

# INTERNATIONAL ENVIRONMENTAL AGREEMENTS:

## A HISTORICAL OVERVIEW

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Over the years, a number of international environmental agreements have been signed at the global level to address different ecological problems. Such agreements include important inter-governmental policies, initiatives and measures taken collectively on global environmental issues. The important question now arises, *what is the importance of international environmental agreements in a way of addressing ecological problems?* The state's efforts to achieve rapid industrialisation and modernisation have caused numerous environmental problems such as global warming, deterioration of the ozone layer, resource depletion, industrial pollution, deforestation, air pollution, and ocean pollution among others. These issues are not local or national in nature but global, transnational, and transboundary which demands collective actions by all countries to achieve desired common objectives. Countries including developed ones cannot effectively cope with major environmental problems by acting alone, and this fact has been well acknowledged by all countries (MPWGSC 2004: 1-3). Hence, international environmental agreements are significant since they enable countries, belonging to different contexts, to come together on common platform and work collectively to deal with complex ecological issues. In other words, the countries (including developed) have soon recognised the fact that environment issues are transnational in nature, and, therefore, they are to be addressed collectively. The international forums provide a platform to all the countries where they can deliberate and discuss on environmental issues and decide the common action programme through multinational agreements.

The beginning of international agreements on ecological issues can be traced back to the latter half of 20<sup>th</sup> century, when they primarily focused on two issues: presentation of natural resources and impacts of pollution on environment and human health. In this regard, the international community attempted to regulate and control the limitless exploitation of maritime resources. For example: the 1946 '*International Convention for the Regulation of Whaling*' is widely considered as the first international agreement in the domain of environmental protection. However, those attempts did not yield any success. Post-second

World War global economic recovery brought about the evidences of sea pollution, atmosphere pollution and marine pollution on the massive scale (Baylis et al., 2008: 354). Since then, its scope has been considerably expanded as ecological issues acquired a transboundary character that is evident in the growing numbers of international environmental conferences and agreements emerged with the support of international organisations like UN. In that sense, international environmental agreements, in the beginning, focused on very limited issues and problems while the recent agreements do not only address a wide range of issues but also binding upon a greater number of states than earlier. However, it is the Stockholm Conference (1972) which had marked the announcement of international environmental agreements on a large scale (Louis, 1973). The following section sketches out the historical overview of important international environmental agreements, addressing varied ecological issues.

### **Stockholm Conference (UNCHE, 1972)**

The United Nations Conference on Human Environment (UNCHE)—held in June 1972 in Stockholm, Sweden—marked the beginning of modern era of environmental governance, introducing more inclusive and comprehensive international agreements and regulations on environmental issues. This conference is also widely known as the *Stockholm Conference*. The event is broadly considered the first major worldwide attempt to address the global environmental problems and preserve the human environment. The conference was also the first international environmental agreement recognizing the fact that “environmental problems of broad international significance fall within the competence of the United Nations system” (UN 1972: 34). In other words, Stockholm conference placed the environmental problems at the center of global debates, particularly those occurring within the domain of international organisations like UN. As a result, the international organisations were compelled to take appropriate measures to deal with the environmental problems—particularly those are global in nature. Since then, the international organisations have not only successfully organised international events, but also signed a number of environmental agreements aiming at the preservation and enhancement of the human environment.

The United Nations Conference on Human Environment in 1972 was attended by delegations from more than 110 countries and over 400 non-governmental and intergovernmental organisations. The ‘*Stockholm Declaration*’, adopted at the UN

conference, is one of significant documents in the history of global environmental governance. While comparing the latter with Universal Declaration of Human Right (UDHR 1948) in his book entitled, *Introduction to International Law*, J. G. Starke (1989: 406) termed the *Stockholm Declaration* as an important environment manifesto “expressed in the form an ethical code intended to govern and influence future action and programmers, both at the national and international levels.” The Declaration consists of twenty-six common principles that aim to inspire and guide the future actions and policies, particularly concerning with the human environment. Some of the key principles (UN 1972: 4-5) are worth discussing:

**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.

**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 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 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 17:** Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with a view to enhancing environmental quality.

**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 individual, enterprises and communities in protecting and improving the environment in its full human dimension.

**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.

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

**Principle 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.

The twenty-six principles, therefore, enunciated at the UNCHE are a set of instructions to the states and international organisations to undertake particular line of actions for protecting and improving the human environment. These principles also laid down the basis of environment protection structure at the both international and national levels.

