

THE ROLE OF THE UNITED NATIONS IN PROMOTING SUSTAINABLE DEVELOPMENT GOALS

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ABSTRACT

Need to protect the environment with emphasis on sustainable development is now an established common goal for the community of nations. The interdependence of the fragile ecosystem & the economic goals of a community are a scientifically established fact. The United Nations being the global platform for exchanging ideas & sharing mutual commitments among the member states, has played a key role in this area. Starting from the Stockholm Conference on Human Environment, 1972, The UN Conference on Environment and Development (UNCED) at Rio 1992, World Summit on Sustainable Development (WSSD) Johannesburg, 2002, UN Conference Rio 2012, till framing 'The Agenda 2030 for the Sustainable Development' in 2015, the UN has been instrumental in the development of this aspect of the International Environmental Law. Various international conventions were signed as a tangible outcome of these conferences. These bilateral or multilateral agreements are now part of the customary international law. The present paper aims to take a review of the background, agendas & outcomes of these conferences. It also tries to throw light on the similarities, ambiguities & conceptual developments that were seen at these global gatherings. It also brings out the role played by various agencies of the UN such as UNEP & ICJ to promote sustainable development.

KEYWORDS: *Sustainable Development, Stockholm Conference, Rio Conference 1992, Agenda 2030.*

Introduction

In the present world, environmental degradation has emerged as a major global concern for human survival. The inherent interdependence between long-term stability of environment and economy is the foundation of the field of sustainable development. Sustainable development aims to tackle the sources of environmental degradation & not just the symptoms. It provides opportunities and economic incentives for those who comply with the sustainable development goals. A large number of international organizations with the collective wisdom of scientists, economists and planners have contributed to resolve the environmental issues & promote sustainable development across the nations. Amongst these the United Nations has played a remarkable and distinctive role. The UN has been organising conferences & facilitating the international convention over last few decades. The most important legally non-binding international instruments were adopted under the auspices of the UN Conferences. They have contributed to the development and codification of fundamental principles of International Environmental law and Sustainable Development.

Stockholm Conference 1972

The United Nations Conference on the Human Environment (Stockholm, 1972) was the first occasion at which the international community of states united to discuss international environmental issues more generally and more coherently. Although no treaty was signed, the conference adopted an Action Plan of 109 Recommendations and a Declaration of 26 Principles. It also adopted a resolution on institutional and financial arrangements that led, amongst other things, to the establishment of the United Nations Environment Programme (UNEP). For some, the Stockholm Declaration is the foundation of modern International Environmental law. Its principles however are largely aspirational rather than mandatory,

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'should' rather than 'shall' and a few impose clear duties on states. Perhaps more importantly, the Stockholm Conference marked the beginning of a rapid increase in the number of international environmental agreements. Sixty per cent of all international environmental agreements are post-date Stockholm. The development of European Commission environmental law is its most tangible outcome. It articulated the human right to a decent environment, the sovereign right of states to exploit their own resources and their responsibility to ensure that their activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction.

Conference in Rio de Janeiro in 1992(UNCED)

The UN Conference on Environment and Development (UNCED) at Rio in 1992 provided a platform for imbuing sustainable development in International law. It also addressed the concern, noted in the Brundtland report, of the sectoral and piecemeal nature of International Environmental law. The legal texts that emerged from Rio, marked an important stage in the development of International Environmental law, but they fell some way short of providing, the radical change in direction, as envisaged by many scholars. The legal texts to emerge from Rio were; The Rio Declaration, The Convention on Biological Diversity, The Framework Convention on Climate Change & Agenda 21 (a global action plan on development and the environment).

In terms of the general development of customary International Environmental law, however, the Rio Declaration is central. Agreed to by all 176 states attending, it is a key soft law document, and an important text as regards the consolidation of a number of principles of customary International Environmental law. The key regulatory principles in the Rio Declaration are common but differentiated responsibilities (Principle 7), fostering public awareness and participation in environmental decision making (Principle 10), precautionary approach (Principle 15), polluter pays principle (Principle 16), environmental impact assessment (Principle 17), risk communication (Principles 18 & 19) etc.

Although the preamble states that it is reaffirming and building upon the Stockholm Declaration, important principles are conspicuously modified or even weakened. Thus Principle 1 of Stockholm, which refers to the 'fundamental right to ...an environment of a quality that permits a life of dignity and well-being' becomes in Principle 1 of Rio, 'Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. As diplomatic conference declarations, in terms of the degree of enforceability, both instruments are formally not binding. The effect of the Rio Declaration therefore was something of a mixed bag as regards development of International Environmental law and legal principles. Specifically, the explicit incorporation of developmental concerns may be viewed either as an important accommodation of developing world interests or as allowing generally for 'business as usual'. It had significant impact on the development and codification of International Environmental law. The Declaration represents an endorsement by the states of the relationship between environmental protection and economic development. This led way to the development of principles on inter and intra generational equity, precaution, environmental impact assessment (EIA), common but differential responsibility and public participation along with the right to development.

