

Strengthening Environmental Governance and Law

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**Stockholm from 1972
to 2022: 50 years of
environmental policies**



**50 YEARS SINCE
STOCKHOLM IN 1972-
WHERE ARE WE NOW ON
ENVIRONMENTAL
GOVERNANCE?**



As articulated in UNGA 2398, (1968), drafted by Sweden's UN delegation, a main motivation for organizing a global conference was

- “...to provide a framework for comprehensive consideration within the United Nations of the problems of the human environment in order to focus the attention of Governments and public opinion on the importance and urgency of this question and also to identify those aspects of it that can only, or best be solved through international co-operation and agreement”
- And NGOs were to be consulted

On the 16th of June 1972, in Stockholm, Sweden

the “United Nations Conference on the Human Environment,” closed and the establishment of UNEP was a fact

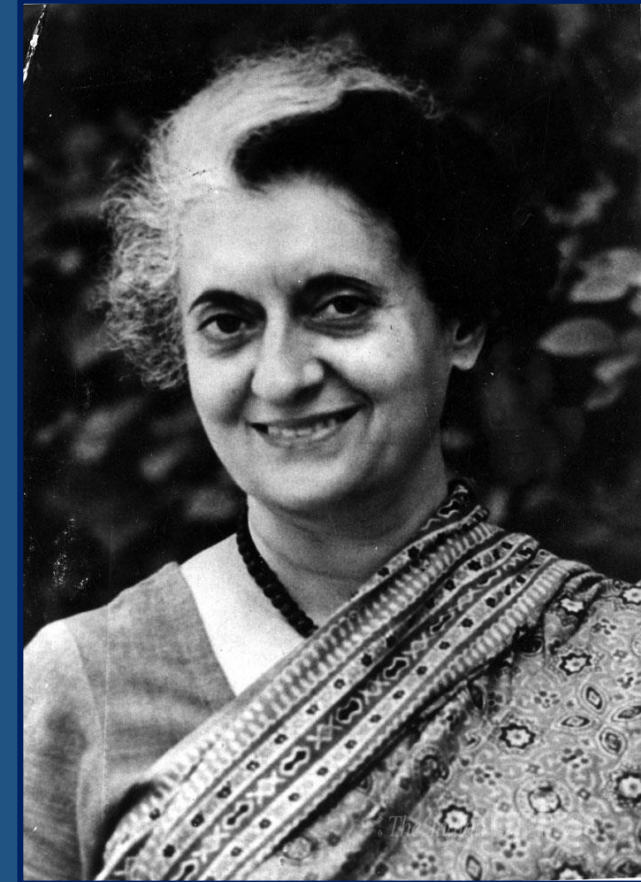


UNEP's headquarter was established in Nairobi,
Kenya and began its operations in 1973



50 years have elapsed since the Stockholm 1972 Conference and the birth of UNEP – Stockholm + 50 will celebrate 50 years of environmental work

- From the opening session of the Stockholm Conference in 1972, Indira Gandhi, Prime Minister of India speaking, and a picture of her in 1972 (far right), and UNEP's first Executive Director, the Canadian Maurice Strong (below).



Stockholm - outcomes in 1972



UNEP

United Nations Environment Programme

June 5 to June 16, 1972 – outcomes & participants

- A Declaration with 26 principles
- A 109-paragraph strong action plan
- 5 resolutions
- An estimated 10 000 participated – in all

- 113 countries (UN 132 members in 72)
- More than 250 NGOs
- Three civil society forums, one official, two self organised



The outcomes - from the Declaration – its 26 principles:

- Principles 1 and 2 on **intergenerational** obligations.
- 3, 5 and 6 also point to a **social responsibility**
- 11, stating that **national environmental policies** should enhance and **not adversely affect** the present or future development potential of developing countries. (later green conditionality)
- 12 on the concept of “**additionality**” in development assistance, meaning donors would earmark additional funds for environmental protection measures.
- 21 that states have the **sovereign right to exploit their own resources** within their own environmental policies but with the responsibility to ensure **activities do not cause damage** to the environment of other states or of areas beyond the limits of national jurisdiction (transboundary responsibility).

The Stockholm outcomes

The Action Plan - 6 broad issues

- human settlements,
- natural resource management,
- pollution of international significance,
- educational and social aspects of the environment,
- development and environment,
- international organizations.

Five resolutions called for:

- A ban on nuclear weapon tests that may lead to radioactive fallout.
- An international databank on environmental data.
- The need to address actions linked to development and environment.
- International organizational changes.
- The creation of an environmental fund.

