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PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON THE HUMAN
ENVIRONMENT
Intergovernmental Working Group on the
Declaration on the Human Environment

REPLIES TO QUESTIONNAIRE OF 21 DECEMBER 1970 CIRCULATED BY THE
SECRETARY-GENERAL OF THE CONFERENCE IN CONNEXION WITH THE
PREPARATION OF A DRAFT DECLARATION ON THE HUMAN ENVIRONMENT

Note by the Chairman of the Intergovernmental Working Group

All replies received by the Secretary-General of the Conference up to the end of the second session of the Preparatory Committee for the United Nations Conference on the Human Environment are reproduced in this document in the four working languages.^{1/} Further replies to the questionnaire received by the Secretary-General of the Conference will be issued as addenda to the present document.

^{1/} Previously issued in original languages only (see A/CONF.48/PC(II)/CRP.8 and Add.1, A/CONF.48/WG.1/CRP.2).

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I. TEXT OF QUESTIONNAIRE WITH ANNEXED BACKGROUND NOTES OF
21 DECEMBER 1970

A. Questionnaire

/Form and scope of the Declaration/

1. Should the Declaration be primarily inspirational in character, designed to stimulate public concern and, by focusing on major principles, seek to provide a basis for the necessary political will? Alternatively, while retaining its inspirational character, should it be a more detailed document providing specific guidelines for individual, national and international action?
2. In addition to being concerned with inter-State relations involving issues of the human environment, should the Declaration deal also with the rights and obligations governing relations between (1) individuals and States, and (2) individuals inter se, in combating environmental problems?

/Structure/

3. Should the Declaration contain preambular paragraphs calling mankind's urgent attention to the many interrelated problems of the human environment and its increasing deterioration? If so, to what particular matters should reference be made therein?
4. How should the articles of the Declaration be organized? (a) by subject-matter, or (b) by enumerating the rights and duties of man, States, and the international community, respectively, or (c) in any other manner?

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5. Assuming that the Declaration should be positive and forward-looking in character, how could it best recognize the essential relationship between environment and development, and stress the need to take due account of the economic and social implications, in particular for the developing countries, of environmental action within the socio-economic context of development?
6. Should the Declaration contain a definition of the term "Human Environment"? If so, what should be included in the definition? Alternatively (or, in addition,) should the Declaration give an indication of the minimum conditions necessary to constitute an acceptable human environment?

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7. Should the Declaration include reference to environmental rights and, if so, should it stress the relationship between the achievement of a sound and healthy environment and the enjoyment of basic human rights? Should the Declaration also, or alternatively, emphasize the corresponding responsibilities regarding the protection and enhancement of the human environment, incumbent upon individuals and various types of communities, as well as national authorities and international organizations?

8. Should the Declaration include certain principles which States should recognize as guiding their individual and collective actions affecting the human environment?

B. Background notes

Note to question 1

The Preparatory Committee for the Human Environment Conference suggested in its report on its first session that "The Declaration should be a document of basic principles" (see A/CONF.48/PC/6, p. 19, para. 35). As the number of "basic" principles is limited, this would imply that the Declaration should be a relatively brief document. One of its purposes, as suggested by the Preparatory Committee, would be to "stimulate public opinion and community participation for the protection and betterment of the human environment" (see A/CONF.48/PC/6, p. 19, para. 36). This would equally favour a fairly concise text which could be easily disseminated by mass media and could also serve as a convenient instrument for education. The general trend of the discussion at the Preparatory Committee's first session, as well as at its informal meeting on 9 and 10 November 1970, was also in favour of a concise declaration. The same view was expressed in the ACC Ad Hoc Working Group on the Human Environment Conference, where it was generally agreed that the Declaration should be concise and readily understandable by mass media and the general public, and that it should be limited to a set of principles. An example of a relatively brief declaration would be the "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", adopted by the General Assembly at its eighteenth session (General Assembly, Official Records, Eighteenth Session, Supplement No. 15 /A/5515/, pp. 15-16).

