutions shall be entrusted with the task of co-ordinating environmental actions, both at National and International level.

Thus, the institutional structure provided by the conference is to undertake the implementation of the Action Plan adopted at Stockholm Conference and summarised in DOC. A/CONF48/PC/14. Rev 1. It is to be noted that these recommendations were addressed to the many intergovernmental organisations, but the overall responsibility was to be shared by the UNEP.

Moreover, the UN organizations have been created on

the traditional sectoral pattern, which have been developed and still prevails, in most national governments identical structures. The recommendations made by preparatory committee, as well as the Reports of the Secretary General, made out a general criteria for adopting a suitable institutional structure (8) Some of them may be refer here once more for clarity of ideas behind formation of a UNEP:

- (1) Organisational arrangements should be based on the agreement, about what needs to be done. Until this is reached, no firm decision can be made on the ways and means to be adopted for future action.
- (ii) Any action envisaged should allow for the preliminary state of knowledge and understanding of the Environmental problems and should be flexible and evaluationary;
- (iii) Any policy centre that is expected to influence and co-ordinate the Activities or other Agencies should not itself have operational functions, which in any way competes with the organizations over which it expects to exercise such influence;
- (iv) In the establishment of any additional or new machinery, it is essential to provide strong capability at the regional level,
- (v) UN shall be the principle centre of Environmental activities.
- (vi) The organization of the Environmental activities within the UN system, should be so designed as to strengthen and reinforce the entire UN system,
- (vii) Environmental problems and situations vary greatly among the nations and organizational arrangements

(8) see: A/CONF.48/PC/II. Report of the Secretary-General on the International Institutional Implications.

contemplated must necessarily bear this fact in mind.

Thus, the entire criteria envisaged by P.C. was "Forum should follow the functions", designed a centre for Policy making and switch-board mechanism for UNEP.

In this way, the approach of the PC was strongly on better co-ordination, but it recognised not only as a necessary aspect of environmental management, but as its very essence, U/Art.71 of the UN charter.

The serious draw back in the suggestions of P.C. were that it neither suggested any Norms for the establishment of New Organ for Environment, nor it formulated any policy for the co-ordination amongst the various other ~~160~~ / ~~NSO~~ ^{NSOs} working in this field. It left open this for ~~open~~ ^{its} deliberation by the members of UN General Assembly, who chooses a via-media between structures of UNCTAD and Social Council (ECOSOC). The Final Result was the outcome of UNEP.

It is obvious that from their inception the Governing Council, the Secretariat, the Environment Fund and the Board faced an unprecedented task and a note of operational style that is unique in the UN system. The headquarter of UNEP is the first achievement ~~at~~ ^{for} the developing countries which offered the close proximity to the environmental problems of a number of developing countries. The inter agency co-ordinated programmed is an example of joint programme of its activities. The emphasis is to effective performance of this catalytic role.

Thus, the role of UNEP as catalyst is exercised partly

by selective use of the environment fund and partly through the power of persuasion based on informations about the environmental hazards and on the sounding of the alarms *alarms* on major dangers like risks to the stratospheric ozone layer.

It also keeps under its review documents and papers from a multitude of sources of Environmental information.

Another promotory work of the UNEP is its supports to the development of International Agreements in Environmental matters, both Regional as well as in the international sphere. The Blue Plan for the protection of Mediterranean Sea from Marine pollution is one apt example. (9)

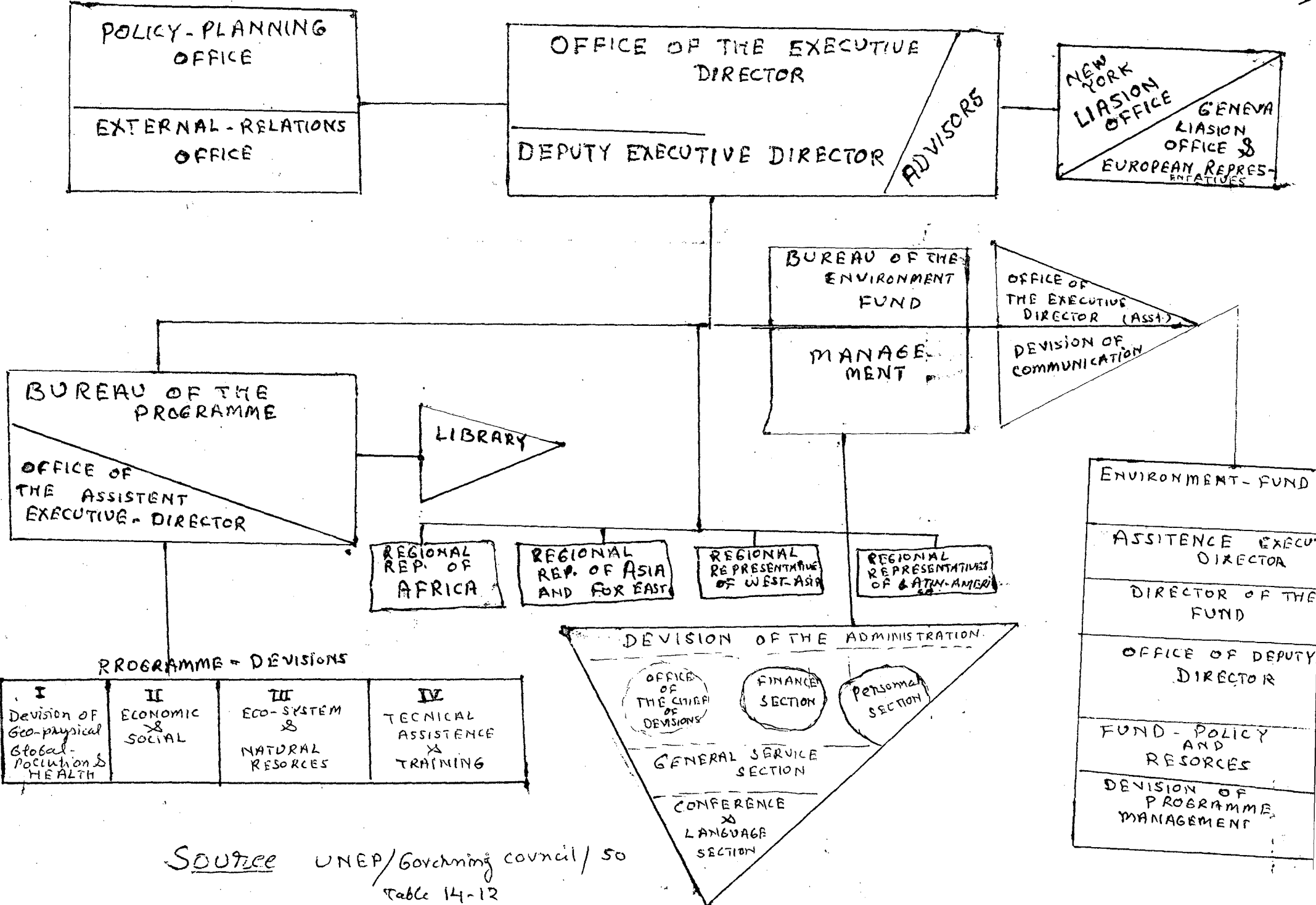
The ^{ca}Contribution of UNEP in the prereservation of conservation of human Environment is self evident when we analyse the various conferences held from time to time under its auspices or with its co-operation. A few examples could be cited here:

- (i) The Barcelona Conference (1975) ~~an~~ the Problem of the Mediterranean Region.
- (ii) Desertification Conference, Kuwait (1977)
- (iii) Conference on Conservation of Natural Resources (1977).
- (iv) Human settlement and Habitat Conference, 1976.
- (v) Water Conference, 1977

(9) The priority Action Programmes in the field of SOIL-PROTECTION, Fresh water Resource Management, Marine Living Resources and aquaculture, human settlements tourism and soft-Technology for energy are other able examples which demonstrate the theories developed in the so called 'Blue-Plan' of UNEP.

ORGANIZATIONAL CHART OF UNEP

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PROGRAMME - DEVISIONS

I	II	III	IV
Devision of Geo-physical Global- Pollution & HEALTH	ECONOMIC & SOCIAL	ECO-SYSTEM & NATURAL RESOURCES	TECNICAL ASSISTANCE & TRAINING

Source UNEP/Governing Council/ 50
Table 14-12

- (vi) UN Conference on Science and Technology for Development,
1977
- (vii) UN Conference on Technical Co-operation amongst
the Developing countries, 1978
- (viii) Conference on the Agrarian Reforms and Rural
Development, 1979
- (ix) 1st International Biosphere Reserve Congress (1983) &
- (x) Special sessions of UNGA on Disarmament.

Thus, UNEP has played a significant role in promoting new environmental ethics, conservation of Natural Terrestrial and Marine Eco-systems as an integral part of National Economic and social development. It would be good for us to consider some General Policy Lines of UNEP which it has been following since last one and half decade.

General Policy Objectives of UNEP:

At its very first session, held at Geneva in 1973, the Governing Council of the UNEP decided that in accordance with Resolution of General Assembly 2997(xxvii) and the Action Plan of the UNCHE, the General Policy objectives shall be ; (10)

(10) ORGA, (xxvii), suppl. No.25, Doc.A/I025, Annex 1
Decision 1 (I).

- (i) To provide, through interdeciplinary (actions) studies of natural and mass made ecologivel systems, improved knowledge for an integrated and the National Management of the resources of the bio-spheres and the safeguarding human well-beings as well as Eco-systems;
- (ii) To encourage and support an integratèd approach to the planning and management of development, including that of natural resources, so as to take account of environmental consequences, to achieve maximum social, Economic & environmental benefits.
- (iii) To assist all countries, especially developing countries, to deal with their environmental problems and to help mobilize additional financial resources for the purpose of providing the required technical assistance, Education, Trading and free-flow of inforkation and exchange of experiences, with a view to promoting the full participation of the developing countries in the national and international efforts for the preservations and enhancement of the environment.

Besides, the G.C. also establish certain detailed objectives and guidances as well as Programme priorities and functional tasks for action by UNEP. Since its establishment UNEP has been primarily engaged in developing its programmes and identifying and applying ways and means of achieving the o bjectives laid down by the governing council.

The UNEP has close link with major regional ~~ISO~~ ^{Intergovernmental} organizations.

To Dr. Tolba: (11)

(11) Address of the Executive Director of UNE P; INF/83/I
May '83.

"Ten Years after the Stockholm Conference, environmental programmes have been woven into the political fabric of all major regions and serve as an important vehicle for intergovernmental co-operation."

