

APPRAISAL OF SELECTED INTERNATIONAL CONVENTIONS ON ENVIRONMENT AND THEIR IMPACTS ON THE SUSTAINABLE HEALTHY ENVIRONMENT*

Abstract

This paper examines selected International Conventions and their impacts on the sustainable healthy environment. The Conventions include: the Stockholm Conference of 1972, the Rio Declaration of 1992, Johannesburg Summit of 2002 among others. The paper adopted a doctrinal method of research wherein various textbooks, journals and online materials were examined. The paper discovered that there are various conventions that have been held under the umbrella of various world leaders which led to beautiful pronouncements on how the environment is to be handled and obligations imposed on countries to enact law to ensure sustainable healthy environment but these conventions do not have a mean of enforcing compliance on members countries and as a result environment continued to be degraded at the expense its sustainability. It was based on the foregoing that this paper recommends among others that there should be a police body to be established by United Nations Organizations to monitor activities that affect the environment and sanctions to countries that default.

Keywords: International Conventions, impacts, sustainable, healthy environment.

1. Introduction

Modern international environmental law can be traced directly to international legal documents which took place in the second half of the nineteenth century. Environmental movement has made considerable progress from the first green peace protest involving six people and a boat in 1971 to the environmental conference of today involving the world leaders and commanding global attention. In order to curtail exploitation of natural resources, the world has come up with various conventions geared towards controlling the use of resources to meet present and future. These conventions are put in place to curtail environmental degradation and to ensure a sustainable healthy environment. Convention is the Stockholm Conference of 1972¹, the Rio Declaration of 1992, Johannesburg Summit of 2002 among others.

The Stockholm Conference is popularly referred as the World Conference. This Conference appeared to have created environmental awareness culture on Europe, United States and Canada on the danger of environmental abuse. However, in Africa, particularly in Nigeria though our leaders acceded to this Convention, it appeared that outcome of the Convention was treated with kid-glove until the unfortunate Koko incidence of 1988. The incident was an eye opener to Nigerians and the Nigerian government on the dangers of exposing the environment to toxic waste and the need to put in place laws that will not only protect the environment but laws that will punish offenders.

The paper will appraise the selected international conventions on environment and their impacts on the sustainable healthy environment. In order to appreciate the topic under the discourse, the paper shall do an introduction and examine the keywords for the purpose nailing the points and outline the challenges and the way forwards.

2. International Conventions on Environment

Major international conventions on environment that Nigerian has acceded to are:

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¹ The Conference was held in Sweden in 1972.

2.1 United Nations Conference on the Human Environment. This Convention is also called the Stockholm² Conference. Stockholm Conference is the first world conference on the environment. The conference was held in Sweden. It was the first World conference to make the environment a major issue. The participant adopted series of principles for sound management of the environment including the Stockholm declaration and action plan for the human environment and several resolutions. The Stockholm declaration contains 26 principles.³ The significance of the Stockholm Conference is that it placed environmental issues at the fore front of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth and pollution of the air, water and oceans and the well being of the people around the world.

One of the major results of the Stockholm conference was the creation of the United Nations Environment Programme (UNEP). Another seminal issue that emerged from the conference is the recognition of poverty alleviation for protecting the environment. The Stockholm conference motivated countries around the world to monitor environmental conditions as well as to create environmental ministries and agencies. One of the challenges of this conference despite its institutional accomplishments is the failure to implement most of its action programme. Apart from that the Conference declarations contain sound principles and beautiful proclamations, the wordings of the declarations are unclear and ambiguous. This is undoubted because almost 28 years since adopting the declarations, the condition of the environment has worsened, carbon emission has increased by 26% since 1970 followed by global warming with its detrimental effects.

2.1 The Rio Declaration of 1992

The Rio declaration on environment and development⁴ was a short document produced at the 1992 United Nations Conference on Environment and Development (UNCED) informally known as Earth Summit. The Rio Conference took place from 3rd to 14th June 1992. Subsequently the international community has met twice to assess the progress made implementing the principles of the documents

² Report of the United Nations Conference on the Environment ,Stockholm held 5-6th June 1972,Chapter 6 Section 5 accessed 14th Nov. 2023