On the other hand, it was suggested in the Preparatory Committee's report (A/CONF.48/PC/6, p. 19, para. 36) that the Declaration should also "provide guiding principles for Governments in their formulation of policy and set objectives for future international co-operation". For examples of declarations providing detailed guidelines for Government action, see the "Declaration on Social Progress and Development", adopted by the General Assembly at its twenty-fourth session (General Assembly, Official Records, Twenty-fourth Session, Supplement No. 30 /A/7630/, pp. 49-53) and the resolution adopted by the General Assembly at its commemorative session on 24 October 1970, proclaiming the International Development Strategy for the Second United Nations Development Decade (resolution 2626 (XXV)). It may be noted, however, that the Preparatory

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Committee pointed out that "In addition to the Declaration on the Human Environment, the 1972 Conference should also adopt recommendations for action, resolutions, and other conclusions (A/CONF.48/PC/6, p. 19, para. 34) and the Declaration may, therefore, be supplemented by other texts which may be adopted by the Conference and could embody detailed principles and criteria to guide Governments in the formulation of their policies and set objectives for international co-operation.

Note to question 2

Unlike the 1948 Universal Declaration of Human Rights, which mainly deals with the legal relations between the individual and the State, it was suggested that the Declaration on the Human Environment should encompass three levels of rights and duties, i.e. the rights and duties of man and State and the international community (see A/CONF.48/PC/6, report of the Preparatory Committee's first session, p. 19, para. 35). Thus, consideration could be given to the inclusion in the Declaration of provisions regarding relations between States, between individuals and States, and between individuals.

It may be questioned whether legal relations between individuals fall within the scope of the proposed Declaration. Yet, under some systems of law, such relations have an impact on the goals of the 1972 Conference. For example, the existing rules under the common law system governing "nuisance", and other types of legal remedies against interference with individual enjoyment of environmental resources, are an important instrument of environmental policies. However, their effectiveness is limited by procedural obstacles and might be enhanced by recognition of every individual's interest in an acceptable human environment.

Note to question 3

The Preparatory Committee for the United Nations Conference on the Human Environment suggested that the Declaration should call "mankind's urgent attention to the many varied and interrelated problems of the human environment" (A/CONF.48/PC/6, p. 19, para. 35). Accordingly, certain statements concerning basic problems involving man's relationship with his environment and related considerations, any or all of which might be referred to in a preamble to the Declaration, are given below by way of examples:

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Statements to the effect that

- human survival depends on the maintenance of the ecological balance of the biosphere (General Assembly resolution 2657 (XXV), preamble, para. 8), the resources of which are limited in quality and quantity; accordingly, most careful planning and rational management of natural resources is required (Secretary-General's report, E/4667, para. 2);
- while the causes of impairment of the environment may differ according to the stage of development reached, environmental problems are the concern of all countries;
- man's physical, mental and social well-being is to an important degree affected by the condition of the environment in which he functions;
- the relationship between man and his environment is undergoing profound and rapid changes in the wake of modern scientific and technological developments (General Assembly resolution 2398 (XXIII), preamble, para. 1);
- these developments, while offering unprecedented opportunities to change and shape man's environment to meet his needs and aspirations, also involve grave dangers if not properly controlled (ibid., para. 2);
- the continuing and accelerating impairment of the quality of the human environment is caused by such factors as air and water pollution, erosion and other forms of soil deterioration, waste, noise and the secondary effects of biocides, which are accentuated by rapidly increasing population and accelerating urbanization (ibid., para. 3);
- these adverse developments are a matter of serious concern in view of their effects on the condition of man, his physical, mental and social well-being, his dignity and his enjoyment of basic human rights in developing as well as industrialized countries (ibid., para. 4);
- the fact that the environment in important aspects forms part of the common heritage of mankind calls for clear recognition that the preservation of environmental quality is properly the concern and responsibility of the international community, of each State individually and of every individual human being;
- the interdependence and the regional or global character of a growing number of environmental problems calls for a concerted effort towards their

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solution by all members of the international community, regardless of their geographical, economic and social situation, or their political systems;

- in accordance with the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action for the achievement of solutions, inter alia, of international economic, social health and related problems;
- important work on problems of the human environment has already been undertaken by the United Nations and the specialized agencies, as well as by other intergovernmental and by non-governmental organizations;
- action to preserve and enhance environmental quality is consistent with sound economic and social development policies, since both are aimed at improving the quality of human life for all peoples of the world.