Thus, the UNEP has launched attacks against the most serious environmental problems in Africa, Asia and Latin America on four major areas: Desertification, deforestation, soil Erosion and Water Management as well as on Water Borne Diseases. (12) We have already discussed these topics in our previous chapter, however, we shall evaluate their functioning in later state of this chapter.

POST UNCHE Development:

For the priority in the Action Plan for implementation, the all 106 recommendations have been categorically assessed under three popular heads:

- (a) Global environment Assessment Programme 'Earth Watch'.
- (b) Environmental Management Activities, &
- (c) International measures to support.

These have been sectoral priorities into functional and cross-sectoral heads for the better protection of Environment.

(12) Sec. Res. 3337(xxix) on the General assembly seeking an international co-operational to combat Desertification.

Accordingly, the component of Environmental assessment includes:

(i) Evaluation and Review: To provide the basis for the identification of the knowledge needed and to determine that the necessary steps be taken. (13)

(ii) Research: To create new knowledge of the kinds specifically needed to provide ~~guidance~~ guidance in the making of decisions;

(iii) Monitoring: To gather certain data on specific environmental variables and to evaluate such data in order to determine and predict important environmental conditions and trends.

(iv) Information Exchange: To disseminate knowledge within the scientific and environmental communities and to ensure that the decision makers at all levels shall have the benefit of the best knowledge that can be made available in the form and at the time in which it can be useful. (14)

On the other hand, the environmental management covers functions designed to facilitate comprehensive planning that takes into account the side effects of man's activities and thereby to protect and enhance the human environment for present and future generations;

(13) UNEP/GC/14 Rev.1 Section (C) Note 52 m.p. 35 .

(14) For detail see: Michael Hardy: 'The UNEP'. Natural Resource Journal, vol. 13 (1973), NV. P. 235.

The supporting measures required the measures for the activities in the above two categories and comprises the following heads:

(1) Education, Training and Public Information:

To supply needed specialists, multidisciplinary professionals, technical Personal and to facilitate the use of knowledge in decision making at every level.

(ii) Organizational Arrangements: To maintain co-ordination within the organizations concerned with the protection of Environment and within the organizations now created and entrusted with the environmental responsibilities and to create new sub-regional centers to undertake functions related to earth watch and environmental management.

(iii) Functional and other forms of Assistance:

To provide assistance to developing countries in order that they are equipped to take all measures needed for the protection of Environment. (15)

The evaluation of UNEP was furnished by the Report of Executive-Director (1972-1982) on the state of the World Environment, which focussed on the success and failures that took place in the state of World Environment in the decade following UNCHE. (16). The two sections in special deals with:

(1) Natural environment including Atmosphere, oceans, water, Lithosphere and terrestrial biots.

(ii) Physical environment: including population human settlement Human-health, Bioproductive systems, industry, energy, transport, tourism, environmental Education and Public

(14) In this way, it was a demonstration of a clear determination to adopt a cross-sectoral approach to the problems of environmental protection.

(16) 'One decade of UNEP (1972-82) Report of the
Executive Director UNEP/GC.10/3, 1982 Jan.29'.

Information/awareness.

The Report has immense importance, so far as the evolution of UNEP is concerned. It emphasises that the requirement of Ecology can't be isolated from the socio-economic and educational aspects. The protection of environment must be considered as a sort of philosophy underlying the activities of the life, both national & international levels. ~~and also~~ ~~the~~ ~~Report~~ ~~is~~ ~~not~~ ~~to~~ ~~be~~ ~~read~~ ~~in~~ ~~isolation~~ ~~from~~ ~~other~~ ~~parts~~.

Institutional Evaluation:

Some developments have been taking place in the organizational settlement of UNEP after the UNCHE. We shall examine them in brief here.

(a) Policy Making Organs: We have noted that the top most policy organs of UNEP is its Governing Council as an inter governmental body. Since it is a deliberating body and generally convened annually at Nairobi, for a period of two weeks, to approve and analysis the budget, projects and programmes of UNEP and discussed serious problems taking place in the life support system of world, it is left open to some permanent organs to make a contract between serious problems and priorities of UNEP. These organs have been exhibited on Page (). We shall now examine their functioning & role.

(i) THE EXTERNAL RELATIONS OFFICE: It is attached to the office of the Executive Director, and is responsible for planning and servicing sessions of the governing council. It assists in the planning sessions of the ECB and submits documents for examinations by the Board.

* Environmental Co-ordination Board.

It also organize and supervise relations between UNEP and Governments, other components of the Un system and other I60_s/N60_s directly involved with activities of UNEP.

(ii) THE DEPUTY EXECUTIVE DIRECTOR:

The office assists the Executive Director in the performance of his duties and fulfill responsibilities in his absence. There is another POLICY PLANNING OFFICE headed by a Director under the supervision of the Deputy Executive Director. The primary responsibility of this office is to investigate documents and evaluate the alternative approached which may be followed in developing specific policies and in Planning future course of action.

To this end, the Policy Planning office provides advisory services to the Executive Director in the following matters:

- (i) The complex interplay and intersectoral nature of natural and man-made changes in the environment,
- (ii) Development of the major Environmental issues within and outside the UN system which may affect the overall strategy of UNEP,
- (iii) Major developments, ways of thinking, breakthroughs new approaches to the environmental programmes in the scientific community as a whole, particularly in the organizations and institutions of the non-sectoral character;

(iv) The development of the clearly defined objectives of the organizations, and

(v) Ways and means of ensuring the various balances arising from the Governing councils decisions pertaining to the implementation of the Programme.

(b) THE POLICY PLANNING OFFICE

It is also responsible for the preparation of the level one reports submitted to the G.C. In this connection, it compiles and analysis informations on environmental activities conducted within the UN system and by others ISOs/N60s.

In addition to this, a small pacific information component and management Information units are included in this programme.

(c) Bureau of the PROGRAMMES: The programme activities of the UNEP are formulated and carried out by this bureau under the Direction and supervision of the Assistant Executive-Director.

The Bureau is consists of three Programmes Divisions- for Technical Assistance and the Division of the Technical Assistance and Training, each of which headed by a Director: eg. Division I: Division of Geophysics, Global Pollution and Health:

The main objectives of the division is to develop, supervise and control, co-ordinate the implementations of the work programmes and projects in the following priority areas:

- (i) Health of the People and the Environment,
- (ii) Oceans,
- (iii) Global Environmental Monitoring system

- (iv) IRS for sources of Environmental informations;
- (v) Natural Disasters, and
- (vi) Outer limits.

II. DIVISION OF ECO-SYSTEM & NATURAL RESOURCES.

The objectives is to develop, supervise and co-ordinate the implementation of work programmes and activities in the following priority areas:

- (i) ECO-SYSTEMS
- (ii) SOILS
- (iii) WATER
- (iv) ENDANGERED SPECIES & WILD-LIFE
- (v) Pest- Management systems &
- (vi) GENETIC RESOURCES.

The subject covered by the Divisions are, by their very nature, broad and comprehensive one. In a number of areas, a great deal of work has been done within the UN system and close areas. As a result, the UNEP, in its role of co-ordination have to reviews of an going activities in this areas.

III. DEVISION OF ECONOMIC & SOCI AL PROGRAMMES:

The main objective of this dev. ision is to develop, supervise and co-ordinate the implementation of programmes and projects in the following priority areas:-

- (i) Human-settlement and Habitat.
- (ii) E nvironment & Development
- (iii) Technology & Transfer of Technology
- (iv) Technology and the Industrial systems &
- (v) Environmental Lgw.

A distinctive feature, common to all these areas, for which the division is responsible, is the multi-disciplinary approach to the problems of issues in each of these priority areas.

For example, the *Jst.* head requires an intensive Research & the introduction of the Pilot projects to demonstrate the feasibility of methodology involved in, the comprehensive and integrated approach to the qualitative improvement of the slums areas, and to promote and develop the utilization of environmentally sound technologies and designs for the human settlements.

(IV) DEVISION FOR TECHNICAL ASSISTANCE & TRAINING.

The supporting measures for the environmental programme consists of information education, training and technical assistance. These activities have been integrated into the activities under the priority areas to which they relate.

LIASION & Regional Representation Office

The programme consists of the Liaison offices established in New York and Geneva and the offices of the regional representatives established for each of the regional economic commissions.

As the name suggests, the Liaison offices maintain continuing Liaisons with other departments and the offices of the UN and specialized agencies with the governments & various other IGO/NGOs & institutions.

The role of the regional representatives is to communicate developments in the UNEP's Programmes to the governments and other interested Agencies/Institutions in each of the regions with close collaborations of regional economic commissions of the ECOSOC and the representatives of other specialized Agencies.

In carrying out their functions the regional representatives ensures that the environmental components are integrated to the fullest possible extent in the activities taken under each regions.

They together inform the Executive Director about the important activities in each of the regions, which may have current or potential environmental significance.

MANAGEMENT OF THE FUND OF UNEP:

The management and Administration of the Fund is the responsibility of Assistant Executive Director, Bureau of the Environment Fund and Management.

The activity of the Fund is also shared by Programme Management Division & A fund Policies & Resource Unit.

However, the main responsibility of this head are shared by the following organs:

(i) OFFICE OF THE ASSISTANT EXECUTIVE DIRECTOR

Includes supervision of Administration & communication divisions.

(ii) DIVISION OF THE PROGRAMME MANAGEMENT:

The primary responsibility of this division is the

management of the fund programmes through project-preparations & implementations. In co-operation with the Bureau of the Programme and the other components of the UN; specialized Agencies & other organizations, the division is responsible for the development of the particular projects within the fund Programme, preparing projects proposals and supervising the administrative aspects of project implementation.

An assessment of the "Proposed Programme Fund Activities" (16) gives an indication of the increased levels of responsibilities and volume of works expected from the division during the current biennium. It was expected that some of the increased workload will be met through greater reliance on co-operating Agencies and supporting organizations, thus enabling the division to concentrate more on development and co-ordination and less on continuing revision of individual projects .

III FUND POLICIES AND RESORCE UNIT: The activities under this component consists of maintaining relations with governments regarding their contributions to the Fund of UNEP, efforts to increase the number of contributors centralization of all the information regarding the resources of the Fund.

Besides, the unit is also responsible for developing detailed Policies and methods for the implementation of the procedures governing the operation of the Fund, analysing the Policy proposals and evaluating the functioning of

projects already undertaken by the UNEP. (17)

ADMINISTRATION:

The administrative services of UNEP are consists of the Personnel and the financial services. They also include certain general/common services to be operating in two or more divisions of UNEP. However, the division of the Administration, formerly called the Executive office carried out the responsibilities of these divisions. A general outlook of these can be discussed here.