### ***United Nations Environment Programme (UNEP)***

The establishment of 'United Nations Environment Programme (UNEP)' was one of the greatest achievements of the Stockholm Conference. This international environmental body was primarily set up, in December 1972 by the General Assembly, to coordinate the environmental activities within the United Nations system. UNEP—headquartered in Nairobi, Kenya—was labelled to be the “environmental conscience of the UN system” (Paehlke eds., 1995: 653). The main tasks of this organisation are to promote global cooperation on ecological issues, guide other UN's environmental agencies, coordinate UN activities' related to the environment, monitor global environmental management and

encourage scientific research and projects among others. Also, it intends to raise public awareness about the dangers of environmental change and deterioration, and attempts to inculcate environmental education through sponsored television and radio programmes. It is estimated that “more than 10,000 educators in over 140 countries have been involved in UNEP’s educational activities” (ibid., 654). Besides, UNEP does not only encourage the states’ agencies but also the private actors like NGOs, TNCs, multinational voluntary organisations and civil society groups to promote the sustainable use of the natural resources.

Since its origin, UNEP has been one of the biggest proponents of the environment-friendly and sustainable model of development. It has supported the varied scientific researches, training programmes and projects aiming to develop an environment sensitive development agendas and models. It has also facilitated worldwide cooperation among the states in global politics, particularly in the context of international environmental agreements and policies. Maurice Strong, the first executive director of UNEP, “coined the phrase ‘the process is the policy,’ which captures much of UNEP’s strategy of bolstering international environmental concern and building national capacity for managing environmental problems” (ibid., 653). It is observed that since the inception of UNEP, more than 40 multilateral environmental agreements were signed under its auspices (Kochtcheeva eds., 1999). More specifically, UNEP in the past three decades has played a substantial role in initiating negotiations on reducing the use of chemicals and gases causing ozone layer depletion. At the same time, it has extended technical support to a number of international conventions, like the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) and the UN convention on Biological Diversity (1992) among others. In this way, UNEP intends to develop a worldwide consensus among the both public and non-state actors about the environmental problems and organizing collective actions for ensuring the sustainable and green future. Furthermore, UNEP has developed an international monitoring system, known as ‘*Earthwatch*’. It is designed to engage the governments in a free-flowing exchange of environmental information and green ideas. Earthwatch also enables the global and national actor to assess potential risks and threats to human environment so they may act accordingly (Saunier eds., 2009: 281).

Clearly therefore, the role of Stockholm Conference or UNCHE in placing the environmental issues at the center of global discourse is noteworthy. This event did stimulate the international agencies and governments along with the people to take appropriate measures to protect and enhance the human environment. In the post-1972 era, the *Stockholm*

*Declaration* continues to guide and shape the environmental agreements and regulations at the both global and local levels.

### **Montreal Protocol (1987)**

The Montreal Protocol, entitled as ‘**the Montreal Protocol on Substances that Deplete the Ozone Layer**’, was initially signed in 1987 by the twenty-four countries and the European Community at the Headquarters of the *International Civil Aviation Organisation* in Montreal, Canada. Later, the same treaty was ratified by more than 180 countries. This global agreement is the first of its kinds in the history of environmental protection which was designed to protect the stratospheric ozone layer by reducing the global production, emission and usage of ozone-depleting chemical substances within the stipulated time period. However the *Vienna Convention for the Protection of the Ozone Layer* (1985)—that recognises the responsibility of states to protect the environment and human health from the adverse effects of ozone depletion—set out the framework under which the Montreal Protocol was negotiated. The protocol was thus adopted on September 16, 1987 but it came into force on January 1, 1989 and subsequently amended many times.

The Montreal Protocol recognised the worldwide emission of certain chemical substances that could deplete or substantially modify the earth’s ozone layer in a way that was assessed to adversely impact the environment and human health. Hence, it was aimed at regulating the production and consumption of Ozone-Depleting Substances (ODSs) such as chlorofluorocarbons (CFCs), carbon tetrachloride, halons and methyl chloroform among others. The Parties to the Protocol agreed to reduce the manufacture and usage of CFCs by half of their baseline by 1998 and to phase-out usage of Halon by 1992. However, ten years of relaxation was granted to the developing countries, unlike developed countries, in order to comply with the Protocol phase-out targets. The Protocol also delimited trade of controlled substances (ODSs) in the countries not party to the protocol (Paehlke eds., 1995: 434). Moreover, a unique *adjustment provision* is also included in the protocol which enables the Parties (signatory countries of the protocol) to quickly respond to new scientific information in an effort to “accelerate the reductions required on chemicals already covered by the Protocol. These adjustments are then automatically applicable to all countries that ratified the Protocol” (EPA 2017). Since the enactment of Montreal Protocol, the Parties adjusted and amended the Protocol not just to regulate the ODSs, but also to provide finance resources to