Note to question 4

In the discussions in the ACC Ad Hoc Working Group on the Human Environment Conference, various methods were suggested for organizing the contents of the Declaration. One such proposal, following the division of subject-matter recommended by the Preparatory Committee for the purpose of organizing the programme content of the Conference, referred to the following principal environmental problem areas: human settlements, management of natural resources, and environmental degradation from pollution and nuisances (see A/CONF.48/PC/6, p. 8, para. 27). Another possible subject-matter division related to basic causes of environmental deterioration, described in the Secretary-General's report on the problems of the human environment as follows (E/4667, para. 8): "accelerated population growth, increased urbanization, and an expanded and efficient new technology". Yet another method proposed for organizing the subject-matter of the Declaration was with reference to individual media (air, land, water). Each of the above proposals contemplated a reference in the Declaration to the action called for under individual subject headings.

On the other hand, the view was expressed in the said discussions that the Declaration should be broad enough to cover the widest range of concern for the human environment without attempting to describe in detail the various components

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that contribute to environmental problems. (See in this connexion the Secretary-General's report on the problems of the human environment (E/4667, para. 96): "... the Conference should not be involved in narrow technical discussions, but address itself to broad topics of general human concern", and background note to question 1.)

Another suggestion made in the discussions in the ACC Ad Hoc Working Group was to divide the Declaration into parts setting forth, respectively, the rights and duties of man, the State and the international community. This suggestion was based on the Preparatory Committee's proposal that the Declaration should "draw attention to the rights and obligations of man and State and the international community" in relation to the environment (A/CONF.48/PC/6, p. 19, para. 35). In opposition to this proposal, it was pointed out that such a division might place too much emphasis on "rights", to the detriment of recognition of responsibilities for the taking of urgent preventive or remedial action for improvement of environmental quality. See in this connexion the Secretary-General's report (E/4667, para. 89) where it is suggested that the Stockholm Conference might adopt certain basic premises, among them: "the acknowledgement of the responsibility of governments, local authorities, industrialists, agriculturists, as well as individual citizens in the maintenance and enhancement of environmental quality".

Note to question 5

The question of the relationship between environment and development has been a central theme in much of the discussion on the human environment in the United Nations bodies concerned and it was also referred to in various reports and resolutions, as indicated below. It was acknowledged that there was no fundamental conflict between the promotion of economic and social development and concern for environmental quality, it being recognized that the ultimate goal of both was the enhancement of the quality of human life. It was pointed out, however, that environmental considerations should not unduly delay economic growth, particularly in the developing countries. These views are reflected in a number of General Assembly and ECOSOC resolutions and reports, in the latest of which (resolution 2657 (XXV), para. 2) the General Assembly recommended: "the inclusion in the agenda for the second and third sessions of the Preparatory Committee of a specific

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item or items relating to economic and social aspects, in order to safeguard and promote the interests of developing countries with a view to reconciling the national environmental policies with their national development plans and priorities". See also, for example: ECOSOC resolutions 1346 (XLV), preamble, paragraph 4, and 1536 (XLIX), paragraphs 5 and 7; General Assembly resolution 2398 (XXIII), preamble, paragraph 5; "Statement by the Administrative Committee on Co-ordination on Problems of the Human Environment" (E/4710), paragraph 4, subparagraphs f, g and h; Secretary-General's report on "Problems of the Human Environment" (E/4667), paragraphs 43, 86, 114, 117 and 120; report of the Preparatory Committee for the United Nations Conference on the Human Environment (A/CONF.48/PC/6), pp. 11 (para. c (ii) and 19 (para. 37).

Note to question 6

The advantages and disadvantages of formulating a definition of the general concept of the "human environment" have been discussed on various occasions, though not so far in direct connexion with the draft Declaration. The question of the need for a precise definition arose mainly:

(1) in the context of discussion in the ACC Functional Group on the Human Environment concerning the basis on which to proceed with its work (which is expected to have an important bearing on the Stockholm Conference).

In this connexion, the Secretary-General of WHO put forward the following definition:

"The human environment comprises all physical and biological matter, processes and influences, which directly or indirectly, have a significant effect on the well-being of the human race as a whole; some of these may be beneficial, others harmful; some may be natural in their occurrence, others may be the result of man's own activities."

The Director-General of WHO suggested the inclusion of the word "social" in the definition and a reference to the "well-being of the individual" as well as to that of "the human race as a whole". There was no general agreement, however, on the proposed definition and no decision has as yet been taken by the functional group on this subject.

(2) in the discussion, in the Secretary-General's report (E/4667) on the problems of the human environment, of a possible delimitation of the scope of the Conference.