(i) COMMON SERVICES:

comprises travel and transportation, purchasing and contracting stores and inventory, building management and maintenance and security services. In 1976-77 there included a division of Registry and Purchasing clear~~RS~~. to look out the general responsibilities of this section. (18)

(ii) CONFERENCE SERVICES:

The section covers a small translation unit consisting of a chief, two translators, four each of the five official

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- (17) There are hundreds of project launched by the UNEP in collaboration with other specialized Agencies. For detail, see "Reports to the Government", a bi-monthly publication of UNE P, Liaison office Newyork.
- (18) There are some co-operative Agencies to look after this general services, along with their primary responsibility to the parent organs; eg. World Bank Groups ECE office and UN Research Institute for the social Development (UNRISD).

Languages (English, Russian, Chinese French & Spanish) of Governing Council. They includes one Editor and Reproduction & distribution services.

Besides, there are other divisions to look after the functions assigned by the respective units in collaboration with other units. Thus, there is a functional overlapping on part of Administrative units, nonetheless the basic harmony are maintained through the effective co-ordination by the office of the Executive and Deputy Executive of UNEP.

CO-ORDINATION:

The important functions of intergovernmental and intercontinental co-ordination are carried out by the two Liaison offices of UNEP, one in New York and another in Geneva. Nevertheless, some more agencies be discussed here to show the interlinkages of various organs.

It is to be noted that a paper on the catalytic role of UNEP was submitted to the Governing council of the programmes at its 10th session (19). which lists the three main ways in which this task can be exercised:

- (1) The very establishment of an UNEP may well have stimulated environmental actions at the national, regional and international levels.
- (2) Intellectual persuasion by the UNEP can bring about added environmental actions; &

(19) UNEP/GC(iv)/82-.. March 1976, Para (9).

(3) The environmental Fund can provide an added stimulus. (20).

INTERSECRETARIAT MACHINERY FOR CO-ORDINATION.

There is, now, a formal intersecretariat machinery on this objective, under the auspices of which efforts are being made to improve co-ordination & co-operation in programmings. These machineries are consists of following three elements:

- (i) The environmental co-ordination Board,
- (ii) The system of the Focal points &
- (iii) The Liaison offices & regional representatives of UNEP.

THE ENVIRONMENTAL CO-ORDINATION BOARD:

We have already noted that the section IV of the Resolution 2997 (XXVII) titled "to provide for the most efficient co-ordination machinery. In the recommendations of above Resolution the ECB came into existence in 1975.

The Board, which meets under the chairmanship of the Executive Director of UNEP, and in which all members of the ACC (Administrative Committee on co-ordination) are represented, functions under the auspices and with in the framework of UNEP and Reports annually to the Governing council of UNEP.

The Board has set-up several subsidiary groups, eg. The working group on Earth Watch', The Adhoc Task force on

(20) See also: Report of the AC.A.B.Q., with a note by the Executive Director, submitted to the Vth committee of General Assembly DOC A/31/227.

• Administrative committee on Accounting & Budgetary Questions.

water quality and the Inter Agency Task Force on DATA (IATFD). This is an adequate and sound mechanism for the implementations of the Action Plans.

(2) FOCAL POINT :

The day to day working of the UNEP and the other parts of the UN system are carried out through a system of 'Focal-point'. Focal points are the senior officials designed by their respective Executive Heads, to act as the central channel of communication on the environmental questions.

For example, the Director of the Division of Environmental Health in World Health Organization (WHO) the Deputy Assistant Director general for National Resources and Environmental Science in the UNE SCO etc.

It is to be kept in mind that each focal points, as an Agency, was a counterpart in the UNE P.

The focal points of various organizations meet periodically to Review the Inter-Agency co-operation in the environment and do preparatory work for the sessions of the ECB and has a direct communication Link, through agencies, to the UNEP's Head quarter, Nairobi.

So far the informations provided to the Advisory committee by both UNEP and the specialized Agencies, shows that the system of the focal points is working satisfactory.

(3) Liaison offices and the Regional Representations:

As the Diagram indicates, there are four Liaison offices each for Asia and Pacific, Africa, Latin America

and Western Asia. (21). This Liaison with governments and the 160/NGOs & pacific information activities have accorded a unique importance due to its constant interaction with recent developments.

The objectives of such Liaison is to secure the co-operation of Local authorities, institutions and the individuals, " for the furtherence of objectives, policies, development and implimentations of UNEP."

The two Liaison offices, are also associated with several projects of the environment Fund, the related staffs are interchangeable.

In 1977, the Advisory Committee understands that one of the principle functions of UNEP Regional Representation is to maintain Liaison with the UNDP resident Director and with its regional representatives and to review and comment on UNDP 'COUNTRY's Programme with UN Development Advisory Teams (UNDAT).

It is to be reminded, that the Res. 2997 (XXVII) decided that the costs of servicing the Governing council and providing the small secretariat--- shall be borne by the regular budget of the UN, and that operational programme costs, programmes support and Administrative costs of the Environmental Fund shall be borne by the Fund itself.

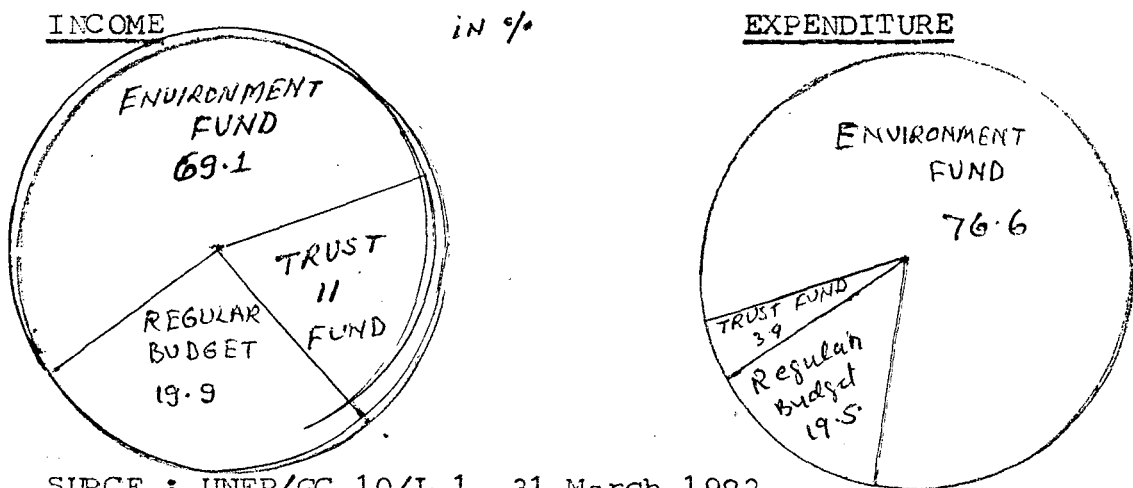
(21) For Europe, there is a special provision, as the chief of the Geneva Liaison office also acts as UNEP regional representatige for Europe.

For the same purpose, a small secretariat shall be established in the UN to serve as a focal point for the environmental actions and co-ordination within the UN system, in such a way as to ensure a high degree of effective management.

The Table attached exhibit the fund allocation and also the general principles for the operation of Environmental Fund.

FIGURE (3)

ENVIRONMENT FUND, UN REGULAR BUDGET AND ENVIRONMENTAL TRUST FUND ACTIVITIES (INCOME AND EXPENDITURE)



SURCE : UNEP/GC-10/L.1, 31 March 1982.

Table: 6:1 Expenditure \$ dollar

(Representing the Financial implication of FUND PROGRAMME AND FUND PROGRAMME RESERVE ACTIVITIES)

1973 - 1981

<u>Year</u>	<u>Total Expenditure</u>
1973	3,264,485

(22) UNEP/G.CV/ Nairobi, I-25 May; item 6(b) of the Provisional Agenda.

1974	..	..	..	4,015,676
1975	..	..	..	13,146,540
1976	..	..	..	15,596,098
1977	..	..	..	21,666,410
1978	..	..	..	22,902,469
1979	..	..	..	27,036,306
1980	..	..	..	26,830,093
1981	..	..	..	23,206,960

COMMENTS: shows the constant rise in the contribution up to 1979, then a fall in the Expenditure indicating the completion of priority Areas and Launching a new, less expensive Programmes.

TABLE : 2

INSTITUTIONAL CONTRIBUTION

		%
1. Economic commission for Europe	..	0.2
2. Eco.comm. for Latin America (ECLA)		0.8
3. Food and Agri. Org. (FAO)	..	3.7
4. Atomic Energy Agency (IAEA)	..	2.5
5. IIEP	..	4.7
6. ILO	..	1.5
7. UNCTAD	..	8.8
8. UNDR0	..	1.1
9. UNESCO	..	5.3
10. Inter Parliamentary Union	..	3.2
11. UNIDO	..	2.8

12. UN Regular Budget	..	15.6
13. UN/HABITAT	..	2.8
14. UN Research Inst. for Social Dev.		0.1
15. World Bank	..	0.6
16. World Health Org. (WHO)	..	0.5
17. Meteorological Org. (WMO)	..	4.1

