

General legal principles declarations and conventions

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The policy of the international community of the states and of international organizations, public or private, is influenced and governed by a number of declarations and principles, promulgated at international conferences, and by general agreements in environmental protection. These statements and principles generally do not have the character of binding provisions which could be executed with the help of international or national court decisions. Only those requirements which have been signed and adopted by states and international organizations in the legal form of a treaty, agreement, or convention have such binding force. But those declarations and principles may not be neglected in international law. They are the basis of political activities and are means for the interpretation and execution of multilateral and bilateral agreements. The main principles on environmental protection may have or gradually gain the character of (binding) international customary law.

Aspects of environmental protection:

- Protection against air pollution
- Protection against Water pollution
- Protection of the Marine environment
- Protection of the Soil
- Protection of animals and plants
- Protection against noise pollution
- Control of waste transport and disposal
- Control of the handling and transport of hazardous substances
- Protection against ionizing and ionizing radiations and radioactive substances including radioactive waste
- Protection of nature, forests, and landscape

International Organizations:

- International Governmental and Non-Governmental Organizations
- United Nations System(UN)
- United Nations Conference in the Human Environment
- United Nations Environment Programme(UNEP) and World Commission on Environment and Development
- Summit Conferences of the Heads of States and Government
- Environmental Ministers of Summit Countries

- Council of Europe(CE)
- Organization for Economic Co-operation and Development(OECD)
- European Communities(EC)
- Nordic Council
- International Union for Conservation of Nature and Natural Resources(IUCN)

United Nations System:

General Assembly:

The global movement of environment protection has received a decisive impulse from the work of the United Nations, its General Assembly, the Economic and Social Council(ECOSOC), the United Nations Conference on Trade and Development(UNCTAD), the Specialized Agencies, and by other subsidiary bodies and commissions. The main role in the United Nations system is played by the General Assembly, which may discuss any question or matter within the United Nations Charter. The results of the Stockholm Conference on the Human Environment of 1972 have been accepted by the General Assembly on 15 Dec. 1972. On the same day the General Assembly decided on the proposals of its Second Committee on the establishment of the United Nations Environment Programme(UNEP), its Governing Council, the Environment Secretariat, the Environment Fund, and the Environment Coordinating Body.

Economic and Social Council:

The Economic and Social Council is charged, under the authority of the General Assembly, by the UN-Charter with promoting in the economic and social fields, especially higher standards of living, full employment, and conditions of economic and social progress and development solutions of international economic, social, health and related problems. Environmental protection has many points of contact with economic and social development and with human health. ECOSOC has therefore made studies, reports, and proposals with respect to environmental protection problems. It has proposed to the General Assembly to convene a United Nations Conference on Human Environment and the establishment of the United Nations Environment Programme (UNEP). The Governing Council of UNEP reports annually to the General Assembly through the ECOSOC, which transmits to the GA such comments on the reports as it may deem necessary, particularly with regard to questions of coordination and to the relationship of environmental policies and programmes within the United Nations system, to overall economic and social policies and priorities.

World Health Organization (WHO):

The WHO, specialized agency of the United Nations, is engaged in the protection of the public against all hazards and harmful effects if the environment.

International Labour Organization:

Food and Agriculture Organization of the United Nations (FAO):

Food and Agriculture Organization of the United Nations (FAO), founded after the Second World War, has pursuant to its Constitution of 16 Oct. 1945 the function to promote and, where

appropriate, to recommend national and international action with respect to “the conservation of national resources and the adoption of improved methods of agricultural production”. In 1973 the FAO Conference has adopted a programme framework “Natural Resource for Food and Agriculture” as a basis for coordinating and development the environmental activities of FAO.

International Atomic Energy Agency (IAEA):

On the basis of the statutory requirements the IAEA published in its Safety Series from 1958 until now more than 70 recommendations on radiation protection and environmental protection.

International Maritime Organization (IMO):

The most important role in the field of the protection of the marine environment within the United Nations system is played by the International Maritime Organization (IMO).

Regional Economic Commissions:

Within the United Nations system the UN Economic and Social Council has gradually established special regional commissions for the economic development of different parts of the world.