The Legacy of the 1972 Conference summed up:

- The environment firmly on the global agenda;
- The beginning of environmental governance: It was the first time civil society was allowed to address an official plenary at an intergovernmental conference – this changed the nature of all successive UN meetings;
- Environmental law was given an institutional home;
- Science and environment got a 'home', assessments began; and
- Environmental diplomacy began.



Olof Palme Swedish PM, 1972 / From the plenary in Stockholm

- **Why did we get the Stockholm Conference in 1972?**

- (among several reasons – a reaction to a number of environmental disasters)



A cold war was raging in the world outside of the negotiations

Demonstrations against the war in Vietnam



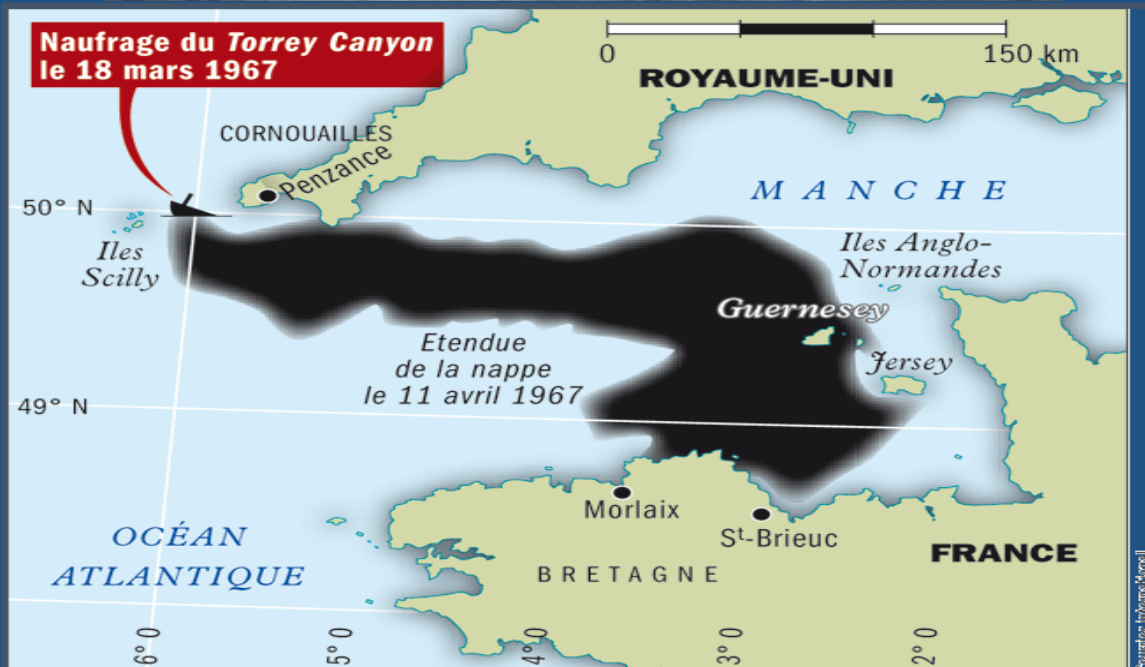
Demonstrations to save the rainforest



The year is 1969, the Cuyahoga River in Cleveland, Ohio, burns again. It was its 13th fire since 1868.



1967 - Torrey Canyon – 119 000 tonnes of crude oil spilled
1961 - Minamata –thousands of dead, mercury poison