 55.7

 - 44.3

 100.00

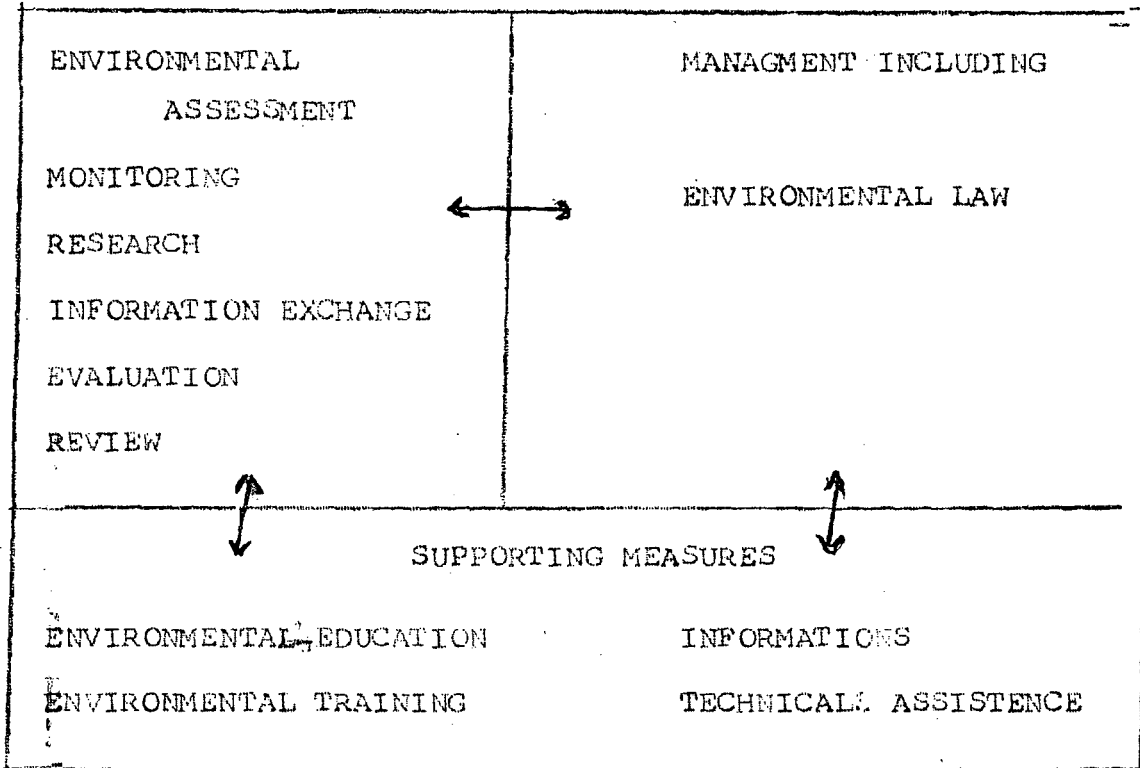
SUPPORTING ORGANIZATIONS

1. ALESCCO	..	..	..	0.5
2. COSPAR	..	..	..	0.3
3. INDIA	..	..	..	0.6
4. IRAN	..	..	..	0.8
5. IADIZA	..	..	..	0.2
6. ICRP	..	..	..	0.4
7. IIASA	..	..	..	0.3
8. IUCN	..	..	..	0.5
9. Mekong Committee	..	..	..	2.1
10. SCOPE	..	..	..	6.1
11. SEPA	..	..	..	0.3
12. SIERRA CLUB	..	..	..	0.5
13. Univ. of Papua New Guinea			..	0.2
14. Direct contracting	..	..	..	31.5

 44.3

A FUNCTIONAL ANALYSIS OF UNEP

(Table S: 6)



We have already cover the institutional implication of UNEP What is more important here is to cover some functions designed in UNEP for the enhacement of the quality of life on this earth. Most of the elements of this part has already been covered in previous chapters Now we shall concentrate on very specific and crucial issues only.

According to the Table S:6 the chief cunctions can be death within three substantive parts :

1. Environmental Assessment : It is the first steps under taken to evaluate the other activities of UNEP

Generally, the Environmental Assessment is the collection, evaluation and interpretation of data that describes and evaluate the conditions and trends on the environment and the effects of man's activities on it . It may relate to the entire globe or to a particular country or regions; or to a particular locality or product. Earth watch is an integral part of this program consisting Gems and IRS, it has its objective of the evaluation of the outer limits to man's activities, particularly in respect of climatic changes, risks to the ozone layers, weather modification, Bio-productivities and social outer limits with emphasis on relationship between outer limits- the task of earth watch and the satisfaction of basic human needs, monitoring of renewable natural resources and a world-wide informations systems are others activities of Earth-watch:

In collaboration with UN scientific committee on effects of Atomic Radiation (UNSEAR), world Meteorological organizations (wmo), Inter-governmental oceanographic commission (IOC), Food and Agriculture organizations and International Union for the conservation of Nature and Natural resources (IUCN) it has performed a commendable task.

Secondly. The rising world concern with desertification made it apparent that there was an urgent need for simple reliable techniques measure and monitor the extent and rate of

various types of soil degradation.

Further, the depletion and degradation of tropical forests and rangelands are two other areas of primary concern to GEMS.

Thirdly: Information Exchange is of primary importance to decision makers, if they are to devise environmentally sound development strategies. The International Referral system (IRS/INFOTERRA) was a design of UNEP to improve the access of the decision makers everywhere.

As we have noted, the IRS is a highly decentralized network with simple and flexible procedure for its operation. What is the fundamental aim behind this is to encourage the establishment and development of national systems for environmental information, and to link them in an interlocking national and International networks of users and sources of information.

Thus, to promote the network and its development, several Technical Training courses have been organised in every regions and in all countries. The Nations of the World have been given an opportunity to have their personal trained, strictly tours, fellowship and on the job training.

This ~~is~~ all have been provided to help national focal points of the net work to discharge their functions.

Fourthly, the IRPTC (Information Register for potential and Toxic chemicals) is another international source of information. It has its ultimate purpose to help reduce the health hazards associated with the chemicals in the environment, by supplying relevant informations to those responsible for human health and the environmental protection.

The IRPTC provides base datas for evaluating and reducing the hazards associated with the particular chemicals. To achieve these objectives it released centrally stored data and data available elsewhere through a network of co-operating data bases and Institutions.

The IRPTC consists of the following four components:

(i) Central Unit: operating centre of IRPTC located in Geneva,

(ii) Network Pattern: undertake to receive and response to the querries received through the other network;

(iii) Contributing sources: which make their data available to IRPTC &

(iv) National, Regional, Sectoral correspondents:
World Health Organization
 (WHO) acts as co-ordinating centers for interaction with IRPTC and activity participate in information exchange. By 1979, 60 countries have appointed their national correspondents to famaliarize the operation of IRPTC. India was also one of them.

Environmental data Units :

It deals with the environmental statistics and indicators. It also collects information on the environmental activities of N60_s/I60_s & other agencies acting in this field. The unit comprises facts and figures on

environmental events by means of a data-base, which covers not only the long terms trends, but also short lived events like accidental emmissions of chemicals into the atmosphere and accidental oil spills.

Moreover, in the areas of 'Basic human needs programme' the aim of UNEP is to promote environmentally sound patterns of development in the specific areas of Food, shelter, health and poverty. (23).

UNEP has recognised the limits of human environment by these assessment programmes, and "only by seeking to improve our understanding of the biosphere and to respect its constraints, we can manage our affairs in the best interest of the human life and well being."

Thus, in the assessment of the outer limits the five specific subjects areas were designed for actions by UNEP, viz..

1. The characteristics and the causes of the climatic change,
2. The nature and impact on the environment of the deliberate wheather modification.
3. The dimensions and significance of risks to the stratospheric ozone layers.

(23) The problem of unemployment and poverty is a circular problem. UNEP is closely related to the alleviation of acute poverty, as it causes serious problems of resource depletion and the environmental degradation.

4. The limits to the capacities of society to modify their behaviour in the interest of the sound environmental management, and

5. Bio-productivity.

It is to be noted that U/Res.2996 of 1972 the Governing Council has exclusive responsibility to keep under review the world environmental situation assessment, in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate considerations by the governments.

2. Environmental Management: The problems, which the environmental management attempts to solve, arises from the consequences of activities undertaken to meet the human needs and to satisfy the human wants. It seeks to take into account the resources required for meeting such needs and wants, the essential characteristics of the environment, the possible gaps between the human demands and the resources available, and the best means of bridging such gaps.

Broadly speaking it is an attempt to define environmentally sound and sustainable means by which social and economic development can be pursued.

The UNEP finds the solutions of the specific development problems of the governments through various tools, stimulating informations and awareness by which increasing approaches for the understanding of ~~need~~ problems can be assessed and removed. Besides, it also helps to integrate and harmonize international approaches to regional and global

problems. A number of pilot projects have been launched and various training and information workshops designed to achieve this goal.

The environmental laws are an integrated part of environmental management which includes regulatory measures for prevention of pollution and other mal-practices. The device seeks to control the inevitable intrusions of human activities upon the natural environment in order to keep them within ecologically and humanly acceptable limits. Thus, it serves, as an indispensable tools for the sound environmental management.

The wide range of activities covered by the environmental management.

The wide range of activities covered by the environmental laws includes:

1. Land use practices,
2. Major construction projects,
3. The conservation of flora and fauna,
4. The preservation of amenities, eg. greenspace in the settlements,
5. The control of the excessive nuisance and
6. Emissions/effluents damaging to human health

The operation of these regulations are strictly within local and national levels, but they are rapidly transferring into a general norms of international law, recognised by all nations. It is a primarily task of the UNEP to provide informations and assistance that can help countries and regions to formulate and implement

a systems of environmental management and law, suited to their needs.

The role of UNEP is that of co-ordination in the field of the agreements and their implementation, of regulatory measures, related to the conservation and management of renewable living and non-living resources. Thus, it seeks to ensure that environmental considerations are adequately taken into account in formulating and implementing agreements related to the conservation and management of renewable resources. The agreements of international River basins are but one steps towards this direction. (24)

The numbers of Agreements calling for the control of pollutants are increasing rapidly in number. Now marine environment has become a concentrated area of protection in this direction. Global and regional agreements of this nature are but one example of regulation. (25).

(24) The most suited example for UNEP's venture is the US Canada agreement on water quality in the Great Lakes system (1975).

(25) Out of some 83 Agreements, the most recent is the KUWAIT Regional convention for co-operation on the protection of the Marine environment from pollution by oil and other Harmful substances, (1978). The Agreement has a protocol of Emergency.

The conventions on the protection of Mediterranean Sea Against Pollution (with a protocol on dumping & Marine pollution emergencies) &

Convention on the prevention of pollution from the ships (1972).

See: IN "Selected Multilateral treaties in the field of Environment, (Ed) Alexander Charles Kiss (UNEP) 1983, Nairobi, there were a list of seventy eight such conventions, which are still in operation.

There are two more important agreements, which are enforced relates to the preservation of the world's cultural and natural heritage and the regulation of trade in endangered species of flora and fauna.

A global approach to the environmental management has yet to be worked out, besides the fact that a number of international environmental agreements have been conducted and are open to the accession by all countries of the world.

3. SUPPORTING MEASURES.

It is an essential part of the operational process which complete the management and assessment task of environmental protection. Education, training informations and Technical Assistance are its components. They are included in the fund programme activities of UNEP.

The measure includes a 'clearing house' to match request for the technical assistance for developing countries in environmental affairs with an appropriate measures of help from the developing countries.

In this respect, Four Regional Advisory Teams have been set up by the UNEP to serve in Asia, Africa, Latin America and in West Asia. The service of these advisors are available on request to the Regional Director concerned, who keeps on file the major needs of their region under constant review. These advisors assists the governments in dealing with their specific environmental problems and tender their advise to the

regional organizations, so that they can effectively participate in the programmes of UNEP. (26)

A brief ^{ING} centre and a Reference Library of the environmental photographs has been established at HQ in Nairobi.

In the dissimination of the environmental information, the publications of UNEP are indispensable, as they are effective in providing a means of communication among specialists in scientific fields, and they make essential informations available to the decision makers both in public administration as well as in the private information.