General Legal Principles, Declarations, and Conventions (1972-1986):

- United Nations Declaration on the Human Environment, 1972
- General Principles of the European Communities on Environment Protection, 1973
- Nordic Environmental Protection Convention, 1974
- Conference on Security and Co-operation in Europe, 1975
- Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques, 1977
- Declaration of Environmental Policies and Procedures Relating to Economic Development, 1980
- Montevideo-Programme for the Development and Periodic Review of Environmental Law, 1981
- Nairobi-Declaration on the State of World-wide Environment, 1982
- World Charter for Nature, 1982
- Montreal Rules of International Law Applicable to Transfrontier Pollution, International Law Association (ILA), 1982
- Guidelines of the Environmental Ministers of Summit Countries for the Co-operation on International Environmental Policy, 1984
- OECD-Declaration on the Environment: Resource for the Future, 1985
- ASEAN Agreement on Conservation of Nature and Natural Resources, 1985

Some principles of United Nations Declaration on the Human

Environment:The Stockholm Conference adopted without objections the Declaration on the

Human Environment and the related Action Plan of 15. Dec. 1972 by 112 votes to 0 and 10 abstentions. Therefore, this UN-Declaration, consisting of a preamble and 26 principles, has great importance for the development of international law although it does not have the character of a binding agreement. Fundamental right to freedom, equality, and adequate conditions of life in an environment of equality that permits a life dignity and well-being, solemn responsibility to protect and improve the environment for present and future generations.

- Maintaining the capacity of the earth to produce vital renewable resources and safeguarding the non-renewable resources of the earth.
- Environmental policies of all states and of international organizations with respect to the developing countries. Availability of resources of developing countries and additional international technical and financial assistance for the preservation and improvement of the environment. Accelerated development as a remedy against environmental deficiencies.
- Sovereign right of the States to exploit their own resources pursuant to their own environmental policies and 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. Planning of human settlements and urbanization with a view to avoiding adverse effects. International cooperation concerning the protection and improvement of the environment. Coordination by international organizations.

Summary:

- Generally no character of binding provisions.
- Protection of all resources.
- Science and education of environmental protection.
- Comparison between Development and Protection.
- Respect to the developing countries.
- Cooperation in global field.

Appendix:

- IAEA is authorized:
“ to establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, at the request of a State, to any of that State’s activities in the field of atomic energy”.
- United nations declaration on the human environment, 1972

- Fundamental right to freedom, equality, and adequate conditions of life in an environment of equality that permits a life dignity and well-being ; solemn responsibility to protect and improve the environment for present and future generations.
- Safeguarding the natural resources of the earth, including air, water, land, flora, and fauna and, especially, representative samples of nature ecosystem.
- Maintaining the capacity of the earth to produce vital renewable resources.
- Special responsibility for the wildlife and its habitat.
- Safeguarding the non-renewable resources of the earth.
- Struggle against pollution; protection of the ecosystems against the discharge of toxic substances or of other substances and the release of heat.
- Prevention of sea pollution.
- Economic and social development.
- Accelerated development as a remedy against environmental deficiencies.
- Essential means for environmental management for developing countries.
- Environmental policies of all states and of international organizations with respect to the developing countries.
- Availability of resources of developing countries and additional international technical and financial assistance for the preservation and improvement of the environment.
- Integrated and coordinated approach of the states to their development planning to ensure compatibility with the human environment.
- Rational planning for reconciling any conflict between development and environmental protection.
- Planning of human settlements and urbanization with a view to avoiding adverse effects.
- Demographic policies.
- Planning, managing, and controlling the environmental resources of states by appropriate national institutions.
- Application of science and technology.
- Education in environmental matters.
- Scientific research and development in the context of environmental problems.
- Sovereign right of the States to exploit their own resources pursuant to their own environmental policies and 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.
- Cooperation of States for the further development of international law regarding liability and compensation for environmental damage.
- Consideration of the system of values and applicability of standards valid for the most advanced counties but probably inappropriate for developing countries.
- International cooperation concerning the protection and improvement of the environment.
- Coordination by international organizations.
- Protection of man and his environment against nuclear weapons and all other means of mass destruction.