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The report points out (paras. 93-96) that, while the debate in the General Assembly and the resolution itself, did not attempt to give a precise definition of the term "human environment", two main types of problems were emphasized:

"(a) the changes in natural surroundings of man brought about by increasing population and the use without adequate control of modern technological advances in industry and agriculture, and

"(b) the impact of these changes on man himself, on his health, and working and living conditions.

"95. The emphasis was therefore clearly placed on the consequences of human action on the environment, thus excluding purely natural phenomena even if they may affect man, such as typhoons and earthquakes..."

A possible definition reflecting these views would be:

"The term 'human environment' refers to those aspects of man's activities which, by affecting the natural ecological systems of which he is part, affect his own life and well-being."

The ACC Ad Hoc Working Group did not consider it necessary to work out a definition of the human environment, expecting that as the preparatory work progressed, the concept of what constitutes "human environment" was likely to become clearer. In fact, concern was expressed in the ACC Ad Hoc Working Group that discussion on a definition might lead to differences of opinion and thereby delay the preparatory work for the Stockholm Conference.

Apart from these considerations concerning the scope of an eventual definition, the question here raised is whether the Declaration as such would be a proper context for a definition of the term "human environment". It may be difficult to formulate a precise, comprehensive definition in a few words, and, therefore, the inclusion of a definition in the Declaration might detract from its desired conciseness and readily understandable character. A definition may be more appropriate in a convention where it might be considered essential for interpretation of the convention's provisions. It may be noted in this connexion that none of the declarations adopted by the General Assembly contains a formal definition of the subject-matters covered by those declarations.

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Note to question 7

As already noted, the Preparatory Committee for the United Nations Conference on the Human Environment suggested that the Declaration should call attention to the rights and obligations of man and State and the international community in regard to the environment (see notes to questions 2 and 4). Based on this suggestion, it was proposed in the course of the informal consultations in the ACC Ad Hoc Working Group on the Human Environment Conference that the Declaration could be divided into three parts corresponding to this three-level framework of rights and duties "Man-State-International Community" (see note to question 4). Other suggestions made in the course of the said informal consultations were to the effect that the Declaration should start with a general affirmation of every human being's "right to a wholesome environment" which should be the focal part of the Declaration and should be followed by a more specific outline of every individual's rights and duties in relation to his environment.

Environmental rights may be regarded as inherent to a certain extent in article 25 of the Universal Declaration of Human Rights^{1/} and article 11 of the International Covenant on Economic, Social and Cultural Rights.^{2/} There is a great deal of national legislation and case law available on these rights and regarding the enjoyment and use of natural resources, which might usefully be drawn upon in formulating the relevant provisions of the Declaration.

As regards the corresponding responsibilities of individuals (consumers and producers, including corporate bodies) regarding the environmental resources under their control, reference may be made to article 29, para. 1, of the Universal Declaration of Human Rights which also stresses every individual's duties to the community. In the ACC Ad Hoc Working Group, it was tentatively

^{1/} Article 25 of the Universal Declaration of Human Rights reads in part as follows:

"1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing..."

^{2/} Article 11, para. 1 of the International Covenant on Economic, Social and Cultural Rights refers to the "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and the continuous improvement of living conditions".

agreed that the Declaration should emphasize the responsibilities of the individual and various types of communities, national authorities and international organizations. See in this connexion also para. 89 of Secretary-General's report E/4667 (passage quoted in note to question 4).

Note to question 8

The Declaration could mention certain principles which are of particular importance to the human environment. In this connexion, reference is made again to page 19, para. 35 of the Preparatory Committee's report on its first session (A/CONF.48/PC/6), where it was suggested that the Declaration should call attention to the rights and obligations of man and State and the international community in regard to the environment.

By way of examples, some general principles which might be considered for inclusion in the Declaration, are set forth below:

General

- The principle of national sovereignty over natural resources;^{3/}
- The duty of all nations to carefully husband their natural resources and to hold in trust for present and future generations the air, water, lands, and communities of plants and animals on which all life depends. This principle includes the responsibility to maintain and enhance the quality of the environment in which present and future generations must live and to prevent the continuance of processes which can permanently impair this quality. For this purpose, States should establish and enforce adequate environmental quality standards and set up appropriate institutions for resource management to minimize the risk of irreversible ecological changes resulting from resource development;

^{3/} Resolutions 1803 (XVII) adopted by the General Assembly on 14 December 1962, and 2158 (XXI) of 28 November 1966, affirm the principle of national sovereignty over natural resources which is also implicit in article 1 of both International Human Rights Covenants (para. 2 "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence").