The publication division of UNEP has issued materials over 315 topics, so far, with a bibliography of their publication. It has also focussed, sponsored and contributed several other publication units in this respect. Their works are thought provoking in nature especially in the field of general environmental education. (27)

Recently, the UNEP has began to publish 'Reference Materials' and 'The Transfer of Technology Reports' on Technical aspects. Some of the examples of the most

(26) With the assistance of UNESCO, the UNEP has launched an Environmental Education Programme in 1975, which led up to the Inter-governmental conference on the Environmental Education at TBILISI (USSR) in Oct., 1977.

(27) An apt example is the quarterly journal 'MAZINGIRA', produced in three language by Perguman Press.

It is to be noted that Mr. ERIC. ECKHOLM of the world watch Institute has written/published two best seller of his time. The one was 'The Lousing GROUND' & the other was the 'PICTURE OF HEALTH', both of these have been successful in arosing much interest amongst the general public for the environmental depletion and degration.

appreciated books are:

1. Handbook of the Environmental Mechanism
2. Directory of sources: Institutions and the individuals Active in the environmentally sound and appropriate technologies,
3. Register of the International conventions for the environmental protection.

Besides, in the supporting activities the UNEP has supported more than 40 training activities. The examples of most illustrations^{one} are as :

1. ENDA : An environment and Training project located in DAKAR ~~AND~~ (MOUNTED JOINTLY BY UNEP & The African Institute for the International Development Authority)
2. The International center for the Training and education in the environmental science, (only for the spanish speaking countries)

(CIFCA) located in Madrid and organized by the UNEP AND THE GOVT OF SPAIN

3. A regional programme activity centre for environmental education and training (PACEET) established in Africa (~~enable~~) on an Experimental basis.

With the collaboratin of UNESCO, IMCO, UNIDO, ILO, WHO, FAO, The UNEP has established the similer centres in other region of the world.

By the above ~~disc~~^{cu}ssion it has been made clear that an effective environmental managment presupposes a public motivation and commitment to support the necessary measures. The education system of UNEP has the same aim to provide for all citizens, in both the formal and non-formal system of education to provide the skills necessary to cope with the ~~inacti~~^{active} elementary solutions.

The planners, engeners, architects, lawyers, professional communicators and the decision makers need to under stand environmental problems and to develop competence in those areas of ~~the~~ technical and professional practies that effects the environment, directly or in directly.

For disimination of Information, and to co-ordinate the activities of other UN organs there is a joint UN Information committee (JUNIC). The informations are conveyed to governments through informal consultants and by the Executive-Director himself who undertake a series of visits to various countries every year.

The "Report to the Government" is the official channels by which the Executive Director communicates with member states, keep them informed on UNEP's current activities and give them informations on newly approved current and completed projects. It is issues bi-monthly in English french and spanish.

In this way, the mass-media and its multiplies are the channels for general public information. The conference on Desertification (1977) provides an example of good collaboration and support of all inter governmental media-coverages.

Besides, a special build-up effort is made for the world Environment day (i.e. 5th June). The date has become the focus for public support of UNEP's objectives, corresponding to major environmental issues on a globe scale.

While the annual report of the state of Environmental forms the basis of the world-Environment day message, reporting of the activities undertaken on that date. on the same time the Regions and countries are encouraged to featured other issues to create motivation for the world public on

that date. (28-29)

The increasing attention is now paid by UNEP for Audio-visual materials for public-information. Desertification, the Mediterranean Tropical forest and wide sponsored 'BIO SPHERE' Programmes were telecasted and broadcasted by the T.V. and Radios of each countries.

Poster-competitions its have their unique roles for the education of Environment to the general- public. The UNEP encourages and motivates national Radio- stations to produce their own environmental programmes relevance to the needs of their audiences. It also participate in the regional meeting of broadcasting organization, eg. UNION of National broadcasting and Television organizations of Africa (URTNA) to brief them on environmental problems and possible solutions.

28. The International PAHALVI ENVIRONMENT PRIZE? worth \$ 50,000 offered by the shah gov of Iran was coupled with world environment day for the most outstanding contribution in the field of human. Environment. The prize were presented by the secretary General of the UN. This prize has been suspended since 1980, after the outbreak of Iran-Iraq war in Nov- Dec. 1979.

29. The First three state of Environment (SOE) Reports deals with respectively as under :

- 1973 : Population, Food, oceans, Energy and Raw materials and other limits,
- 1974 : Lands and water, climate change, Energy, toxic- Substance and other chemicals Human stress and social changes.
- 1975 : On Interlink between man and Environment with particular reference to hunger, pollution etc.
- 1976 : Ways to improve world climate and the management of the environment. for Detail : See 'Decadal Report of UNEP' : Ten Years of the UNEP (1972-1982)

JOINT PROGRAMMING

We have already noted in previous chapter, that a memorandum of understanding was signed between the UNEP and the other organs of the UN, ³⁰ to encourage them to inject environmental consideration to the framing of the international development separately and other development projects in concerned with a the human environment.³¹

In the light of such understanding hundreds of co-operative programmes/projects have been launched, which consists the expertise and finance of various UN organs, eg. ILO, FAO, UFP., UNESCO, WHO, WMO, UNIDO, UNCTAD and other bodies like ICAO, IAEA, ICAO etc.

Of all the UN organs, UNCTAD^① has the largest co-operative programme with UNEP, especially in the general field of environment and development, and covers topics of international interest, eg. Transfer of Technology and Their environmental effects etc. It has several co-operative projects with UNEP running through the human-settlements to the information and education.

UNDP has also a close link with UNCTAD and UNEP.

It is, thus, clear from this Brief survey that there is a need for close co-operation and co-ordination between UNEP and other parts of the UN system, mainly to

(29 continuation) At the 4th session of UNEP? the g.c. decided that the future reports would be selective in treatment and that an analytical comprehensive reports should be issued by the every fifth year, beginning from 1982.

30. UNEP/GC/INF. 6; Add. 1 and ORGA - A/33/25.

31. See : UNEP /Gc. 7/3; Add. 1 and corr.1.

① UN Conference on Trade & Development
• UN Development Programme.

ensure that overlap in the responsibility does not lead to a duplication of efforts. Joint-programming is a mechanism to achieve this end.

The joint programming is the identification by means of an en-dépth exchange of information and consultations at the time of programme formalizations of the areas of issues of material-interest, thereby providing a shared programme of work.³²

It should be noted that these areas of actions would remain the concentration of UNEP in coming years, but they are by no means sacrosanct. They are remained to be adjustable according to the changing needs of society. The joint-programming is meant to support this demand of time.

Besides preparing for co-operation co-ordination between UN organs scientist-communities and more than hundreds of Intergovernmental Non-governmental organizations. and providing projects numbering approximately 195 in 1982, the UNEP had submitted its suggestions regarding the environmental elements to be included in the criteria for Review and appraisal in the internal Development strategy for the II and (and IIIrd) UN Development decades, chiefly related with the concept of environment and development.

32. UNEP/G.C. /L.L.47 of 25 Feb. 1977, in pp. I-15.

GENADY N. COLVBE (Assistant Director of UNEP) rightly assessed the ~~note~~ of UNEP:

"as a catalyst in the national management of resources of the environment, in such a way that we don't transgress the limits of the bio-sphere within which we live",³³.

UNEP has played a significant role in printing the conservation of Natural terrestrial and marine ecosystems as an integrated part of National economic and social development.

One milestone in terms of the co-ordination of environmental-activities of the UN system has been the establishment of the system wide-medium term environment programmes (SWMTEP) which covers the period in first set from 1984 to 1989. The programme has strengthened the operational bio-sphere Reserve net ~~WORK~~, for the integration of the environmental concerns into all integration of the environmental concerns into all levels of the development process.

THE SWMTEP³⁴ Was developed into Two stages :

1. A convergence between the programming process of UNEP

33. In the 1st. International Biosphere Reserve Conference (Minsk, Byelorussia SSR,) 27 sept. 1983.

34. The Programme was adopted into the Xth session of UNEPpGC in 1982.

2.

2. As complete environmental programmes within ~~the~~ the UN system dealing with the planning, Programming budgetting and evaluation in this field to bring about the desired result.

The programme is divided into (15) priority heads which includes the topics like arms^{race} and environment, but each of these 15 programmes are in substance similar to the areas of priority and have also two or more sub-programmes bringing the total into ^{numbers} (38).³⁵

Regional seas programmes (RSP):

It is one of the most successful ventures of the UNEP for the acceptance of some form of global regulation at least.

In the regional approach of UNEP, the essential norm is to identify specific problems of high priority of a given region and adopt ~~of~~ implement a policy that may be acceptable and readily responds to the urgent needs of the governments concerned. It ~~un~~avoidably calls for the active involvement of regional governments and ^{other} entities. This transsectoral approach to environmental problems deals not only with

35. See : UNEP/GC/10/7. 25 march 1982, p. (13)

the consequences but also with the causes of the environmental degradation. This has been echoed into actions in one of its priority areas, viz. oceans.

The approaches of UNEP is very clear here.

which includes as:

- (a) Promotion of International and Regional conventions guidelines and actions for the control of the marine pollution and for the management of the aquatic Resources;
- (b) Assessment of the level of pollution and state of the living resources;
- (c) co-ordination of the protection, development and management of marine and coastal Resources, and
- (d) Supporting measures for the full participation of developing countries. etc.

It is to be noted that RSP was launched in 1974, but the identity proposals / popularity came only in 1977, when a regional seas Programme Activity centre was established at ~~Nairobi~~ ^{NAIROBI}, financed by the fund of the UNEP. Since then UNEP has to perform only catalytic role, i.e. ~~only~~^{once} programme develops, the participating governments have to assume financial responsibility for its implementation.³⁶

36. See: Environmental conservation, Vol. of (no.4)
WINTER ,1981 p.328.

It was noted that when RSP was launched in 1974, it covers only Four Areas :

- (1) The Mediterranean,
- (2) The Persian Gulf.
- (3) The Caribbean and the.
- (4) West African seas.
- (5) The Red Sea and Gulf of Aden.
- (6) The south-East Pacific.
- (7) The south West Pacific was added Later. In 1980 two more areas were included-viz.
- (8) The East African seas and
- (9) The south west Atlantic.
- (10) The South Asian seas was added in 1983.³⁷

The success and failure of RSP/UNEP mainly depends upon the sensitive consideration of regions, both politically and economically. Nevertheless it has impressive leading over other priority areas.³⁸

The RSP was successful in adopting in a number of conventions, for curbing the pace of the pollution in seas.³⁹
For example :

37. UNEP/GC.11/3 Annex I., 9 June 1983, P (26).

38. Peter S. Thacher and NIKKI Meith : 'Approaches to the Regional marine problems; A progress Report on the UNEP's *One Decade*: In Elizabeth Mann Borges and Norton Gensburry (Eds) *Ocean Year BOOK* (2) University of Chicago, 1980, at pp. 158-82.