1945 - 1960	1960 - 1970	1970 - 1990	1990 - 2000	2000 - 2022
<p>1952 – The great smog in London – 4000 dead;</p> <p>1953 Drought in India and Pakistan, hunger</p>	<p>1961 – Minamata, Japan, Mercury poisoning through 40 years.</p> <p>1967 Torrey Canyon 120 000 tonnes of crude oil in the ocean (British Channel)</p>	<p>1972/73 Drought, Africa,</p> <p>1974 Flyborough, UK, explosion, chemical plant</p> <p>1976 Seveso, Italia, explosion, 1979 Three Miles Island, NY, nuclear, almost</p> <p>1984 Bophal, India, thousands dead</p> <p>1986 Chernobyl, Ukraine</p> <p>1989, Exxon Valdez, US</p>	<p>Cautious optimism, East-West rapprochement, new axis – East-West-North South, Unanimous decisions in the Security Council</p>	<p>2010 – Deep Water Horizon, Mex Gulf;</p> <p>2007 – extreme drought in Africa, hunger</p>
<p>1948, IUCN, established in France</p>	<p>1961 WWF, Switzerland</p> <p>1961 Amnesty, UK</p>	<p>1970 – EPA, US</p> <p>1971 Greenpeace, Canada</p> <p>1972 – Environment Min</p> <p>1984 Third World Network, Malaysia</p>	<p>1994 S. Africa Environmental Justice Network Forum</p>	<p>Civil society challenges and is excluded Democracy is threatened</p>
<p>1946 -The International Convention for the Regulation of Whaling (1937 – 1948)</p>	<p>1954 – The convention against oil –spills and dumping. Upgraded several times</p>	<p>1971, Ramsar, wetlands</p> <p>1972 Stockholm, UNEP</p> <p>1973 CITES</p> <p>1987 Our Common Future - Brundtland</p>	<p>1992 UNCED</p> <p>1985-87 Ozone</p> <p>92 UNFCCC</p> <p>92 UNCBD</p> <p>94 UNCCD</p> <p>98 Aarhus</p> <p>89-01 UN BRS</p>	<p>2000/01 MDG</p> <p>2002- UN WSSD</p> <p>2005 – UNCHR</p> <p>2012 Rio+20</p> <p>2013 Minamata</p> <p>2014/15 – SDGs</p> <p>2022 The plastics convention</p>

Legacy area 1, Environmental law



- Governments also called for a **10-year moratorium** on whaling in Stockholm.
- “The Convention on the Prevention of **Marine Pollution** by Dumping of Wastes and Other Matter” (the "London Convention") agreed later in 1972, one of the first global conventions to protect the marine environment from human activities, in force since 1975’
- Governments agreed on the International Convention for the **Prevention of Pollution from Ships** (MARPOL) in 1973, another treaty on marine pollution.
- **World Heritage Convention of 1972** (UNESCO) linking together in a single document the concepts of nature conservation and the preservation of cultural properties.
- **The Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)** (IUCN, 1963) opened for signatures in 1973, into force in 1975
- **The Ramsar Convention on Wetlands, 1971, into force in 1975**

The Stockholm conference gave an immediate boost to work on environmental conventions

It inspired the development of numerous declarations

- The 1982 UN World Charter for Nature
- The 1992 Rio Declaration, Agenda 21
- The 2000 Malmoe Ministerial Declaration
- The outcome document from the World Summit on Sustainable Development, and the Johannesburg Plan of Action. 2002
- The Future we Want – the outcome Document from Rio+ 20, 2012
- Transforming our world: the 2030 Agenda for Sustainable Development



The growing understanding for environmental law

- These and other declarations serve as **basic normative frameworks for subsequent global environmental gatherings**, and they **reinforce the normative significance of the concepts common to these instruments**
- These declarations and documents represent major milestones in the evolution of international environmental law in what may be called the “modern era” of international environmental law
- By building on each other, and expanding the understanding, the concepts attain a wider significance – the **UNCBD of 1992 - whose principles of conservation are informed by the “intrinsic value” of every form of life regardless of its worth to human beings.**
- The Stockholm Declaration tried to include an unambiguous reference to an environmental human right, but it was rejected.

- Legacy area 2
Science and
environment



Convincing all countries, especially the Non-Aligned group, to participate and discuss global environmental issues, science played a crucial role.

- Four years of preparing the conference in 1972 **rested on reports and input from a broad array of experts and scientific institutions** in a global effort to generate a comprehensive body of knowledge on the human environment, resulting in more than 20,000 pages of documentation from experts around the world being amassed and distilled into 800 pages of official material for Conference delegates.
- This process and the Conference itself proved to be a watershed event in the **influence of science on international environmental policymaking**.