- Special duties apply with regard to environmental resources shared with other States or forming part of the "common resources of mankind", and with regard to activities of a State or its nationals exploiting natural resources in areas not under its jurisdiction;
- The principle of equitable sharing of the cost of preserving and enhancing environmental quality.

With regard to other States:

States should be guided by the principle of co-operation and mutual assistance and should conduct all their activities related to environmental problems with due regard to the corresponding interests of other States, in accordance with international law, including the Charter of the United Nations, with particular reference to:

(a) the conclusion of international agreements on standards of environmental quality and for the establishment of a world-wide observation network to monitor the world's environment on a continuing basis;

(b) the exchange of information, scientific knowledge and experience in solving environmental problems;

(c) the right and duty to consult each other if there is reason to believe that any planned activity may cause serious harm to the environment in general or infringe upon the environmental rights of other States;

(d) the principle that States are internationally responsible for harm caused by them or their citizens to environmental resources shared with other States and for ensuring that national activities are carried out in conformity with the principles set forth in the present Declaration.

With regard to their nationals:

(a) States should urgently pursue effective policies designed to secure for their nationals environmental conditions which permit the sustained improvement and enhancement of the quality of human life;

(b) in particular, States should guarantee to their nationals equal protection and non-discrimination in the allocation and use of natural resources.

II. REPLIES RECEIVED FROM GOVERNMENTS

ARGENTINA

[Original: Spanish]
25 January 1971

Form and scope of the Declaration

Question 1

The Declaration should be fundamentally inspirational in character and, in accordance with the suggestion made by the Preparatory Committee, "... should be a document of basic principles". This implies that the text of the Declaration should be relatively concise so that it can be easily disseminated among and understood by the general public.

It must be realized that this Declaration will be the first international document on the subject of the human environment and that it not only will be used by technical specialists and government officials, but also will serve as an educational instrument at various levels, for it is intended to be made known to persons of virtually every cultural level. Concision and clarity are, in our view, essential.

Question 2

We do not believe it would be wise to go too deeply into the question of rights and obligations governing relations between individuals and States and between individuals because, in our view, that is a problem which concerns the legislation and/or regulations of each individual State in its relations with its citizens. Given the wide variety of legal structures existing in the States of the international community, it would be difficult to lay down norms which could be acceptable to all. Consideration of this question at the Conference could lead to protracted fruitless debate without resulting in any agreement.

Structure

Question 3

If the Declaration is to contain a preamble it should meet the criteria suggested with regard to question 1, for if the Declaration as a whole is concise,

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clear and inspirational in the principles it sets forth, it will in itself serve as a kind of a preamble to all future international and national legal action in this field. Thus the preamble to the Declaration would be the preamble to a preamble, and it should, in form and content, be in the nature of an introduction of no more than one paragraph.

Question 4

It would be advisable to organize the articles of the Declaration along the same lines as the distribution of the work of the Conference itself, so that there will be a relationship between the conclusions of each of its committees or commissions and the final Declaration.

The suggestions made at the first session of the Preparatory Committee classifying the principal environmental problems under (a) human settlements, (b) management of natural resources and (c) environmental degradation from pollution and nuisances could, in principle, serve as a basis for the organization of the articles of the Declaration, but the question is one which could be left open until that of the organization of the work of the Conference has finally been settled.

Contents

Question 5

The Declaration should unquestionably make reference to the essential relationship between the conservation and optimal utilization of the human environment and the social and economic development of mankind. It would be appropriate in this connexion for the Declaration to refer to the dichotomy between the problems of conservation of the human environment in the developing countries and those countries' need for rapid economic growth, which could, in some cases, make it appear that there was a conflict between accelerated economic and social development and the conservation of the human environment.

The problem is different for the economically developed countries, in which it is more acute because the process by which they have achieved high levels of industrialization has generally entailed a parallel process of environmental spoliation; in such cases, the task is to redeem what has already been polluted and preserve that which is still intact.