³

1. Human rights must be asserted, apartheid and colonialism condemned
2. Natural resources must be safeguarded
3. The Earth's capacity to produce renewable resources must be maintained
4. Wild life must be safeguarded
5. Non renewable resource must be shared and not exhausted
6. Pollution must not exceed the environment capacity to clean itself
7. Damaging oceanic pollution must be prevented
8. Development is needed to improve the environment
9. Developing countries need assistance
10. Developing countries need reasonable process for exports to carry out environmental management
11. Environment policy must not hamper development
12. Developing countries need money to develop environmental safeguards
13. Integrated development planning is needed
14. Rational planning should resolve conflicts between environment and development
15. Human settlements must be planned to eliminate environmental problems
16. Governments should plant their own appropriate population policies
17. National institution must plan development of states natural resources
18. Science and technology must be used to improve the environment
19. Environmental education is essential
20. Environmental research must be promoted particularly in developing countries.
21. States may exploit their resources as they wish but must not endanger others
22. Compensation is due to states thus endangered
23. Each nation must establish its own standard
24. There must be cooperation on international issues
25. International organisations should help to improve the environment
26. Weapons of mass destruction must be eliminated

⁴ The Rio Declaration was held in June, 1992.

first in New York city in 1997 during a general assembly session of the United Nations and then in Johannesburg in 2002. The Rio Declaration on environment and development aimed at re-affirming the declaration of the United Nations Conference on the Human Environment adopted at Stockholm on June 1972.

The conference brought together political leaders, diplomats, scientific representation of the media and non-governmental organization. The earth summit included the concept of sustainable development as an attainable goal for all people of the world regardless of whether they were at the local, national, regional or international levels. It also recognized that integrating and balancing economic, social and environmental concerns in meeting our needs is vital for sustain human life on the planet and that such integrated approach is possible. The Convention made declaration on sustainable use. One of the major results of the UNCED Conference was Agenda 21, a daring programme of action that called for new strategies to invest in the future to achieve overall sustainable development in the 21st century.

The Conference noted that human beings are at the centre of concerns for sustainable development they are entitled to a healthy and productive life in harmony with nature.⁵ It acknowledged that even though the sovereign rights of States under the charter of the United Nations Charter and the principle of international law extend to exploitation of their own resources pursuant to their own environmental and development 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.⁶ In this light the right to development must be fulfilled so as to equitably meet development and environmental needs of present and future generation.⁷ In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.⁸ All states and all people shall co-operate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.⁹ The special situation and need of developing countries, particularly the least developed and those most environmentally vulnerable shall be given special priority, international actions in the field of environment and development should also address the interests and needs of all countries.¹⁰ States should co-operate in the spirit of global partnership to conserve, protect and restore the health and integrity of the earth's ecosystem. In view of the different contributions to global environmental degradation states have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear on the international pursuit of sustainable development in view of the pressures their society place on the global environment and of the technologies and financial resources they command.¹¹ To achieve sustainable development and a higher quality of life for all people states should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.¹²

It is the desire of the Conference that States should co-operate to strengthen endogenous capacity building for sustainable development by improving the development, adaptation, diffusion and transfer of technologies including new and innovative technologies.¹³ Environmental issues are best handled

⁵ Principle 1 of the Rio Declarations 1992

⁶ Principle 2

⁷ Principle 3

⁸ Principle 4

⁹ Principle 5

¹⁰ Principle 6

¹¹ Principle 7

¹² Principle 8

¹³ Principle 9

UDUDE & OGWALE: *Appraisal of Selected International Conventions on Environment and their Impacts on the Sustainable Healthy Environment*

with the participation of all concerned citizens at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities; including information on hazardous materials and activities in their communities and the opportunity to participate in decision making process .states shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings including redress and remedy shall be provided.¹⁴ States shall enact effective environmental legislation. Environmental standards, management objectives and principles should reflect the environmental and developmental context to which they apply. Standard, applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries in particular developing countries.¹⁵ States should co-operate to promote a supportive and open international economic system that would lead to economic growth and sustainable development countries, to better address the problems of environmental degradation. Trade policy measures for environmental purpose should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing countries should be avoided. Environmental measures addressing trans-boundary global environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.¹⁶

The Conference encouraged States to develop national law regarding liability and compensation for the victim of pollution and other environmental damages, states shall also co-operate in an expeditions and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities without their jurisdiction or control of areas beyond their Jurisdiction.¹⁷ States should effectively cooperate to discourage or prevent the relocation and transfer to other states of any activities and substance that cause severe environmental degradation or are found to be harmful to human health.¹⁸ In order to protect the environment the precautionary approach shall be widely applied by states according to the capabilities, where there are threats of serious irreversible damage; lack of full scientific certainty shall not be used as a reason for postponing cost- effective measures to prevent environmental degradation.¹⁹ National institutions should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking in to account the approach that the polluter should in principle bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.²⁰