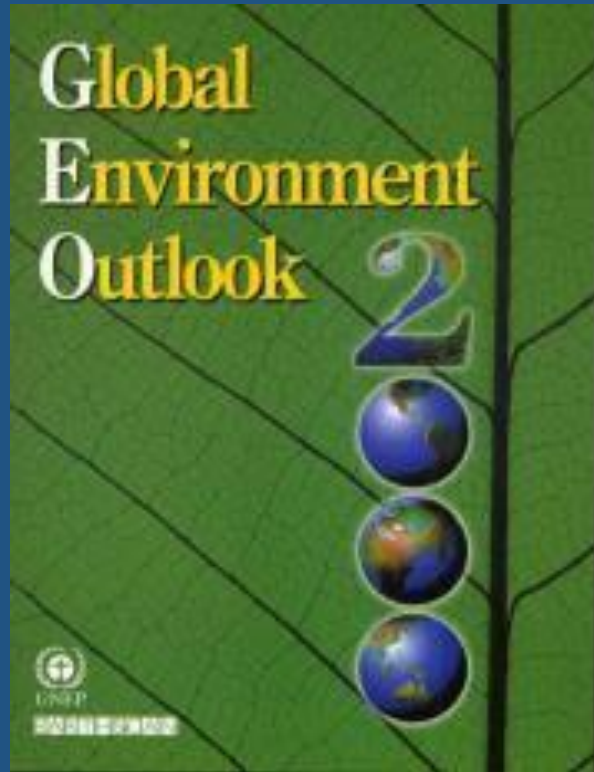
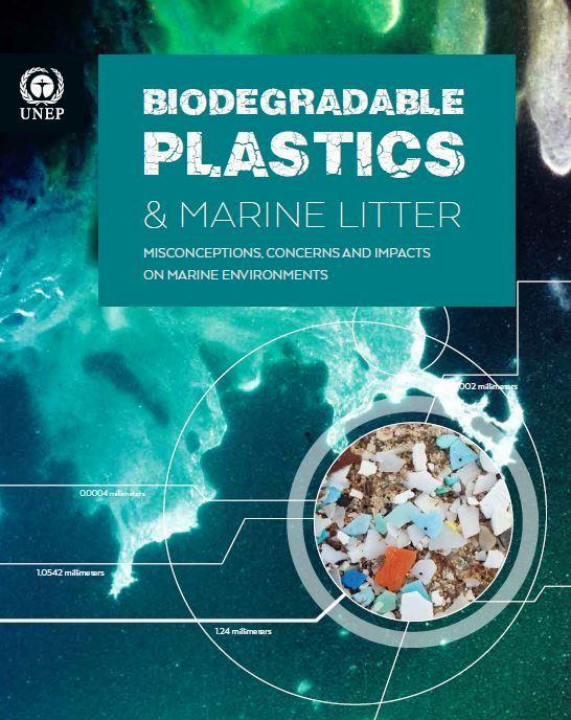


UNGA resolution 2398 calling for the Stockholm conference to be organised said a key purpose for the conference was to:

Cultivate and mobilize even greater scientific knowledge to expose and understand the impacts of modern society on humans and their environment and foster public awareness and political engagement to combat the crisis.

- Acid rain devastating forests – a transboundary issue – a test concerning transboundary cooperation – there were few national reports, and to be successful at Stockholm, each country was asked to prepare national scientific reports – now a standard procedure at UNEP and HLPF.
- 80 national reports were submitted in 1972 – a first at any conference.





A few of UNEP's science-based reports

Legacy area 3 – Environmental governance and public participation



The Stockholm conference was the first to allow civil society to address the official plenary on a regular basis

- All subsequent UN conferences would have parallel NGO conferences and allow participation in the official meetings
- This led to the creation of the nine major groups, agreed to at UNCED in Rio 1992
- This also led to numerous partnerships between UNEP and non-state stakeholders



The UN to engage the public at large

- The UN had begun to seriously work out a strategy to engage and interest the general public in the works of the UN;
- On December 13, 1969, the UNGA adopted UN GA Resolution 2567 on “Mobilization of Public Opinion”. The resolution addressed the need to consult with NGOs through a newly established UN entity – Centre for Economic and Social Information, CESI; and
- CESI would come to be working closely with UNEP in engaging the public.