39. See: Ian Brownlie : "A survey of International Customary Rules of Environmental Protection", *Natural Resource Journal*, vol. 13, 1973 Pp. 179 - 189

The environmental modification convention, 1977 recalls ~~the~~ Declaration adopted at the UNCHE '72 and recognises that the use of the environmental modification techniques for peaceful purposes could improve the inter relationships of man and nature and contribute to the preservation and improvement of the environment for the benefit of the present and future generations, military or any other hostile use of such techniques could effects in extremely harmful way to the human environment.

The stockholm conference on the acidification of the environment 1982...⁴⁰ *is but one example.*

It is a realization of fact that all these conventions have been drafted on the time of Baltic sea conventions of 1974, never the less sweeping in coverage then the later one.

Peter Hulm pointed out that the programme is plagued by the same kind of problem as its parent body UNEP has faced; especially in the Finance, which has blocked its ability to run the best of the programmes without any difficulty-⁴¹

SOUTH ASIA CO-OPERATIVE ENVIRONMENT PROGRAMMES (SACEP)

In south Asia it is first organization of its kind in the region, provides for the programmes like:

- (i) Identification and promoting fuel efficient stoves.
- (ii) Recycling wastes and improving environmental legislation;

40
Bette Hileman, Acidification conference 1972: in environmental science and technology (New York) Vol. 17 1983 p.15

41. Peter Hulm ; 'The Regional seas programme: what fate for UNEP's crown jewels, AMBIO Vol. (12 (1983) pp 2-13.

The SACEP has following(9) members.

AFGHANISTAN
BHUTAN
BANGLADESH
MALDIEVES
INDIA
IRAN
NEPAL
PAKISTAN.&
SRI LANKA.

In Feb 10, 1983, The ministerial Representative of the above Nine South-Asian countries met in Colombo and approved 'TEN DOWN TO EARTH' programme on environmental topics for immediate implementation They has also established a trust. Fund to this effect under the guidness of nainobi based UNEP Head Quarter.

However, the most important activities approved by the Sacep's governing council includes :

- (i) To strengthen & improve the environmental legislation,
- (ii) To set-up a clearing house for the environmental services,
- (iii) To evaluate the six identified development projects of the UNEP in the regional environmental programmes

The UNDP has pledged \$ 500,000 for the implementation of projects launched by SACEP. The permanent secretariat of SACEP is in Colombo. The member states have confidence that SACEP could develop into a meaningful organization to bring the countries of south Asia together. To refer the statement of Mr. Primaladasa (ex. P.M of Srilanka) when he gave his inaugural address for SACEP :

"The importance of the SACEP lies not only in its being the first step towards the co-operative action in south Asia; but it lies in the spirit and commitment with which the countries of region have accepted their responsibilities, ' (42)

Moreover, appealing for the urgent co-operative action to arrest the forest depletion and intensify re-forestation scheme in south-Asian countries, the governing council has unanimously recommended that year '1988' shall be declared as the "The Year of ~~thus~~ for the south Asia"

However, it is to be noted that the ethnic-crisis in Srilanka has frustrated the operation and implementation of this programme since 1983-84. It is now, more or less, deadlock, waiting for its revival.

42.

St. MUNDJAT-DANNSEPATURA ' The Marine Environment of the South-East- Asia;

(BINACIPTA, Bandung) 1983, pp. 187-88

FUTURE TRENDS IN UNEP :

The UNEP report : 'ENVIRONMENT in 1982: Retrospect & prospect', Identified major environmental trends to be address by it during the 1982-1992. The basis for this identification has been given as follows:

- (i) Evaluation from the Reviews of 1982 Report on state of Environment, from the scientific literature and from the projections of the global models developed in the last-decade;
- (ii) The perceptions of the long term environmental problems;
- (iii) The finding of the world conference and the environmental components of major trends.
- (iv) The development strategies & priorities of the UN system, and
- (v) Areas of environmental concerns, identified in the regional inter governmental agreements.

Besides, the priorities had been given to the problems of universal significance considering the works being already taking by the UN system. It is obvious that the development in the function & organizations of UNEP has a future oriented action strategy for the maintenance of healthy life in this planet. The growing situation of the confidence in the programming and operations of UNEP's has certainly accepted the challenges of financing new projects. The Regional & local approaches have proved ample success. The only impediments is the lack of effective binding obligations on the national

actors to conserve and control the natural resources. UNEP is trying to achieve it in near future.

RELEVANCE TO UNEP IN RESOLUTIONS OF GENERAL ASSEMBLY :

At its 29 session, the general. ~~Assembly~~ adopted several resolutions of relevance to the UNEP's activities, one of these Res. 3281 (xxix) adopting the 'Charte of Economic Rights & Duties of the states' ⁴³ Together with the Declaration and programme of Action for the New International Economic order, ~~xxx~~ constitute the fundamental considerations in the formulation of the objectives & strategies of the Environment programme and its fund. (44)

Other Resolutions calls for the action by organizations of the UN system in general. as:

(i) Res. 3345 (XXIX) : Research on the Inter relationships between : population Resources environment & Development.

(ii) 3344 (XXIX) : On world Population conference : to adopt a world population plan of Action. To promote the economic development development and quality of life.

(iii) World food conference (XXIX) The three specific resolution calls for the co-operation of UNEP in area of Nutrients promoted agricultural development and the condition of soil....viz,

Res(XXV) Development of Food contamination monitoring programme,
Res(XXvi) : Assessment of land which can still be brought under cultivation,

Res(XXX) Use of pesticides and alternative methods of pest-control

43. Res 3281 (XXIX) 12th December 1974

44. UNEP/GC/4 10, 25th March 1975 containing the resolution passed by the G.A. giving guidance and popularity to UNEP.

(iv) Res. 3226- (XXIX) On effects of Atomic Radiation , seeks and active co-operation of the Earth Watch Programmes of UNEP especially its globe environmental Assesment (GEAS) system IRS, IRPTC & GEMS.

(v) Res 3264 (xxix): Prohibition of Action to influence the Environment & elimete for milatery and other purposse, incompatible with theMaintinance of International security, human well-being & health.

some other resolutions may be cited as under :

(vi) Res. 2995 (xxvii): Sought a co-operation between the state in the field of the human environment and in th. field of Environment and development.

(vii) Res 3000 (xxvii): Devised the measures for protecting and enhmsing thehuman environment.

These Resolutions emphasis in fact that the succes of ~~unity~~ UNEP are mainly guided by the objectives and direction of general. Assembly.The development in the near future may be through general Assembly and ecosec,

SUMMERY OBSERVATION

The analysis of institutional machanism shows ~~the~~ clearly that the attempt made by United nation has not irrlevant. There are certain deficiencies on the part of member states to extend their allegiances for environmental protction. The project~~or~~ launched so far has their own achivements in various fields which has been ^{also} illustrqed in our discussion. What can be said is that the UNEP has achieved a limited success not so much as was intended.The report of secretly General of UNEP clearly support this contantion,

when it evaluates the function of organization in one decade. UNEP is still a child to fight with the problems of environmental hazards. It needs a co-operative hand to arrest these problems and devised a future to be more habitable. The future direction is necessary in the light of this optimism. The effective managment may boost it up in the national and International interest for a secure future.

....

CHAPTER VII

CONCLUDING OBSERVATIONS

From the discussion in the preceding pages it is evident that while nature has provided human beings with a healthy-environment, the increasing urbanization and industrialization have brought in some hazards in human life. With the advancements in science and technology, material affluence gained primary importance and the laws of nature were violated. All this has resulted in severe imbalances throughout the globe. The multitudinous vehicles emitting gas, endless chimneys of factories belching smoke, thousands of industrial units burdening the earth with industrial effluents and the unceasing cacophony produced by countless objects, make the urban settlements subject to poly-faceted pollution. Today, air is smothered with the toxic smoke of industries, greenery has been replaced by aspicuous concrete mansions, and the once peaceful environment has been shattered by the din of city-life.

The UN's concern to this problem was a positive response to the world community through the establishment of a full-fledged environmental programme (UNEP) and promotion to other IGO/NGOs working in this field - where all existing arrangements and bodies henceforth to be subsumed under the heading environment.

The Stockholm conference and the Programme of Action made it clear that at this crucial juncture, the all inclusive claims, including the claim on environment have to be considered against the pragmatic reality of a world composed of different sovereign states and to determine exactly, what action has to be taken by particular organisations, at particular time and places. It was, thus, an international agreement, the first of its type in the international concern of global survival. The institutional mechanism the UN Environment Programme has already implemented various recommendations of Action Plan and now been playing an active role for the harmonization of various activities undertaken by the UN's auxiliary Agencies as well as by the other IGO/NGOs. It has its impact on the governmental policies, as to adopt more conscious policies towards the use of the environment. It is, of course, a recognition of the extent of human power over the environment and of the ability and need to determine how that power shall be exercised. It constitutes a new chapter in the history of international organisations.

Moreover, the Stockholm Conference was the peak effort so far. It has not only given a high

priority to the economic and social developments in environment in the interest of developing countries, but also put forward several recommendations, including a Declaration on Human Environment, to protect and preserve the natural quality of mother earth. In this respect World Charter of Nature¹ adopted by the General-Assembly goes one step further, when it firmly convinced of the needs for appropriate measures at the National international, individual and collective, private and public levels, to protect nature and promote international co-operation in this field.

Moreover, the principle set forth in this charter has to be reflected in the law and practice of each states, as well as at the international level. It is the natural extension of Declaration on Human Environment. The charter made it obligatory on the part of each individual to act in accordance with its provisions. It is an outcome of environmental ethics, first even laid down by the international organisation.²

¹DOC. A/37/L.4/Add.1: The Charter proclaims the principle of conservation by which all human conduct affecting nature is to be guided and judged.

²For detail see World-Charter For Nature.
UN Doc. A/37/L.4 Add 1.

In pursuance of the objectives of UNEP, the World Conservation Strategy takes into consideration, the human impact and the perils that may threaten the future of the World's life support system.³ The three main objectives were as :

1. Maintenance of ecological process and life support systems.
2. Preservation of the genetic diversity
3. to ensure the sustainable utilization of species and economic systems.⁴

It emphasises the national use of resources as an indispensable part of the development process. The goal behind this was the :

"Maintenance of the human use of the biosphere so that it may yield the greater sustainable benefits to present generations while maintaining its potentials to meet the needs and aspirations of the future generations".