The Conference mandate States to initiate environmental impact assessment as a national instrument shall be undertaken for proposed activities that are likely to produce sudden harmful effects on the environment of those states. Every effort shall be made by the international community to help states so afflicted principle.²¹ States shall immediately notify other states of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those states. Every effort of the state shall be made by the international community to help states so- afflicted.²² States shall provide prior and timely notifications and relevant information to potentially affected states on activities

¹⁴ Principle 10

¹⁵ Principle 11

¹⁶ Principle12

¹⁷ Principle13

¹⁸ Principle14

¹⁹ Principle15

²⁰ Principle16

²¹ Principle17

²² Principle18

that may have significant adverse trans-boundary effect and shall consult with those states at an early stage and in good faith.²³ Women have a vital role in environmental management and development their full participation is therefore essential to achieve sustainable development.²⁴ The creativity, ideals and courage of the youths of the world should be mobilized to forge a global partnership in order to achieve sustainable development to ensure a better future for all.²⁵ Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interest and enable their effective participation in the achievement of sustainable development.²⁶ The environment and natural resources of people under oppression, domination and occupation shall be protected.²⁷ Warfare is inherently destructive of sustainable development, state shall therefore respect international law providing protection for the environment in times of armed conflict and co-operate in its further development as necessary²⁸ peace, development and environmental protection are interdependent and indivisible.²⁹ State shall resolve their environmental dispute peacefully and by appropriate means in accordance with the charter of the United Nations.³⁰ The Conference encouraged States and people shall co-operate in good faith and in a spirit of partnership in the fulfillment of the principles embodied in this declaration and in the further development of international law in the field of sustainable development.³¹

The Rio Declaration contributed to:

- a. giving life to environmental impact assessment of project before it is undertaken.³²
- b. helps lay the foundation for domestic legislation on environment.³³
- c. discourage trans-boundary movement of waste and urges states to provide information in good faith and on time.³⁴
- d. entrenching the principle of co-operation amongst states.³⁵
- e. entrenching the need for sustainable development, this is the entire purport of sustainable development

2.3 Johannesburg Summit ³⁶

The world summit on sustainable development 2002 took place in South Africa, from 26 day of August to the September 2002; this conference was the 16 year old anniversary follow up to the Rio Earth Summit. it is therefore nicknamed Rio +10. The goal of the summit was to regenerate at the highest political level, a global commitment to sustainable development and to accelerate action to implement agenda 21. Agenda 21 was the principal agreement to emerge in order to fulfill basic needs, improve living standards for all and better manage and protect ecosystems for long term sustainability. The Johannesburg summit is no longer an environment summit but has become a platform to look at long term sustainable development particularly the linkage between sustainable growth and poverty reduction.

²³ Principle19

²⁴ Principle20

²⁵ Principle21

²⁶ Principle22

²⁷ Principle23

²⁸ Principle24

²⁹ Principle25

³⁰ Principle26

³¹ Principle27

³² Principle 17 of the Rio Declaration 1992

³³ Principle 13 of the Rio Declaration 1992

³⁴ Principle 14 and 19

³⁵ See principle 12

³⁶ World summit on sustainable development,2002

The Johannesburg declaration was the main outcome of the Summit; however there were several other international agreements. It laid out the Johannesburg plan of implementation as an action plan. This summit brought together thousands of participants including heads of state and government, national delegates and leaders from non-governmental organizations, business and other major groups to focus the world's attention and direct action towards meeting difficult challenges including improving people's levels and conserving our natural resources in a world that is growing in population with ever increasing demands for food water, shelter, sanitation, energy health, service and economic security.

2.4 The Conference on the Protection of the Ozone Layer, Vienna 1985

In 1985, scientist discovered a growing hole in the ozone layer over Antarctica. The depletion of the ozone layer can have adverse effects on the environment and cause skin cancer in humans, the issue became widely discussed and culminated in the Vienna convention. The conference on the protection of the ozone layer adopted the Vienna Convention for the protection of the ozone layer which was signed in Vienna, Austria and the UN headquarters on New York, USA. The agreement was framed to reduce chlorofluorocarbon production worldwide and is viewed as one of the most successful treaties because of approval from 197 countries. The meeting encouraged international co-operation and set the stage for the Montreal protocol, an international treaty, adopted in 1987 in Montreal Canada. The protocol has resulted in the phasing out of 99% of chemicals that deplete the ozone shields in products globally.