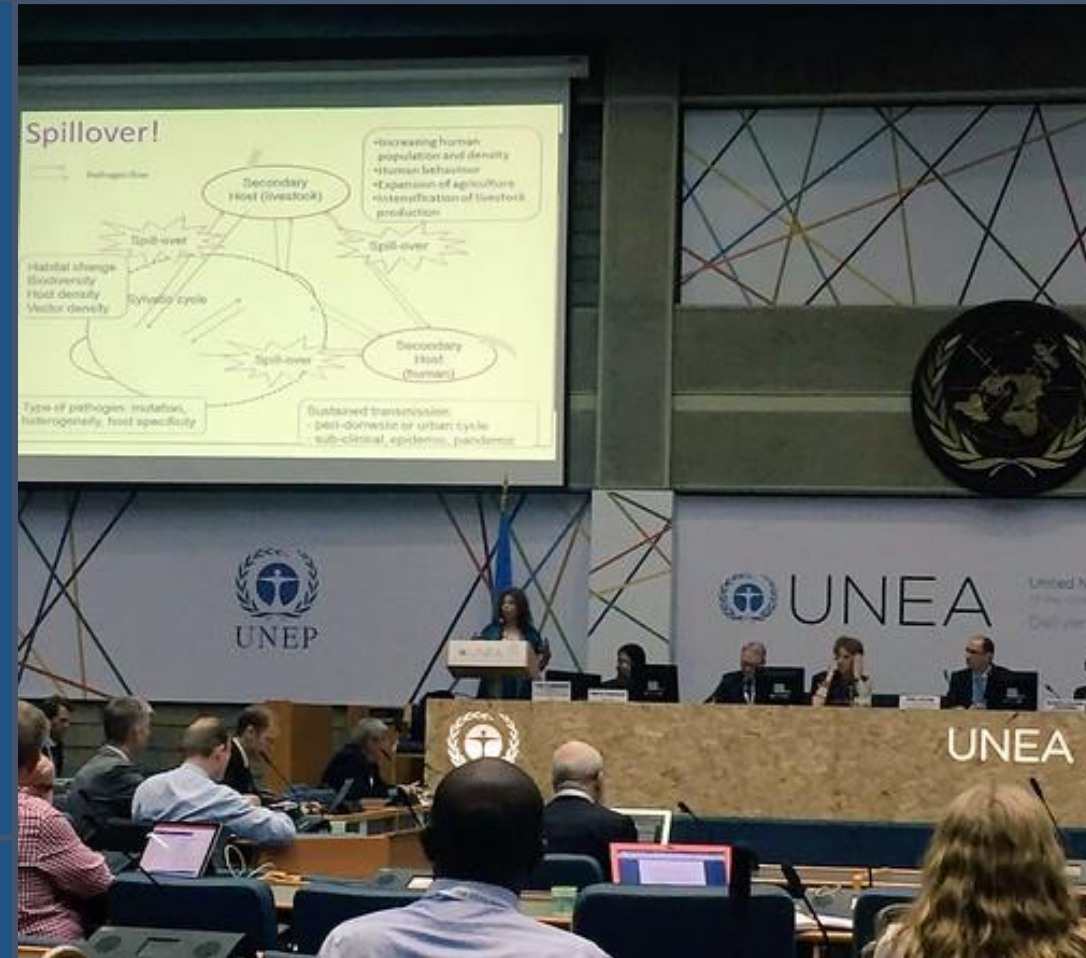
Summing up the legacy from Stockholm which stretches through Rio in 1992 and on to the 2030 Agenda and beyond

- A few key elements:
- *The Prevention of Environmental Harm*
- *The Right to Development in an Environmental Context*
- *Precautionary Action*
- *Procedural Safeguards*
- *Public Participation*
- *The Interface of Trade And Environment*
- *Indigenous Peoples*
- *Women in Development*
- *Environmental Liability and Compensation*



Among UNEP's other successes

- The ozone layer – began in the 1970s, ended with the Montreal protocol in 1985 - 87
- The climate – beginning in the 1970s, with WMO established IPCC in 1988
- The Chemical Conventions
- Initiated the Brundtland commission, Our Common Future, in 1987



Stockholm - outcomes in 2022



UNEP

United Nations Environment Programme



**PEACE WITH
NATURE**

**2 and 3
of June
2022**

Stockholm+50

Principles of engagement inspiring Stockholm+50

- an intergenerational responsibility
- an implementing opportunity
- and to be interconnected and inclusive



Indira Gandhi speaking with Maurice Strong in Stockholm
in 1972



Stockholm+50 Official Outcomes

- **Recommendations** that contribute to the environmental dimension of sustainable development to accelerate the implementation of commitments in the context of the decade of action and delivery for sustainable development, including a sustainable recovery
- A **summary of the discussions** held during the international meeting presented by its two Presidents



Stockholm -the outcomes we need in 2022



And the next 50 years?

- Compose a strong + 50 declaration that can guide us forward
- Continue developing environmental rights and human rights for the environment
- Upgrade UNEP to a Specialized Agency with sufficient resources
- Upgrade UNEP's efforts to contribute to a green and just transition,
- Strengthen UNEP's research and science base
- Strengthen and further develop environmental governance and environmental diplomacy
- Strengthen the position and participation of civil society and major groups

Give the environment the status it deserves – and not main-stream it into sustainable development. If so, it will be away-streamed

Stephen Stec



**Environmental
Governance and law**

What are the elements of good environmental governance?