³The 'Man and Biosphere (MOB) programme of UNESCO (1971) were the first land mark for environmental consideration. Together with Stockholm conference, these two conferences laid the ground work for a global approach to conservation.

⁴Technical assistance and support in developing national conservation strategies have been provided by UNEP, IUCN, WWF, UNDP, FAO, UNESCO & other NGO/IGO. It should be noted that the Arusha-Declaration, 1961 has made it explicit that 'the survival of our wild life is a matter of grave concern to all of us in Africa. These wild creatures and peaces...are not only an important source of wonder and inspiration but an integral part of our natural resources and of our future livelihood and well-beings.'

"In accepting the trusteeship of our wildlife, we solemnly declare that we will do everything in our power to make sure that our children's grandchildren will be able to enjoy this rich and precious inheritance."⁵

Another achievement of UNEP is the emphasis on information, environmental training and education, so crucial for the successful management of any crisis. As we have already noted that in 1975 UNEP/UNESCO has jointly established the on going global International Environmental Education Programme (IEEP), as a major programme designed to develop an overall framework and direction for the environmental-education at all levels. The IEEP has its own importance in the programmes like Biosphere Reserve Programme (BRP).

The system-wide medium term environment programme has the effect of the re-inforcing their new commitment to the environmentally sound development process. It has received a massive support on the part of the leading Multinational development Agencies and the specialized agencies of UN.

⁵See Max-Nicholson, The Environmental Revolution, (London, 1970).

The IRPTC is another hallmark in the "Earth-Watch" Programme. In June 1984 an International Notification Scheme for Dangerous Chemicals was launched as a significant step towards increasing safeguard of health and environment, specially in the developing countries.

The purpose of this notification is to give the authorities the opportunity to assess the risks associated with the chemicals and to make timely and informed decisions on it, taking into account, local environment, public Health Economic and administrative conditions. This has been endorsed by the chemical industrialists and by the workers and consumer's groups.

"Now the importing countries will be better informed of the hazards of the chemicals in International Trade and will be able to make informed decisions on the use of such chemicals".⁶

The IRS was a modest system for the exchange of environmental information; to put users of information in touch with appropriate sources.

⁶UNEP, News, May 1983. P. 3, Nairobi.

The institutional development in the field of Human Environment was essentially flexible and evolutionary so as to permit their adoption to the changing needs and circumstances. The Council, Board and Secretariat along with their auxiliaries has made maximum potential use of existing machinery and resources, both within and outside the UN system. The highest priority were given to the need for coordination and rationalisation of continuing and planned international environmental activities. However, given the multi-disciplinary nature of the environmental problems and the primary sector structure of the UN system it would be essential to go beyond traditional methods of coordination.⁷

The A.C.C (Administrative Committee on Coordination of UNGA) has achieved it through its inter-secretarial cooperation, essentially on a sectoral pattern. The ACC not only provides facilities for the coordination of sector-activities, but also provides an inter-secretarial framework for an integrated and coherent approach to a large number of problems. It has fulfilled the needs for an integrated approach to the many questions of environment.

⁷ It should be kept in mind that the UN system has focused primarily on development. In many cases environmental issues are the facets of development and the two should not be separated either in concept or in practice.

Thus, the process of management, including the setting of the goals for the planning, implementation and operations of specific projects designed to achieve these goals and the detection and solution of emergent problems should therefore be incorporated in the environmental consideration at all levels. It has been merged in the supporting measures to demonstrate the clear determination to adopt a cross-sectoral approach to the problems of environmental protection.

It should be reminded that in pursuance to the Report submitted by the Secretary-General, the Conference adopted a resolution on the institutional and the financial arrangements to provide the necessary framework for the Action Plan of the Human Environment.⁸ The pertinent part of Resolution favoured for the establishment of a voluntary environment fund to be used to provide additional resources for the UNEP Programmes. To this end, the general procedure governing the operation of fund was approved by the Governing Council. This was made in the favour of

⁸Endorsed by Res. 2927 (XXVII) on 15th Dec. 1972 by a recorded vol. of 116-0-10.

developing countries. The fund has served its purpose successfully especially in the "Public Awareness Coampaign" in 133 countries for taking the suitable measures for the protection of environment. However in the field of compensation and additionality, the role assigned to UNEP was hardly fulfilled.⁹

The UNEP Executive Director's report admitted that on International Trade and Environmental issues, where the main concern was to ensure that environmental considerations were not abused to constrain international trade, only limited actions had taken place. The stated reasons were as:

(a) The difficulty in making a distinction between purely environmental factors and other consideration such as health or economic ones. (b) The fact that economic factors had been at the forefront of international regulations.

Thus, the debate of UNEP's achievements and failure are still open. It is true, however, that the said Report of 1982 didn't make its evaluation on the basis of the framework adopted at Stockholm'72 could

⁹UNEP/GC (Special Session) Inf./26 January 1982
For criticism of UNEP, See M.R.Biswas and A.K. Biswas,
"Environment and Sustained Development in the Third
World: A review of the Past Decade". Third World
Quarterly, vol.4(1982) pp.479-910.

be a reason enough to criticise it, but to say that UNEP has failed to evolved a comprehensive approach, is ill founded. The reason is obvious from the statements that environmental policies and actions have to be viewed in a broder context of inter-relationships between people resource environment and développement. Without such an understanding, it is not possible to have development on a long term of suitable basis.

As regards financial impediments for the success of Programme, the General Assembly¹⁰ and the Economic and Social Council¹¹ stressed the need for additional measures dealing with the serious environmental problems in developing countries. They altogether recommended to the governments to increase their contribution to the UNEP Environment Fund, and to the UNEP to increase its resources available for its projects in the developing countries.

It has to be submitted that much of what ought to be done within the UNEP's framework for the developing countries was not done to help them in

¹⁰See Resolution of General Assembly A/188/34 of 1979.

¹¹ECOSOC, Res. 49/80.

their domestic environmental programmes. The Third World Countries, one could say, were unable to utilise this august body, while developed countries, abstained from providing assistance, both in technical and financial sense, to UNEP in an increasing fathom.¹²

Despite the shortcomings and impediments, the achievements of UNEP are numerous. Briefly, they are

(i) Attitudinal Changes: In the World Community, specially in the developing world, it has created an environmental ethics and consciousness. The statistical analysis reveals that the number of projects and legislations after UNCHE has increasingly found its place in the national framework of development pattern.

(ii) Assessment: UNEP has played a catalytic role and not an operational one. The main task was assigned to National Governments, till the desired institutions are created and conventions are adopted for environmental management. Nonetheless, the role played by 'Earth Watch' programme and its components eg. INFOTERA (IRS), IRPTC, GEMS & IPCS (International Programmes of Chemical Safety) has a commendable lesson in this field.

¹²Walter R. Rosenbaum, "The Politics of Environmental Concern" (New York, 1973).

(iii) Review of Stratospheric Zone : so that the constant protection of human life from the ultraviolet rays of sun, be secured. Projects have been installed in Antarctic also to this effect. UNEP to addresses itself to most serious problems in Africa, Asia and Latin America¹³ specially in four-five major areas.

- i) Action Plan to combat desertification
- ii) Action Plan to combat deforestation - & soil
- iii) To improve water supply, sewerage system and management facilities,
- iv) To improve Human-Settlement and Habitat.
- v) A conservation strategy for the regions.

The frequent droughts in the northern Africa limits the agricultural practice to 44% of the land, a major programme of Assistance has been chalked out to this effect.

The supporting measures have come here to assist the drought-areas of Africa, receiving a wide-spread admiration on the part of world community.

¹³ UNEP/6C/11 & 83/14 of May 1983.

A number of conventions have been adopted so far, specially on pollution and protection of resources, but they are delayed in the process of ratification and shortcomings in the enforcement. The draw back of UNEP is 'political' thereby leaving a vacuum for the constant pollution of marine life. Global Environment Monitoring System is still in complete and International Referral System is not wisely used. Moreover, the supporting measures have not always come up to the expectations of the developing countries. A lot still needs to be done in the implementation of both Declaration and the 100 points Action Plan.¹⁴

The development since UNCHE is manifold in the environmental sciences, and the new awareness of the interdependence highlighted by the many UN studies, (e.g. on water, population, energy, human settlement, social-forestry etc). has created a new code of the environmental ethics of far reaching consequences. They can be summed up as

Economic growth and Environment : Long term economic growth was assessed as the essential aspirations of most of the countries. Wide use of resources of the enlightened conservation strategies are consistent with the growth imperative.

¹⁴Prof. RP Anand, "Development and Environment The case of the developing countries", Indian Journal of International Law, vol. 20(1980) p.1-19.

But some scholars still feel it as a dichotomy.

To Prof. RP Anand :

"Governments no longer posed the problems as environment v/s development, but as environment and developed, where the former is regarded as proceeding to the pater".¹⁷

and to Paul Ehrlich the development process are inherently opposed to environment.

"We must realise that unless we are extremely luckily, everybody will disappear in a cloud of smoke in 20 years".¹⁸

Thus the problems is that of Survival, then of the aestheticism' Development is only the major core for the environment.¹⁹

The compromise view was that of India' Prime Minister, Indira Gandhi while speaking at the Stockholm Conference: She said

"The rich countries may look upon development as cause of the environmental destruction, but to us, it is one of the Primary means of improving the environment of leaving, of providing food, shelter, water and sanitation of making²⁰ the desert green and the mountains refitable.

¹⁷ Ibid....p.12

¹⁸ Quoted by Richard A Folk, "The Endangered Planet" (1971) New York.

¹⁹ Wu & Clemonle (ed) Environment & Development in Asia: Hope and Frustration (Michigan 1972) p. viii.

²⁰ The Times of India (New Delhi) 15th June, 1972.

But all this only due to poverty or deficiency of flow of capital. She realized it in later stage:

"Environment can't be improve in the condition of poverty, nor can the poverty be eradicated without the use of Science and Technology".²¹

The UNEP has fallowed this approach to some extent but not completely. The controversy has already been discussed, what is relevant here is to emphasise the fact that still there is some misconception in this area. The UNEP, though created consciousness but failed to reconcil these two approach to a satisfactory level. The developing world still prefer an "Environmental colonialism", i.e. to receive the inappropriate pollution industries in their regions to meet the needs of their people. The Bhopal Gas Tragedy(1984) is one of such example. What is needed is obvious on record, that "in order to avoid the indiscriminate import of pollution, the developing countries could, and should enforce environmental standards in the light of their stage of development and of their cultural and social objectives".²²

Besides industrial complexions, the over centralization of population and industries has

²¹Ibid..