help developing countries in complying with the Protocol's provisions. In addition to the adjustment provision, the signatory countries meet to share important scientific information and monitor the implementation of phase-out resolutions.

### **Rio Conference (1992)**

The '**United Nations Conference on Environment and Development**' (UNCED), also popularly known as the *Earth Summit* or *Rio Conference*, was convened in 1992 in Rio de Janeiro. This global event marked the twentieth anniversary of historical *Stockholm Conference* held in 1972. The Rio Conference, the largest environment conference in UN history, was attended by over 170 government representatives, 35000 environmental activists, politicians and business representatives, along with thousands of journalists and representatives of non-governmental organisations (NGOs) from around the world. The conference negotiated on a wide range of environmental issues ranging from biodiversity, climate change, pollution, forest management, poverty and sustainable use of resources. The foremost purpose of the conference, however, was to reconcile the worldwide developmental goals with the need for environmental protection by evolving a sustainable model of development. The sustainable development is broadly defined as the "development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs" (Paehlke eds., 1995: 504). The conference, therefore, laid down the principles or action plan to enable individuals and the nations to adopt a more environmental-friendly behaviour and policies. And, the attendees nominally committed to promote industrialisation and development in harmony with the nature (Cunningham, et al. 1994: 854-855). The *Declaration on Environment and Development*, the *Convention on Biological Diversity*, the *United Nations Framework Convention on Climate Change*, the *Statement of Principles for the Sustainable Management of Forests* and *Agenda 21* were the main agreements and documents signed at the conference.

### ***Declaration on Environment and Development***

The '**Declaration on Environment and Development**' adopted at the Earth Summit is also widely known as *Rio Declaration* comprising of 27 principles that reaffirmed the Stockholm Declaration and defined the responsibilities of state and non-state actors in safeguarding the planet. In other words, it has urged the nations to pursue a sustainable and environment sensitive developmental agenda on the one hand and encouraged the individuals to live a

more eco-friendly lifestyle on the other. It has further highlighted the need of evolving new levels of global corporation to deal with the emerging environmental challenges, and preserve and restore the earth's ecosystem.

### ***Convention on Biological Diversity (CBD)***

The 'Convention on Biological Diversity', also called *Biological Treaty*, is another significant achievement of the Rio Conference. The convention was opened for signatures in 1992 at the Earth Summit and entered into force on December 29, 1993. The biodiversity exists on Earth in the many forms of life including ecosystem, plants, animals, microorganisms, fungi to genetic diversity. The convention recognises the central role of biological diversity in maintaining the life sustaining systems of the biosphere, and thus it requires the states to initiate measures for the protection and the sustainable use of biological diversity (UN 1992). In other words, the CBD affirms that the preservation of biodiversity is a common concern of humankind demanding collective efforts at all levels (global, national, local and societal levels). This multilateral binding agreement has today been approved by over 190 countries and the European Union.

The Biological Treaty requires all countries to develop their national strategy to protect biodiversity, particularly endangered species. In fact, there are the three key objectives the CBD has set out (for nations) to achieve: first, the sustainable use of biological diversity; second, the conservation of biodiversity; and the last is the "fair and equitable sharing of the benefits arising out of the utilisation of genetic resources" (UN 1992: 3). Overall, the objective is to initiate measures to conserve the biodiversity and also ensure its sustainable use for the benefits of present and future generations. In order to achieve the objectives, the CBD underlines the significance of global technical and scientific corporation amongst the Parties to the Convention. Hence, the international and national institutions are endowed with responsibility to promote corporation in the field of conservation and sustainable use of biodiversity by facilitating the exchange of relevant information, techniques and scientific and socio-economic research (ibid., 11). It is also stated in the Convention that the affluent nations (developed countries) are to be provided additional financial aid and resources to enable the poor nations (developing countries) to be in compliance with the obligation (ibid., 14). In other words, the developed countries were encouraged to share their green technology with developing countries for the better compliance of convention's principles.