- The European Union's environmental governance assessment framework (2019) is a toolkit for measuring the performance of EU Member States
- The five dimensions of environmental governance are:
 - Transparency
 - Participation
 - Access to Justice/ Rule of Law
 - Compliance Assurance and Accountability
 - Effectiveness and Efficiency

Rio Principle 10

- The first three of the dimensions of good environmental governance are closely related to the 3 pillars of Rio Principle 10 (elaborated through the Aarhus Convention in Europe and the Escazú Agreement in Latin America/Caribbean)
 - **Transparency** corresponds to the “Access to Information” pillar
 - **Participation** corresponds to the “Public Participation” pillar
 - **Access to Justice/ Rule of Law** corresponds to the “Access to Justice” pillar

Transparency Themes

- Evidence and reporting:
 - Environmental information systems
- Access to information
 - Structured and usable databases
 - Responses to information requests
- Reliability and quality of information
 - Independent expertise and review

Participation Themes

- Public participation standards
- EIA/SEA
- Public confidence in public service
- Equitability and inclusiveness

Access to Justice Themes

- Awareness of opportunities for A to J
- Access to justice standards
- Effective remedies
- Judicial capacities
- Corruption

Compliance Assurance and Accountability Themes

- Compliance promotion, monitoring and enforcement
- Complaint handling
- Environmental liability systems

Effectiveness and Efficiency Themes

- Enabling financing
- Administrative capacity
- Cross-sectoral coordination
- Integrated assessment
- Flexibility and adaptability

Specific environmental law issues

- Legal procedures (T, P, A2J, C)
- Reporting requirements (T, C)
- Legal standards (C, E)
- Remedies (A2J)
- Contracts (C, E)
- International Agreements (P, C)
- Transboundary EIA/SEA (T, P, E)
- Management of shared natural resources (E)
- International assistance mechanisms (A2J, C, E)

How to strengthen environmental governance and law?

- Increase corporate accountability
- Also of great importance is a multi-level governance culture
- Subsidiarity
- Anti-corruption initiatives
- Value-added economies
- Keep performance under constant peer review
- Poor environmental governance is the first thing to be obscured in a conflict

Role of UNEP

- Montevideo Programme
- International standard-setting (e.g., means of implementation)
- MEAs
- Science-Policy Interface
- Voices (e.g., Environmental Defenders)
- Environmental performance review mechanism

Stockholm+50 Outcome document?

- The role of the private sector
- The time is now ripe for global binding norms for corporate accountability

Leida Rijnhout



**The role of civil society
and other stakeholders
in environmental
governance and law**

Role of Civil Society & other stakeholders in Environmental Governance and Law

1. Collecting, disseminating, and analysing information;
2. Providing input to agenda-setting and policy development processes;
3. Implementation;
4. Assessing environmental conditions and monitoring compliance with environmental agreements; and
5. Advocating environmental justice.

Collecting, disseminating, and analysing information

- Direct relationship with the field
- Daily work with citizens, victims and (local) good practices
- Citizen knowledge
- Network
- Translate local needs into national policy proposals



Providing input to agenda-setting and policy development processes

- Innovative and creative ideas and concepts often come from CSOs
 - Ecological debt
 - Climate justice
 - Rights for Nature
- Without CSOs there would be hardly any change made



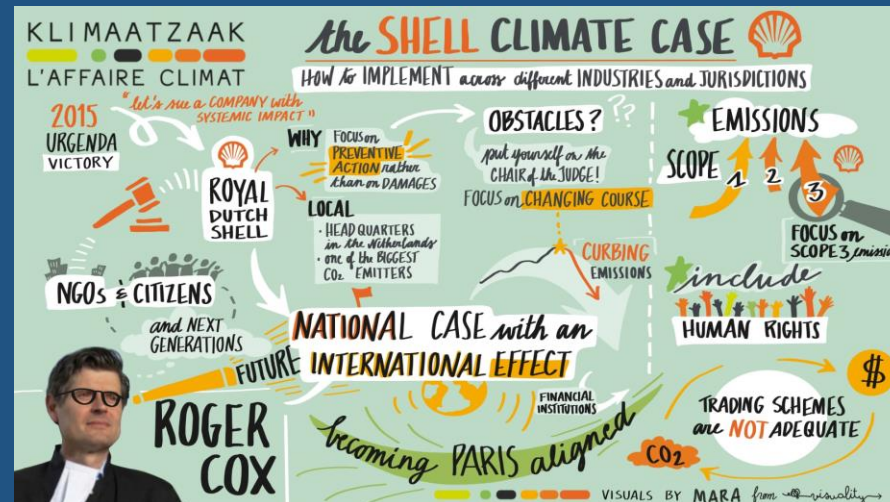
Implementation

- CSOs on the local and national level are the ones that implement international agreements:
 - Climate actions: energy cooperatives, car sharing;
 - Circular economy: repair cafes;
 - Biodiversity: ecosystem restoration camps;
 - Etc.