Agenda 21

UNCED 1992 also produced Agenda 21, a programme of action (on 14th June 1992) for achieving sustainable development. Agenda 21 is a comprehensive document, summing up the international consensus on actions, necessary to move humanity towards the goal of sustainable development during twenty-first century. The objective is to alleviate poverty, hunger, sickness and illiteracy worldwide, while at the same time arresting the deterioration of the ecosystems on which humanity depends to sustain life. Agenda 21 is divided into four principal sections viz:

Social and Economic Dimensions

The seven chapters, in this first section address central issues such as poverty, health, consumption patterns, population, trade and resource transfers between countries, human settlement patterns and integration of environment and development in decision-making.

Conservation and Management of Resource for Development

The 14 chapters of this section deal with a very wide range of issues such as the atmosphere, land resources, deforestation, desertification, mountain development, agriculture, biological diversity, biotechnology, oceans, freshwater resources, toxic chemicals, hazardous wastes, solid wastes and radioactive waste.

Strengthening the Role of Major Groups

The nine chapters of this section deal with women's affairs, youth and children, indigenous peoples, NGO's, local authorities, trade unions, business and industry, science and technology and farming.

Means of Implementation

The eight chapters of this section deal with finance and the funding of Agenda 21 programmes, technology transfer, science in sustainable development, education and training, capacity building, institutional arrangements, legal instruments and information for decision making. The UN General Assembly's Special session held in 1997 conducted a five-year review of the progress achieved in implementing Agenda 21. A programme for the further implementation of Agenda 21 was adopted at the special session in the form of a Resolution.

The Convention on Biological Diversity

The Convention on Biological Diversity signed at UNCED in Rio de Janeiro in 1992, was the first international treaty on biodiversity. The convention began as a document drawn up by the World Conservation Union (IUCN). It was submitted to the UNEP Governing Council, which recognized its need and value. UNEP redrafted it to broaden the proposed agreement. Formal negotiations involving some 75 countries began in November 1990. A final version was signed by 156 nations and the European Union at the 1992 UN Conference. The convention aims to save species of animals and plants from extinction, and their habitats from destruction. It also aims at sustainable use of genetic resources and the fair and equitable sharing of benefits. The Parties are required to develop national strategies for the conservation and sustainable use of biological resources. Sadly, global environmental conventions rarely translate into strong and effective domestic legislation. The environmental groups are also rarely focusing on this important area.

Stockholm- Rio Overview

Stockholm represented a first effort of taking stock of the global human impact on the environment. It was an attempt at forging a basic common outlook on how to address the challenge of preserving and enhancing the human environment. As a result, the Stockholm Declaration gives mostly broad environmental policy goals and objectives rather than detailed rules. After Stockholm, global awareness of environmental issues & international environmental law-making increased dramatically. Focus expanded beyond trans-boundary and global commons issues to media-specific regulation. Efforts were made to synthesizing of economic and development considerations in environmental decision-making. Both declarations demonstrate a strongly human-centric approach. Rio Principle 1 unabashedly posits human beings at the center of concerns for sustainable development. However, earlier World Charter for Nature of 1982 and later the Convention on Biological Diversity speak about principles of conservation by recognizing the intrinsic value of every form of life regardless of its worth to human beings. The Stockholm formulation does indeed refer to a human's 'fundamental right to adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being'. The Rio Declaration merely stipulates that human beings 'are entitled to a healthy and productive life in harmony with nature'.

World Summit on Sustainable Development (WSSD) Johannesburg, 2002

To conduct a ten-year review of UNCED and its commitments, UN organized this world summit. The Summit concluded its proceedings with the formal adoption of two political documents namely Johannesburg Declaration and a Plan of Implementation that covers broad range of issues including poverty eradication, sustainable production and consumption, water and sanitation, energy and chemicals. Both instruments contain only very general political commitments on sustainable development and focus primarily on the implementation of existing environmental commitments rather than on the adoption of new obligations. In contrast to the UNCED process the WSSD did not lead to the adoption of new international environmental treaties.

The United Nations Conference on Sustainable Development (Rio+20) held in 2012 is the most recent global conference on sustainable development. Member States adopted the outcome document 'The Future we want' which re-instated their commitment made at Stockholm & Rio 1992 for sustainable development.

The 2030 Agenda for Sustainable development is the latest plan of action under the auspices of the UN. The 17 Sustainable Development Goals and 169 targets were announced & adopted by all United Nations Member States on 25th September, 2015. It provides a shared blueprint for peace and prosperity for people and the planet, now and in the future. The 17 Sustainable Development Goals (SDGs), are an urgent call for action to all countries, developed and developing to join hands in a global partnership. These goals recognize that ending poverty and other deprivations must go hand-in-hand with strategies to improve health and education, reduce inequality and spur economic growth. Thus, while tackling climate change we should be working to preserve our oceans and forests as well.

In a way, International environmental law has developed at an increasing pace over the past few decades in particular since the 1992 Rio conference on Environment and Development. Environmental issues are increasingly linked to those relating to human rights, development, trade and intellectual property. Several major trends, in the environmental law making, can be identified on the multilateral levels. A number of important instruments have been adopted in varied fields such as nuclear safety (the Convention on Nuclear safety), chemicals and pesticides (the Rotterdam and Stockholm Conventions) and the protection of Antarctica's environment (the Madrid Protocol). These international conventions were also concluded through UN initiation. Parallely there has been an increasing thrust on the need to adopt procedural standards to foster the implementation of existing substantive norms.