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In this connexion there is naturally a question of financial capacity, that is, the likelihood that it will be more difficult for developing countries to preserve their environment in an unpolluted state than for more developed countries to redeem and maintain theirs. The magnitude of the financial burden is not necessarily the same in both cases and the problem therefore cannot be solved by the application of one-sided norms.

Question 6

Like all definitions, the definition of the general concept of the human environment presents difficulties of various kinds, from the conceptual to the grammatical. In the case of a definition such as the one in question, the difficulties are compounded by the fact that the subject itself is little known, and at neither the meetings of the Preparatory Committee nor those of ACC has it been possible to go deeply into the question of a definition. Consequently, it is the opinion of the Argentine Government that if the Declaration attempts to define the term "human environment", the definition should be sufficiently broad and comprehensive to embrace all the aspects considered by the Conference and should be provisional, so that it can gradually be improved as time passes.

Question 7

The reference in the Declaration to environmental rights should also be concise and general, for such rights are inherent and natural rights possessed by every human being by virtue of the very fact that he has been born and dwells on the planet. Such a reference may be said to be included in every declaration and definition of human rights even if not specifically stated, since if every person has the right to a reasonable minimum of political, social and economic stability, then, a fortiori, he requires, for biological reasons, an environment which allows him to live and thus to enjoy the exercise of his other rights. Without an environment compatible with man's biological characteristics his survival would be impossible, or, at best, extremely difficult, and it is therefore senseless to speak of legal or economic structures which would promise him the full enjoyment of such a life.

Question 8

It is only logical that the Declaration should include certain principles by which States would be guided in their individual and collective actions where the maintenance and preservation of the human environment are concerned. Without the inclusion of such principles, the Declaration would be an intellectual exercise of limited value.

The foregoing statement is based on the assumption that the principles included would be merely indicative in character and would in no circumstances be taken to imply any regulatory function or any formal commitment. A reference to such functions or **commitments would be out of place** in a Declaration like the one under consideration and they would have to be dealt with through special conventions covering each subject or sector, to be negotiated in the future.

AUSTRIA

[Original: English]
6 February 1971

The Government of Austria submits the following preliminary comments:

Question 1

Austria welcomes in principle the plan to elaborate at the occasion of the United Nations Conference on the Human Environment 1972 a Declaration on the human environment. Among the alternatives contained in question 1 Austria prefers the Declaration to be inspirational in character. The goal of the Declaration, to focus increased attention towards the environmental problems and to strengthen the political will necessary for their solution, could be served by a formulation as concise as possible of the Declaration. Consequently, it does not seem necessary to provide the Declaration with specific guidelines concerning the solution of the environmental problems. Austria assumes that the Declaration will be of a recommendatory character.

Question 2

Austria agrees in principle that relations between individuals and States as well as individuals inter se be included into the Declaration. Further comments can be made only after a draft has been elaborated.

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Question 3

The inclusion of preambular paragraphs into the Declaration is welcomed, in principle.

Question 4

Austria would prefer alternative (a) according to which the Declaration should be organized by subject matters.

Question 5

It seems justified to point out particularly the problems of the developing countries in connexion with the establishment of an environmental policy. It could be underlined that the industrialized nations have gained experience concerning the effects of economic development on the human environment which may be important for the environmental policy of the developing countries.

Question 6

It does not seem useful to include an exact definition of the term "Human Environment" into the Declaration.

Question 7

It seems basically justified to place man into the centre of the Declaration. It is, however, not recommended to include into the text of the Declaration the term "environmental right". The Austrian authorities would consequently prefer a text by which it is recommended to Governments to bring about and maintain sound environmental conditions for mankind.

Question 8

The Austrian authorities agree in principle with the suggestions (a) to (c) on page 9 and (a) on page 10 of the background notes annexed to the questionnaire. However, the inclusion into the Declaration of a principle stating an international responsibility as suggested in (d) on page 9 of the background notes does not meet the Austrian approval.

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The Austrian authorities reserve the possibility of submitting further comments at a later stage.

CANADA

[Original: English]
29 January 1971

The following views have been developed at official level. We welcome this opportunity to offer some preliminary and tentative comments on the proposed Declaration which we consider one of the major undertakings for Stockholm, warranting this kind of careful and concentrated consultations well in advance of the Conference. We of course agree that these consultations should in no way prejudice the Declaration's eventual contents, but rather should be viewed as a means of crystallizing thinking on its form and substance to facilitate its final elaboration in Stockholm.