Assessing environmental conditions and monitoring compliance with environmental agreements

- Shadow reporting
- Daily advocacy
- Campaigning (increasing political ownership)
- Court cases



Migration, Environment and Climate Change: Policy Brief Series

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**Too much, too little water:
Addressing climate risks,
no-analog threats and migration
in Peru**

Jonas Bergmann,
Kira Vinke,
Carlos Fernández Palomino,
Christoph Gornott,
Stephanie Gleixner,
Rahel Laudien,
Anastasia Lobanova,
Josef Ludescher and
Hans Joachim Schellhuber

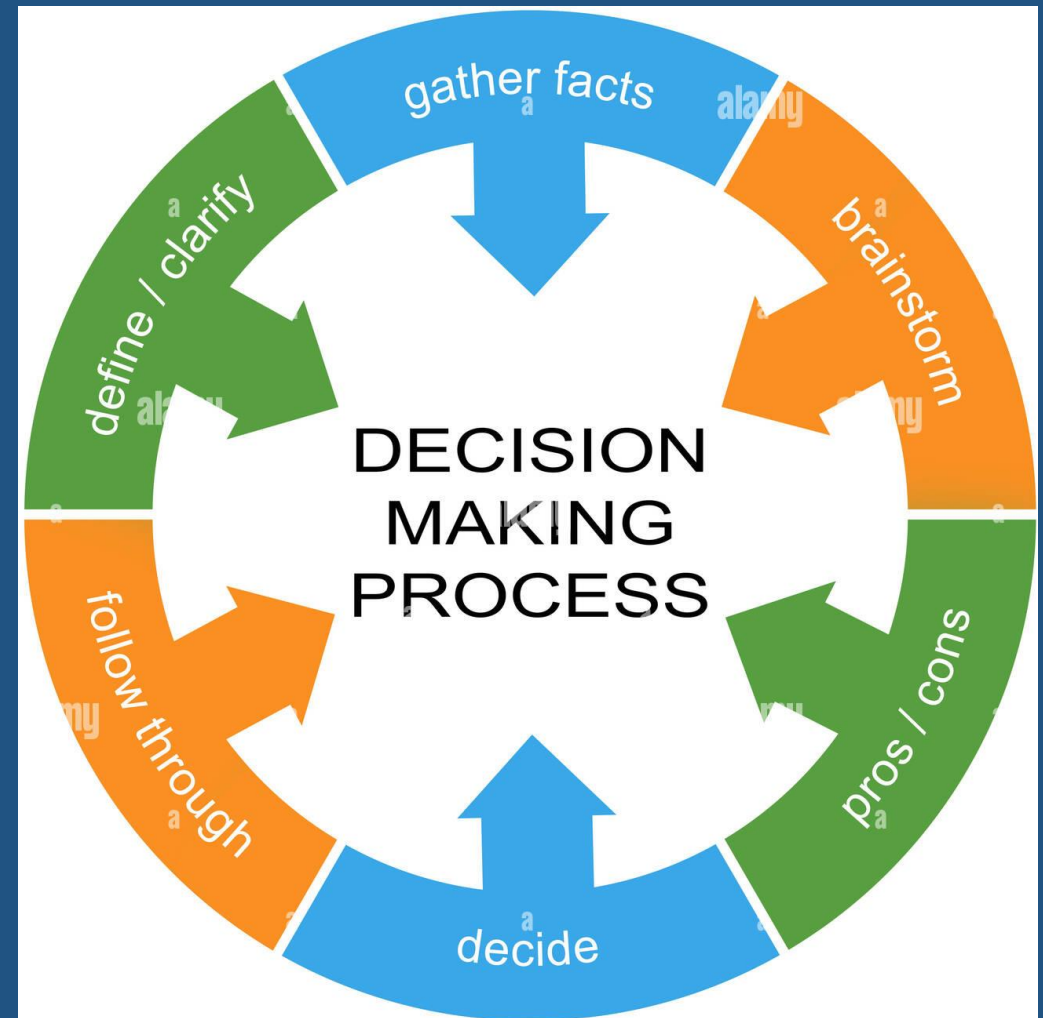
Advocating environmental justice

- Linking environmental challenges with social justice
- Make "technical" discussions also political