The CBD also recognises the significance of the role of indigenous groups and non-governmental organisations in ensuring the conservation and sustainable use of biodiversity. In other words, the informal sector or non-state actors like media, civil society, NGOs and educational institutes should be involved to make people aware about the importance of biodiversity so they should also participate in achieving the objectives of CBD. In order to monitor the progress and continuously revive the plan, the Parties ratified the Convention and agreed to come together every two years. The Secretariat of the Convention on Biological Diversity (SCBD), situated in Montreal, Canada, assists the Parties to develop their strategies, plan their work, set their priorities, organise the meetings, exchange information and techniques and to coordinate with other global organisations. The Executive Secretary is the head of the SCBD.

Initially, most of the developed countries, particularly the USA, were reluctant to ratify this convention as they considered it as an initiative against the growth of their biotechnological industry. As per figures given on the official website of CBD, presently there are 196 Parties and 168 signatories to the Convention dedicated to reduce the global loss of biodiversity. Yet, four nations like USA, Andorra, Iraq, and Somalia are the non-parties that have been labelled against the global ability of conservation and sustainable efforts.

### ***Statement of Principles for the Sustainable Management of Forests***

The ‘Statement of Principles for the Sustainable Management of Forests’ is a non-binding declaration aimed at conserving and protecting the world’s rapidly vanishing tropical forests. It urged the nations to monitor and observe the impact of their development process on forest resources and also encouraged them to take immediate step to recover the damage done to the latter as well as draft policy to minimise the harmful impact of development on forest resources. The mode of development is to be in harmony with nature. In other words, the process of development should not be against the health of forest resources—often called the ‘*lungs of the earth*’. These lungs are not only significant to protect the biological diversity, but also to fight with the environmental challenges like global warming, deforestation and soil erosion etc. Furthermore, forests provide goods and raw materials to the forest-based industries (for instance: woodworking, paper match, silk, sports goods and handicraft etc.) and thus play important role in country economic development. They also play a significant role in maintaining the global carbon cycle by absorbing carbon dioxide (CO<sub>2</sub>)—a principal

greenhouse gas primarily resulted out of human activities—during photosynthesis. Probably that is why the declaration states that forest resources are not only important for any nation’s economic development, but also to maintain all forms of life on earth.

The following key points are contained in the Statement of Principles for the Sustainable Management of Forests:

- All nations should contribute in the “greening of the world” through plantations programme and conservation policies.
- The state and non-state actors have the responsibility to ensure the sustainable forest management.
- Forest resources should be protected and preserved to meet the social, economic, cultural and ecological needs of both present and future generations.
- A special attention should be given to those forest resources which has unique historical, religious, spiritual and cultural importance.
- Nation should initiate proper measures to regulate and control those pollutants that harm forests.

### ***Agenda 21***

Agenda 21 is the most significant agreement signed at the Earth Summit. It is widely recognised as an international blueprint or global plan of action for achieving sustainability in the twentieth century. Over 180 governments agreed to Agenda 21 in 1992 at the Earth Summit. The countries approved the same are to be monitored by the International Commission on Sustainable Development, and are encouraged to promote the agenda 21 at all levels (local, regional, national and global levels). Agenda 21 outlines the actions that international community, governments, non-governmental organisations, international organisations, civil society, and the communities can take to realise the aim of sustainable world (Cunningham et al., 1994: 855). It also recognises the importance of everyone included the governmental agencies, NGOs, civil society, and local organisations among others in building a sustainable future.

Agenda 21 is primarily divided into following four sections (UN 1992: 2.1-40.30):

**Section 1: Social Economic Dimensions** – This section is contained with recommendations for achieving a global cooperation to accelerate sustainable development in developing

countries. It also outlines plan for combating poverty, changing consumption patterns, protecting human health, promoting sustainable human settlement, disseminating knowledge concerning the links between demographic trends and sustainable development and integrating environment and development at all levels (policy making, planning and management).

**Section 2: Conservation and Management of Resources for Development-** This section outlines the areas which are to be conserved and managed in order to achieve sustainable development. It includes the recommended actions for the protection of the atmosphere, integrated approach to the planning and management of land resources, combating, deforestation, managing fragile ecosystems (combating desertification and drought), strengthening knowledge about ecology and sustainable development of mountain ecosystem, promoting sustainable agriculture and rural development, conservation of biological diversity, environmentally sound management of biotechnology, protection of the quality of water resources, environmentally sound management of toxic chemicals, hazardous wastes, solid water and sewage-related issues, and radioactive wastes.