This has led to the adoption of agreements on environmental impact assessment procedures and access to and disclosure of environmental information, most notable among them are the UNESE Espoo and Aarhus Conventions. Apart from the Conferences and Conventions, there are separate agencies of the UN with environmental responsibilities. Among them, UNEP needs a special mention. The United Nations Environment Programme (UNEP) was established following the Stockholm Conference. Based in Nairobi, UNEP is now the only UN body charged exclusively with international environmental matters. It has played an important role in the development of international environmental law, through its promotion of numerous regional seas treaties, the 1985 Vienna 'Ozone' Convention and the 1992 Biodiversity Convention. But in general terms UNEP has been a weak institution, somewhat underfunded and of relatively low visibility.

The International Court of Justice (ICJ)

ICJ is another UN body consisting of 15 judges elected by the General Assembly and the Security Council and less than one-third of UN members have accepted its compulsory jurisdiction. In addition to hearing disputes between states, however, the Court can also be asked to deliver Advisory Opinions by specialist UN agencies. A notable example was the request by the UN General Assembly in relation to the legality of the threat or use of nuclear weapons by the states. In this regard, The ICJ explicitly recognized the state's responsibilities not to cause environmental damage beyond their territories or to the global commons. A special Environmental Chamber of the ICJ was established in 1993 but due to the dearth of litigation, it was finally closed in 2006. The full ICJ has also heard very few environmental cases. Reasons seem to be that no two states agree that the dispute is essentially environmental. They are also hesitant to refer the dispute to international tribunal. Thus, the judicial mechanisms made available by the UN have been under-utilized in the environmental sphere. Hence the extent to which they are appropriate for resolving international environmental disputes remains, unclear.

Summary of the United Nations' Contribution

The UN took the first initiative to establish the correlation between man's natural & manmade environment. Sustainable development certainly appears as a strong undercurrent even in the Stockholm Declaration. Principles 1 to 4 acknowledge the need for restraint on natural resource use, consistent with the carrying capacity of the earth, for the benefit of present and future generations. Later it became the basic theme of UNCED, Rio, 1992. Sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Our Common Future), runs like an unbroken thread through the Rio Declaration. The Rio Declaration expands on this theme and significantly advances the concept by laying down relevant substantive and procedural environmental legal markers. Nevertheless, till today, the actual operationalization of the concept has remained a challenge. On the eve of 'Rio+20' conference, United Nations Secretary-General Ban felt compelled to reiterate the urgent need for sustainable development goals with clear and measurable targets and indicators.

Both at Stockholm and at Rio, the relationship between environment and development was one of the most sensitive challenges. Principle 8 of the Stockholm Declaration labels economic and social development as essential, interdependent pillars of sustainable development (Johannesburg Plan of Action, para.5). Rio Principle 3, using even stronger normative language, emphasizes that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. Precautionary approach for the first time appeared in Rio Principle 15. Today, economic development, social development and environmental protection are presumed to go hand in hand. As regards public participation in environmental matters, Principle 10 of the Rio Declaration posits that environmental issues are best handled with the participation of all concerned citizens. 2010 UNEP Guidelines for the Development of National Legislation on Public Participation, Access to Information, and Access to Justice in Environmental Matters are relevant in this regard. Today the concept of common but differentiated responsibilities (CBDR) is accepted as a cornerstone of the sustainable development paradigm. Both the Stockholm and the Rio Declarations call for the further development of the law about environmental liability and compensation. Whereas Stockholm Principle 22 refers to international law only, the corresponding Rio Principle 13 refers to both national and international law. Although both of these were diplomatic conferences & hence, their declarations, were not formally binding, their provisions were understood to already reflect the customary international law.

UN's role in sustainable development goals also faces certain criticism. The universal and broadly defined Sustainable Development Goals (SDGs) 2030 have been heavily criticised. They envelop a broad range of ambitious sustainable development agenda that covers poverty to urban development to marine life. The shared responsibility for SDGs outcomes is collective, extending to all the leaders or UN agencies. But the SDGs are non-binding with the signatories committed to respecting the national policies, priorities & targets of their own government. Each country is expected to create its own national or regional plans. Action plans don't necessarily lead to action. Hence the quantifying and monitoring of these broadly framed SDGs presents several challenges. The ambitious UN-adopted sustainable development goals (SDGs) have also been criticized for being inconsistent, difficult to quantify, implement and monitor. There exists a potential inconsistency in the SDGs, particularly between the socio-economic development and the environmental sustainability goals. The source(s) and the extent of the financial resources and investments for the SDGs are also ambiguous. However, despite these challenges & criticisms, the SDGs do stand as the new global development goals, agreed to by the world leaders. Hence, it is important that these Environmental Conventions should be creatively used to benefit both man and nature. In conclusion it may be said that developments up and beyond Rio suggest a maturing of international law as regards sustainable development goals, although numerous problems remain.

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