Good environmental governance

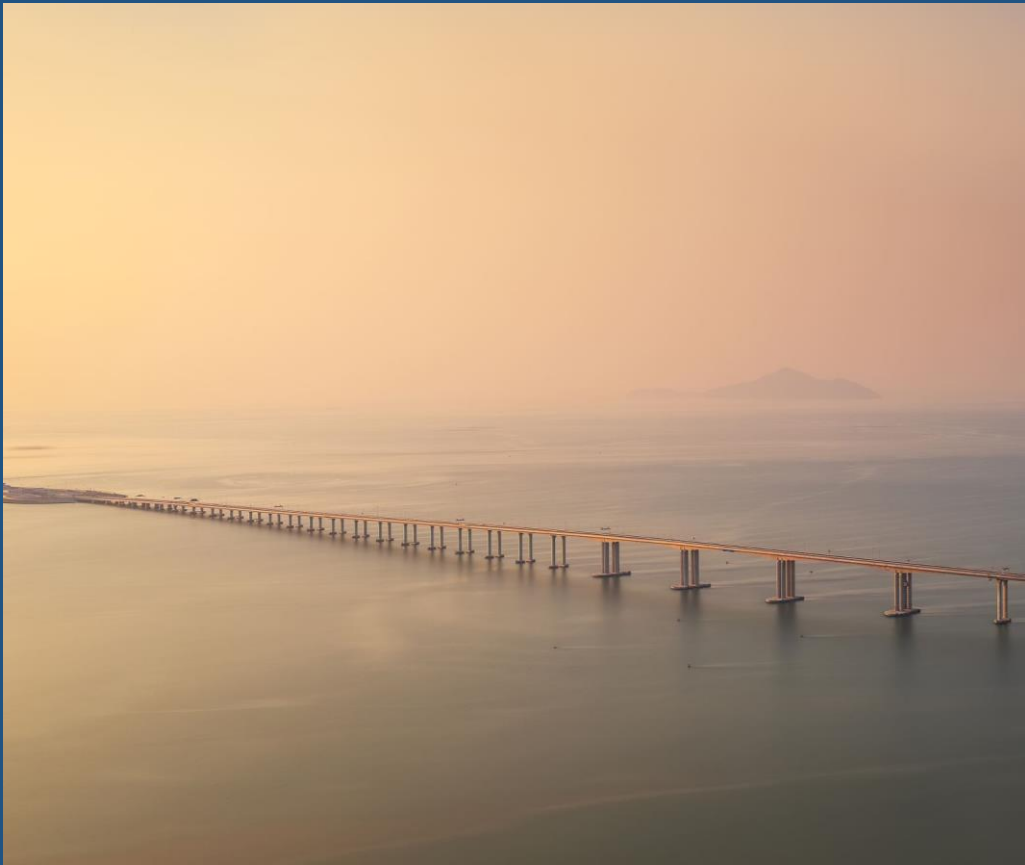
- Institutionalisation of civil society participation through the whole decisionmaking circle
- Facilitate and finance civil society groups – as the professional voice of the citizens (representation)



Principle 10: access to information, access to participation and access to justice



Bridge from international agreements to local action



- CSOs are the bridge between international agreements and local action
- Implementing good environmental governance structures and building institutions is still too weak.
- Enforcing environmental law also needs more CSO involvement.

Recommendations

Towards UNEP

- Coordination and facilitation to implement and enforce env governance and law
- Framework with goals, targets, means of implementation, review mechanisms, indicators
- Political leadership!

Towards nations/regions

- Facilitate and support civil society organisations (implement good governance)
- Maintain ministers for environment
- Implement international agreements
- Legal frameworks to enforce corporate accountability

Towards civil society organisations

- Advocate also on governance and env law issues
- Make the bridge between international and national

Closing discussion: forward-looking recommendations

Moderated by Leida Rijnhout

Legacy Webinars

**Thank you, and please register
to join the next webinars!**

20 April 16:00 CET - Webinar 1: **Strengthening Environmental Governance & Law**

25 April 16:30 CET - Webinar 2: **Environmental Diplomacy & Multilateralism**

28 April 16:00 CET - Webinar 3: **Environmental Rights, Human Rights, &
Environmental Justice**

2 May 16:00 CET - Connecting the Dots – **Making a Forceful Canon of the Rio
Conventions & the Multilateral Environmental Agreements**

3 May 16:00 CET - Webinar 5: **The Environment & Education - Looking to the
Future**

4 May 16:00 CET - Webinar 6: **Civil Society, the Environment, & the United Nations
Environment Programme**

(TBC) 5 May 16:00 CET - Webinar 7: **Science & the Environment**