With respect to the form of the Declaration, there are a number of precedents which could be drawn upon such as the collection of resolutions adopted by the United Nations as part of the celebration of its twenty-fifth anniversary. On the basis of a study of these precedents and others, whatever precise form is chosen there should be included in the Declaration an inspirational preamble, a declaration of fundamental principles and possibly a broad outline of goals and objectives. This broad outline would form a summary of a comprehensive programme of concrete actions which it is considered should be set out in a document separate from the Declaration itself.

Clearly, it is the substance of the Declaration which is the most important consideration in determining its appropriate form. The basic goals and objectives of the Conference as outlined in UNGA resolution 2581 (XXIV) contain the ingredients upon which the Declaration of the Conference might be built. There is a direct connexion between the format of the substantive provisions of the Declaration and the likelihood of their subsequent acceptance and effective implementation.

In your questionnaire you have drawn attention to the relationship between individual and the State. This is regarded as one of the most vital and delicate issues which will be before the Conference, relating directly to one of its basic

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objectives, namely, to achieve the broadest possible recognition that there are certain fundamental needs of the individual in terms of the environment in which he lives. The fulfilment of the legitimate aspirations of all human beings is dependent upon social and economic progress within a sound environment and thus a key role of the Conference might be to seek to promote the elevation of the individual's fundamental needs into universally recognized rights. In order to give these needs the undeniable recognition and clarity of treatment they deserve, their enumeration should be the most prominent feature of the preambular part of the Conference Declaration.

In this context, if it should be decided to include a definition of the human environment in the Declaration, it too might appropriately form a part of the preamble. The definition provided by the Conference secretariat was most helpful in considering the problem of this definition, which is a vital one to be resolved since, to a certain extent, it provides the focus for the Conference. This definition provided by the secretariat might, we believe, usefully be recast in slightly different terms so that it incorporates as completely and as clearly as possible the full range of man's interactions with his total surroundings. As the term ecology itself tends to beg the definition being sought, it was considered that its use in defining the human environment should be avoided if this could be done in language that retained both brevity and clarity. With these factors in mind, a number of formulations for the definition have been considered, of which the following recommends itself most favourably for inclusion in the preamble: "Recognizing that the human environment consists of man's total surroundings comprising all physical and biological matter, social, economic and cultural factors, processes and influences which may affect man's life and well-being and which may be affected by man's activities".

It is further considered that there can be no assurance of fulfilment of the individual's needs and potential rights with respect to the projection and enhancement of the human environment without the co-operation and orderly conduct of States. Thus the identification and enunciation of the duties of States with respect to the human environment should constitute the second major task of the Stockholm Conference. At present, the body of law, both international and municipal, upon which individuals and States must depend for their guidance

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and protection in this respect is either inadequate or non-existent. Thus an essential and crucial goal for the Conference should be a declaration of principles defining the rights and duties of States upon which can be based the progressive development and codification of international environmental law. It is considered therefore that there should be a clear division between the preambular part of the Conference Declaration, which should concentrate upon the recognition of the needs of individuals and the desirability of elevating these needs into legal rights, and the declaration of principles which should be devoted to the rights and duties of States where there already exists some modest but incomplete body of international law relating to State responsibility with respect to the environment. As for the content of the principles which might appropriately be included in this latter part, we are at present giving thought to some in anticipation of the preparatory meeting in September where the question will presumably be given more intensive consideration. It is hoped that some of these will soon be in suitable preliminary form for use by the Canadian delegation at these meetings.

A third and equally important objective at Stockholm should be the elaboration of a programme of action to ameliorate or resolve environmental problems and to enhance environmental quality. In order to accommodate the programme of action in a separate self-contained and distinct form it may be necessary to elaborate a detailed and complex document setting out fully the actions to be taken of a scientific, technical and organizational nature. Accordingly it is considered that the action programme itself might best form the subject of a second separate document (to be annexed perhaps to the Declaration). This approach was considered desirable so that each document would stand alone and the adoption of one by the conference would not hinge upon the adoption of the other. If however it should be considered vital to include a reference to the programme of action within the declaration, this should not pose serious difficulty and could be covered by an outline of broad objectives and goals, or in other words a list of proposed action areas. What is regarded as important is that the action programme and declaration of principles, while obviously interrelated, should be given separate but equal treatment so as to avoid the one dominating or overshadowing the other.