2.5 The Millennium Summit 2000

It was held in the year 2000, and aims at explaining the United Nations changing role at the beginning of the 21st century. It was one of the largest gatherings of world leaders and led to the establishment of Millennium Development Goals (MDG) and they are called millennium declarations and they include:

- a. Eradicate extreme poverty and hunger.
- b. Achieve universal primary education.
- c. Promote gender equality and empowerment.
- d. Reduce child mortality.
- e. Improve material health.
- f. Combat HIV/AIDS, Malaria and other disease.
- g. Ensure environmental sustainability.
- h. Develop a global partnership for development.

This summit main objective was to consolidate the commitment of the international community and strength partnerships with government and civil society to build a world with no one left behind, the summit reiterates the fact that we must put people at the centre of everything we do.

2.6 Copenhagen Climate Change Conference

This is United Nations Climate Change Conference otherwise known as the Copenhagen Summit, was held at the Bella Centre in Copenhagen, Denmark between 7 and 18 December 2009. The conference include the 15th session of the conference of the parties (COP 15) to the United Nations framework convention on climate change (UNFCCC) and the 5th session of the conference of the parties serving as the meeting of the parties (MP5) to the Kyoto protocol. In this convention a framework for climate change mitigation beyond 2012 was to be agreed there. The Copenhagen Accord was drafted by the United States, China, India, Brazil and South Africa on 18 December and Judged a meaningful agreement by the United States government. It was taken note of but not adopted in a debate of all the participating countries the next day and was not passed unanimously. The document recognized that

climate change is one of the greatest challenges of the present day and actions should be taken to keep any temperature increase to below 2c⁰. The document is not legally binding and those not contain any legally binding commitments for reducing Co₂ emission.

Despite widely held expectations that the Copenhagen Summit would produce a legally binding treaty, the conference was plagued by negotiating dead lock and the resulting Copenhagen accord which is not legally enforceable. The failure of the summit may be attributed to the recent global recession and conservative domestic pressure in the U.S and China. The Copenhagen Summit has its aim of coming up with a deal to replace the Kyoto protocol, a deal which is to expire in 2012. Though the summit did not result in the historic deal which millions of people had hoped for, but there were some signs of progress which should not be over looked, accordingly the Summit:

- a. recognized the scientific case for keeping global temperature rises below the 2 c danger threshold. One of its weaknesses is that the accord did not set any emission Targets to achieve this limit so countries did not have to commit to anything in particular. The deal was not binding so countries can only sign it upon voluntary basis.
- b. preserved the legally binding Kyoto protocol.
- c. The accord aims to provide funds to help developing nations adapt to climate change.
- d. They also agreed to provide finance to help prevent deforestation which account for about 17% of carbon emission.

2.7 Kyoto Protocol 1997

The Kyoto protocol was a global agreement on the reduction of the main green gas emission that are linked to climate change and global warning, the original meeting took place in Kyoto Japan in 1997, when 110 governments agreed that industrialized countries should cut their greenhouse gas emission by an average of 5.2% from the 1990 level by the years 2008-2017. The Kyoto protocol was the first international treaty to set a legally binding target to cut greenhouse gas emission it was finally ratified by 183 countries and the EC. The United States of America was not one of them despite having the world's biggest economy and emitting the 2nd largest amount of green house gases/ carbon. It was signed as a framework accord in 1997 but did not come into effect until Feb 2008. The Kyoto agreement provided a legal distinction between developed and developing nations which the poor countries wanted to maintain. It placed a clear responsibility on the shoulders of rich nations committing them to reduce overall emission of 6 categories of greenhouse gases by at least 5% by 2008-2012 compared to 1990 levels. Developing nations did not have any binding targets to meet; they were only expected to attempt to develop in clean ways. U.S.A did not ratify the Agreement

2.8 Espoo Convention

The convention on environmental impact assessment in a transboundary contest (informally called the Espoo convention) is a United Nations Economic Commission for Europe (UNECE) Convention signed in Espoo Finland, in 1991 that entered into force in 1997. The convention sets out the obligations of parties that is states that have agreed to be bound by the convention to carry out an environmental impact assessment of certain activities at an early stage of planning. It also lays down the general obligation on all major projects under consideration that are likely to have a significant adverse effect on environmental impact across boundaries

2.9 The Biological Weapons Convention (BWC) or Biological and Toxin Weapons convention (BTWC)

The Biological Weapons Convention (BWC) or Biological and Toxin Weapons convention (BTWC) is a disarmament treaty that effectively bans biological and toxin weapon by prohibiting their

development, production, acquisition, transfer, stock piling and uses. It came into force on 26 March 1975, the BWC was the first multilateral disarmament treaty to ban the production of an entire category of weapons of mass destruction the convention is of unlimited duration.