**Section 3: Strengthening the Role of Major Groups** – This section highlights the role of all stakeholders (state and non-state actors) at both global and national levels in achieving sustainable development. It is concerned with the global action for women towards sustainable and equitable development, the role of youth in the protection of environment and promotion of sustainable development, recognizing and strengthening the role of indigenous people in promoting environmentally sound development, strengthening the role non-governmental organisations, local authorities, workers and their trade unions, business and industry, scientific and technical community, and farmers in achieving the sustainable development.

**Section 4: Means of Implementation** – This last and fourth section identifies the means and resources required to ensure and review the implementation of Agenda 21. It is related to financial resources and mechanisms transfer environmentally sound technology, cooperation and capacity building, strengthening and enhancing scientific basis for sustainable development, promoting education, public awareness and training, promotion of national mechanisms and international cooperation for capacity building in developing countries, international institutional arrangements, international legal instruments and mechanisms, and strengthening the exchange of information for decision making.

In this way, Agenda 21 covers a wide number of issues and aspects relating to environmental management and sustainable development. It sketches out the actions, objectives, strategies, activities and means of implementation. It is a very comprehensive—comprised of more than three hundred pages—document aimed at addressing contemporary environmental problems and achieving sustainable development. Agenda 21 has been attributed to broaden the conceptualisation of sustainable development. While emphasising its importance, Maurice Strong—the Conference Secretary-General at Rio—stated that it “stands as the most comprehensive, most far-reaching and, if implemented, the most effective programme of international action ever sanctioned by the international community. It is not a final and complete action programme, but one which must continue to evolve” (Veon 2014).

### **Paris Agreement (2015)**

The Paris Agreement, also known as *Paris Climate Accord* or *Paris Climate Agreement*, was adopted on 12 December, 2015 by 195 nations at the twentieth-first Conference of Parties (COP 21) to UN Framework Convention on Climate Change (UNFCCC). The Agreement is another noteworthy attempt to enhance the implementation of UNFCCC. It offers a new universal legally-binding framework to combat the global threat of climate change and strengthen the globally coordinated efforts towards a sustainable future beyond 2020. In other words, the Paris Climate Agreement is tended to replace the Kyoto Protocol after its second commitment period ends in January 2020. The agreement is primarily aimed at keeping the rise in global temperature to well below 2 degrees Celsius above pre-industrial levels, and limiting the temperature increase to 1.5 degrees Celsius (UN 2015: 3). Also, the agreement intends to strengthen the global capability of dealing with the potential impacts of climate change.

The followings are the other key elements of the Paris Agreement:

- Recognising the limitations of developing countries, the developed nations pledge to quicken the pace of action for reducing emissions to meet the temperature goal.
- The European Union and other developed countries agree to provide continued financial and technological support to developing countries, enabling them to develop their mitigation and adaptation mechanisms.

- The governments are agreed to take appropriate measure to develop the societal capacity of dealing with the impacts of climate change.
- The agreement recognises the significant role of non-state actors or non-party stakeholders like NGOs, civil society, private organisations, and multinational companies in addressing climate change.
- To robust transparency and accountability, the Parties are to be updated each other and the public about their progress of implementing their targets.
- The agreement includes a non-punitive compliance mechanism, supervised by the Committee of Experts (COE).
- The agreement will come into force after 55 countries (contribute at least 55% of global emissions) have submitted their mechanisms of ratification.
- The Parties agree to meet every 5 years to monitor the progress, set more ambitious targets as informed by science and submit the update climate plans.
- It outlines the Pre-2020 Action that has to be followed by the Parties to implement the second commitment period of the Kyoto Protocol till 2020.

It is also maintained in the agreement that its objectives “will be implemented to reflect equity and the principle of ‘common but differentiated responsibilities’ and respective capabilities, in the light of different national circumstances” (Ibid). In other words, the Paris Climate Agreement, like the Kyoto Protocol, recognises different responsibilities of countries, and thus, requiring developed countries (because of their historical contributions to the environmental problems) to take the lead in addressing the challenge of climate change and help the developing countries in their mitigation and adaptation plans. In this way, the agreement underlines the need of equity and fairness as stressed by the developing countries.