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## **The United Nations Conference on the Human Environment**

### **1. INTRODUCTION**

As an introduction, I would remind you that the immediate antecedent to this Conference was the accident involving the sinking of the super oil tanker *Torrey Canyon* in 1967, which caused massive oil pollution of the sea.

The United Nations (UN) reacted to this environmental accident with catastrophic consequences by adopting General Assembly Resolution 2398 (XXIII) of 3 December 1968, entitled "Problems of the Human Environment". In this Resolution, the General Assembly decided to convene a United Nations Conference on the Human Environment in 1972.

The World Conference on the Human Environment, better known as the "1972 Stockholm Conference", was held in Stockholm from 5 to 16 June 1972. One hundred and thirteen Member States of the United Nations Organization participated in this international conference, almost all existing international governmental organiza-



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tions, and also more than four hundred non-governmental organizations.

The 1972 Stockholm Conference marked the emergence of international environmental law and laid the foundations for its subsequent institutional and normative development.

## **2. THE 1972 STOCKHOLM DECLARATION**

The 1972 Stockholm Conference did not adopt any international treaties or binding legal norms. In fact, it only adopted two declaratory, merely recommendatory instruments. The first of these instruments was the Declaration of the United Nations Conference on the Human Environment, better known as the "Stockholm Declaration of 1972".

This Declaration consists of a Preamble and twenty-six principles. In terms of its structure, it is worth noting that: 1) Principle 1 deals with the foundations for action; 2) Principles 2 to 7 set out the objectives to be achieved; 3) Principles 8 to 17 deal with the interconnection of environmental problems with other issues, such as development disparities and the effective protection of human rights; 4) Principles 18 to 20 deal with planning and management at the national level; and 5) Principles 21 to 26 affirm the need for international cooperation.

From the text of the 1972 Stockholm Declaration, the text of three principles should be

highlighted for its subsequent importance. The first principle to be highlighted is Principle 2, which speaks of intergenerational equity in the following terms: "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".

The second principle to be highlighted is Principle 21, which establishes the obligation to prevent transboundary pollution as follows: "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".

The third and final principle to be highlighted is Principle 24, which affirmed the need for international co-operation in the following terms: "

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”.

### **3. THE ACTION PLAN FOR THE HUMAN ENVIRONMENT**

The second recommendatory instrument adopted by the 1972 Stockholm Conference was the Action Plan for the Human Environment, consisting of 109 Declarations structured in three phases. The first phase consisted of an environmental assessment of the problems. To this end, the Action Plan devised a "Watch Plan", the essential elements of which were analysis, research, monitoring and information exchange, and international cooperation.

The second phase concerned environmental management measures. To this end, it identified the various problems to be addressed, establishing the general criteria applicable to the following subjects: 1) Pollution in general; 2) Toxic and hazardous substances; 3) Noise abatement; 4) Food pollution; and 5) Protection of the marine environment.

The third and last phase concerned supporting measures. These measures focused on: 1) Promotion of information; 2) Promotion of environmental education; 3) Promotion of training of specialists; and 4) Establishment of appropriate international institutions.

#### **4. CONSEQUENCES OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT**

The consequences of the UN Conference on the Human Environment were of three types. The first type was the institutional consequences. It is worth mentioning that UN General Assembly Resolution 2997 (XXVII) of 15 December 1972 established the United Nations Environment Programme (UNEP) and set as its main function the promotion of international co-operation in relation to the environment.

The second type of consequences that can be identified was the proliferation of international *soft law* instruments, i.e. instruments that are not legally binding. In this regard, reference can be made to: (1) certain provisions of the 1972 Charter of Economic Rights and Duties of States; (2) the 1978 Principles of Environmental Conduct for the Conservation and Harmonious Utilisation of Natural Resources Shared by Two or More States; and (3) above all, the 1982 World Charter for Nature.

The third type of consequence of the 1972 Stockholm Conference was the proliferation of international *hard law* instruments, i.e. legally binding instruments. It should be recalled in this regard that, in the following years, many international, global and regional treaties were adopted on the following environmental issues: 1)

To protect fresh waters; 2) To combat pollution of seas and oceans; 3) To conserve nature; 4) To combat atmospheric pollution; 5) To control the management and disposal of toxic and hazardous waste; etc.