2.10 Convention for the Conservation of Antarctic Marine Living Resources

The Convention on the Conservation Antarctic Marine living resources, also known as the commission for the conservation of Antarctic Marine Living resources, and CCAMLR is part of the Antarctic treaty system. The goal of the convention is to prevent pressure to marine life and environmental integrity in and near Antarctica

3. Contributions of the Selected Conventions Sustainable Healthy Environment

The Stockholm Conference and selected other conventions discussed above set the scene for international activities at the regional and global level, and influenced legal and institutional development. Nigerians owing to these conferences and in order to fulfill their obligations under the conventions enacted these laws to safeguard their environment. The laws are:

- a. Environmental Impact Assessment Act.³⁷
- b. Harmful Waste (Special Criminal Provisions Act).³⁸
- c. National Environmental Standards and Regulations (Establishment) Act.³⁹
- d. National Environmental Protection of Endangered Species in International Trade Regulations.⁴⁰
- e. National Environmental Soil Erosion and Flood Control Regulations.⁴¹
- f. National Environmental (Desertification Control and Drought Mitigation Regulations 2011.
- g. National Environmental (Control of Bush, Forest Fire and Open Burning Regulations).
- h. Inland Fisheries Act.⁴²
- i. Nigeria Minerals and Mining Act 2007⁴³ and many others.

The Stockholm conference led to a greater effort by existing institutions to address environmental issues thus the development of new techniques for implementing environmental standards including Environmental Impact Assessment Acts of States. The Rio Conference led to the integration of environmental concerns into all activities. One of the major policies of the Rio Conference is Agenda 21. Agenda 21 is the major policy instruments by the United Nations to promote sustainable developments. it recommended the creation of commission of sustainable development and new coordinating mechanism among the UN and other bodies. The Paris Convention, Compenhagen Climate Change Conventions and the Kyoto Protocol have led to state parties adopting and implementing laws to reduce emissions and thus create a low carbon economy. In Nigeria, these conventions influenced the making of the 2021 Climate Change Act, National Agriculture Resilience Framework, other various Policies geared towards securing and protecting the environment

The Johannesburg Summit led to more domestication of Environmental laws and provides sanctions for defaulters. The conventions has led to the creation of awareness on certain acts that endanger the environment and has also made laws or mandated state parties to make laws to protect the environment.

³⁷ This act was enacted in 1992

³⁸ This was enacted in 1988 following the koko toxic waste saga

³⁹ Enacted in 2007

⁴⁰ Enacted 2011

⁴¹ 2011

⁴² CAP c110 LFN, 2004

⁴³ CAP N 162, LFN 2003

4. Findings

From this seminar topic and after a thorough research on the various conventions on the environment, i make these findings:

- a. That the health of the environment is a concern for all and this has led to the world body organizing various conventions.
- b. That these conventions only become binding when the state parties accedes to it, as they reserve the right not to accede to it, a case study is the Kyoto protocol in which the united states which is the chief emitter refused to ratify.
- c. The conventions have beautiful declarations that if it is acceded to will make the world environment healthy and safer to live in.
- d. The convention are all toothless bulldog as there are no mechanism (Enforcement wise) put in place to curtail pollution of the environment and no stringent punishment meted out to defaulters to serve as a deterrent to other.
- e. There has been a failure of the world bodies to address the issue of ignorance; climate education has been relegated to the background.

5. Conclusion and Recommendations

Environmental health and wellness is a major concern for all, various activities carried out by man/ states endanger, the environment, this has led as can be seen to various conventions ranging from Stockholm Conference to the Millennium Summit of 2000, all these conventions make beautiful declarations, it is imperative that the world body puts in more effort to ensure that the bodies/ states that accedes to the convention adhere strictly to the letters and spirit of the convention and there should also be a form of punishment for states that refuse to accede to it.

Following from the findings and conclusion, it hereby recommended as follows:

- a. The world body should put in place an enforcement mechanism that will mete out stringent punishments to defaulters to serve as a deterrent to others.
- b. Once a body accedes to a convention there should be established by the world body a monitoring agent that will ensure that the latter and spirit of the convention is adhered to strictly.
- c. The people should be educated on the dangers of some of the activities they engage in, they should be tutored on the need to always have in mind the health of the environment before embarking or carrying out activities, the people should also be included in decision and policies that affect them.
- d. Access to justice victims of environmental disaster should be granted access to courts in order to ensure that justice is served.
- e. Climate change education should be made paramount.