²²UNDOC. A/CONF. 48/10....22 Dec. 1971.

spoiled the ~~human~~ environment by increasing carbon mono-oxide, dyoxide, water cuntamination, public noises and nuisance etc. It has adversely affected on the shortage of basic human needs in capital cities. These caravan cities are spreading like plague as they devor and polute not only the land scape but also the souls.²³ Thus for developing worlds it is necessary to take the precautionary measures on the experiences of best taking place in the tringular corners of world, not the preventive measures, as when the accidents has already taken place.

Thus the alternative life style and pattern of development calls for the new approaches of development, inter-connection within the biosphere-practically on planning and implementation levels.

It has been now obvious that there is an inseparable relationship between people-resources, environment and development. Therefore, Plans should be flexible enough to absorb unexpected changes.

Change of Resilience :

It is to be submitted that the development plans must not rely unduly on the continuation of the correct trends in environmental systems. They must take

²³ See Editorial of The Times of India - 21 April 1986, New Delhi (also the Sunday special).

account of the outer limits also, so far as the stability of these systems are concerned.

Thus a shift has been derived in the slogans of Action plans, e.g. "Stop all Forms of Pollution," "Stop exchanging Non-renewable resources" to a positive approach that.

"An attempt should be made from stopping environmental pollution to managing the environment better, so that pollution problems are subsequently reduced.²⁴

It is obvious, that the requirement of ecology can't be isolated from the socio-economic and educational aspects. The protection of environment must be considered as a philosophy underline activities of the life. Moreover, if the world society has to be saved from the ever increasing degradation of human-environment, which have threaten our life on this earth, what is required is an effective body of environmental law, which may regulate the interaction of governments which are creating dangers to the life on earth (whetherbe nuclear winter or excessive exploitation of resources from the developing countries), furnish

²⁴Allen L Springer: "The International Law of Pollution Protecting the globe environment in a word of sovereign states, (West point, 1983).

obligatory minimum standard for the national legislation and administrative decision making bodies and should seek to provide immediate notification investigation, reporting and analysis of the protection issues. It may be a guide for the formulation of future policies.

Any way, it could be maintained that UNEP has failed in following the framework to its logical conclusion and in the bargain could only deal with the problem sectorally. A look at the state of world-environment reported by the Executive Director (UNEP/6C/1013-Jan 29/82) confirms it in toto.²⁵

There is a grave need to develop a new cooperative, consultative coordinatory organisation to perform all humanitarian environmental solution under strict guidance of United Nations, which shows a concern for common problems of common people. Nevertheless, it may be emphasized that the accommodations mentioned by the UNCHE are by no means the only one which could be referred to, but merely those, which for one reason or another, constitute the most salient example of First Action by United Nations. It has

²⁵ Martin W. Holdgate, (Eds) "The World Environment (1972-1982), Report of UNEP. (Dublin 1982).

increased the capabilities of UN system. The "earth watch" constitutes one of the most original and potentially significant of the proposals launched by the Stockholm conference.

The weakness on the part of world community is that of omission to follow the guidelines laid down by the UNEP and other concerned auxiliaries of United Nations, not of the system itself. It has been evoked for a better world, free from hazardous anarchy of industrial Nuclear waste and for a better life. Executive Director rightly warned the world in one of his famous statement.²⁶

"In the year 2071 AD, the world is wrecked with anarchy and civil-strife, (as a result of the failure) of the governments to deal effectively with the environmental crisis".

This has been more clear when we observe the spread of environmental disease like melaria, and filhanzia through ill planned developments and the failure of the authorities to provide their people with clean water and decent sanitation. The fundamental reason is underdevelopment and mishandeled

²⁶ UNEP Press Release - 82/87.

wealth, the mismanagement of resources or no management at all. As a result, the poor 2/3 of world are being forced to destroy the precious resources on which their survival depends. At the same time, the rich minority in their pursuit of wasteful development are making unsustainable demands for more resources to their material satisfaction, and by doing so "are turning their disadvantaged trading partners into proxy-victims".

More logically, it could be suspected that at a time when nations or the world spend more than one million dollars a minute on arms race, and a time when the development assistance programmes languish in fractions of only one percent of GNP. We tolerate a world in which one person in three has no access to decent medical services. A world in which 650 million people must drink and wash with dirty contaminated water and in which nearly half a million children dies each month from infectious diseases...

No doubt, the preparatory process and the conference gave us a new insight and perspective, as well as stirred new excitement and hope. The realization of that hope is possible only through public action and intergovernmental supports. It

has the importance of a 'New Liberation Era', from the destructive forces of industrial giants.

It has now become clear that like peace and security environmental issues are intrinsically linked with all other factors in contemporary world politics. This problem is inter linked with rich and poor, mass with man and nations into nations, provided a clear cut implicit legality expressed in favour of our single, beautiful but vulnerable planet - mother earth.

Thus, the following broad conclusion can be drawn from the discussion of this work:

- (i) It is not the environment that is managed but rather people and machine.
- (ii) Public responsibilities for the state of human-environment is becoming implicit in popular movements for the environmental quality and in the actions of the governments and industries.
- (iii) Environment manage men even as man manage the environment.
- (iv) A politics better informed by science and a science applied in the service of well considered values would provide a firmer and broader basis for public environmental

decisions. A coherent political philosophy on which the scientific evidence in relations to human needs and scientific evidence in relations to human needs and capabilities, would greatly strengthen the conceptual base upon which sound environmental policy can be built.

- (v) The widening gap between developed and developing countries have to be reconciled in the light of healthy formula for 'protective development' devised to respect environmental ethics and needs of humanity. In this respect ideological differences etc., has to be harmonise to give a way for survival of humanity: for the future can't be sacrificed for the gratification of present. Man must learn that he is a part of nature and know to go on living on the thin skin and on the thin film of atmosphere on this small vulnerable planet.²⁷
- (vi) It is agreed that 'action' will be necessary for the world can no longer let things go along as they always have. Change is required in the organisations of the world and its political and economic system, to protect the

²⁷ Aldover L. Huxley: Literature and Science (New York, 1962), p.109.

degradation of human environment. The UN is the only competent organisation to meet this challenge through a more effective more coordinating and replatory UNEP. It is not difficult for UN, as more or less each specialized agencies, commissions and programmes culminate on this horizon of environment. Development is to regarded as synonymous with environment and peace.

- (vii) UNEP is not a failure, though it needs many functions - viz. regulation, allocation, inspection, enforcement, adjudication and operation - to be performed in the wide varieties of subjects in International arena.
- (viii) The Declaration on Human environment has established norms in the decision making bodies of world. It shall have a binding effect and violation of it should be treated as the violation of well established, recognised and furnished principles of international law.
- (ix) 'Stockholm' was a landmark conference both because it legitimised the globe environmental movements and because it resulted in the

formation of a UNEP. The Plan of Action, intended to rekindle the spirit of Stockholm, has achieved a limited success, nevertheless, it is an appreciating attempt. It was the first comprehensive international attack on the problems of human environment; whereby the world-community reacted to a new principle of international behaviour and responsibility. Such manifestation was seen in a blue print of action plan. The significant of Stockholm also lies in this fact that it provides the basis (and focal point) for this political process. The priority areas has the action oriented nature, which received a qualified success in restricted areas; especially in the management and education field.

- (x) The shortcoming of UNEP is that of the members of world-community to upheld and implement the norms and actions formulated by it. The organisational implication demands for a commitment to this system. The United Nations, atleast remains the sole hope for authorizing any action, plan, projects etc. by it. But it has also the some drawbacks. What is needed is the unconditional surrender of power of

Reservations on the part of developed world and to cooperate and coordinate the activities of UNEP.

On the whole it could be assessed that this new venture in the UN family has a mixed fortune - for developing countries, it is a grim hope for eradication of these problems as the dominant developed world remains in 'ideological conflict'. On the other hand, the developed world considered it as a useless activity - so long as they remained under the protective umbrella of Science and Technology. Nevertheless, the past one and half decade is a successful scene of UNEP activities in each sphere of life. It need a more cooperative hand and more finance to solve the intangible problem of human environment. The future depends on the policies and programmes of UNEP for a better interdependent world, free from political dichotomy and resting in a strong United Nations.

The crux of all the discussions lies in the lessons that men must cooperate with, and not abuse on defy, the nature. If we are to ensure an adequate quality of life for mankind, we must not under estimate the physical principles which determine our life on earth but we must be prepared to abide by them in our use of environment ²⁸ or to follow the advise of

28. Quoted in Foreign Affairs Records, New Delhi, Nov. 1969. p.246.

Fair Field Osborn, :

"There is only one solution, man must recognised the necessity to cooperating with nature. He must temper his demands and use and conserve the natural living resources of this earth in a manner that alone could provide for the continuation of this civilization.

A N N E X T U R E 'A'

UN DECLARATION ON HUMAN ENVIRONMENT

STOCKHOLM DECLARATION OF THE HUMAN ENVIRONMENT (1972)

The United Nations Conference on the Human Environment, having met at Stockholm from 5 to 16 June 1972, and having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment, proclaims that:

1. Man is both creator 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 torruous 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.

2. 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 whold world and the duty of all Governments.

3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. 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.

4. 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 industrialized and technological development.

5. 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. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increases with each passing day.

6. 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. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vistas for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build, in collaboration with nature,

a better environment. 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.

7. 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.

PRINCIPLES

The United Nations Conference on the Human Environment states the common conviction that:

Principle 1 : 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 2: 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 3: The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored.

Principle 4: Man has 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 5: 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 6: 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 7: 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 8: 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 9 : 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 10: 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 11 : The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

Principle 12: Resources should be made available to preserve and improve the environment, taking into account the circumstances

and particular requirements of developing countries and costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

Principle 13 : 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 is compatible with the need to protect and improve the human environment for the benefit of their population.

Principle 14 : 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 15 : Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect, projects which are designed for colonialist and racist domination must be abandoned.

Principle 16 : 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 or development, or where low population density may prevent improvement of the human environment and impede development.

Principle 17: Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with the view of enhancing environmental quality.

Principle 18: 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 19 : 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 environment in its full human dimensions. It is also essential that mass media of communication 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 20: Scientific research and development in the context of environmental problems, both national and multinational, 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 21: 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 22 : 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 23: Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

Principle 24 : International matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries, big or 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 25: States shall ensure that international organizations play a co-ordinated, efficient and dynamic role for the protection and improvement of the environment.

Principle 26 : 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.

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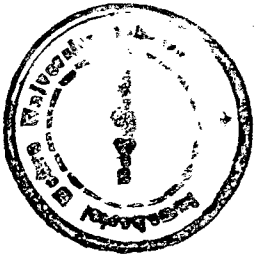
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