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COLOMBIA

Original: Spanish
17 February 1971

A. FORM AND SCOPE OF THE DECLARATION

1. The Declaration should be primarily inspirational in character, designed to stimulate public concern and, by focusing on major principles, seek to provide a basis for the necessary political will.
2. The Declaration should be concerned with inter-State relations in general involving issues of the human environment. It should not deal directly with the rights and obligations governing relations between (1) individuals and States and (2) individuals inter se, in combating environmental problems.

B. STRUCTURE

3.1 The Declaration should contain preambular paragraphs calling mankind's urgent attention to the many interrelated problems of the human environment and its increasing deterioration.

3.2 Particular reference should be made to the following matters:

(a) Human survival depends on the maintenance of the ecological balance of the biosphere, the resources of which are limited in quality and quantity; accordingly, most careful planning and rational management of natural resources is required.

(b) While the causes of impairment of the environment may differ according to the stage of development reached, environmental problems are the concern of all countries.

(c) Man's physical, mental and social well-being is to a very important degree affected by the conditions of the environment in which he functions.

(d) The relationship between man and his environment is undergoing profound and rapid changes in the wake of modern scientific and technological developments.

(e) These developments, while offering unprecedented opportunities to change and shape man's environment to meet his needs and aspirations, also involve grave **dangers** if not properly controlled.

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(f) The continuing and accelerating impairment of the quality of the human environment is caused by such factors as air and water pollution, erosion and other forms of soil deterioration, waste, noise and the secondary effects of biocides (any products which change or actually destroy life), which are accentuated by rapidly increasing population and accelerating urbanization.

(g) These adverse developments are a matter of serious concern in view of their effects on the condition of man, his physical, mental and social well-being, his dignity and his enjoyment of basic human rights, in developing as well as industrialized countries.

(h) The fact that the environment in important aspects forms part of the common heritage of mankind calls for clear recognition that the preservation of environmental quality is properly the concern and responsibility of the international community, of each State individually and of every individual human being.

(i) The interdependence and the regional or global character of a growing number of environmental problems calls for a concerted effort towards their solution by all members of the international community, regardless of their geographical, economic and social situation, or their political systems.

(j) In accordance with the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action for the achievement of solutions, inter alia, of international economic, social, health and related problems.

(k) Action to preserve and enhance environmental quality is consistent with sound economic and social development policies, since both are aimed at improving the quality of human life for all peoples of the world.

4.1 The articles of the Declaration should be organized according to the principal environmental problem areas: human settlements, management of natural resources, and environmental degradation from pollution and nuisances.

4.2 The Declaration should refer in general terms to the action called for under individual subject headings.

4.3 The Declaration should not be divided into parts setting forth, respectively, the rights and duties of man, the State and the international community, but should instead acknowledge the responsibility of Governments, local authorities, industrialists, agriculturists and individual citizens in the maintenance and enhancement of environmental quality.

5. It should be acknowledged that there is no fundamental conflict between the promotion of economic and social development and concern for environmental quality since the ultimate goal of both is the enhancement of the quality of human life.

6.1 It is not necessary for the Declaration to contain a definition of the term "human environment", nor for it to give an indication of the minimum conditions necessary to constitute an acceptable human environment.

6.2 Perhaps it would be appropriate, however, to provide for the formulation of a definition for each specific case in which it might be considered essential in order to be able to interpret the provisions of the Declaration which referred to the case in question.

7. The Declaration should start with a general affirmation of every human being's right to a wholesome and balanced environment. That definition should be the focal part of the Declaration and could be followed by a more specific outline of every individual's rights and duties in relation to his environment.

8.1 The Declaration should include certain principles which States should recognize as guiding their individual and collective actions affecting the human environment.

8.2 Some of the principles which should be considered for inclusion in the Declaration are set forth below:

(a) The duty of all nations to carefully husband their natural resources and to hold in trust for present and future generations the air, water, lands, and communities of plants and animals on which all life depends. This principle includes the responsibility to maintain and enhance the quality of the environment in which present and future generations must live and to prevent the continuance of processes which can permanently impair this quality.

For this purpose, States should establish and enforce adequate environmental quality standards and set up appropriate institutions for resource management to minimize the risk of irreversible ecological changes resulting from unsound resource developments.

(b) Special duties apply with regard to environmental resources shared with other States or forming part of the "common resources of mankind". Such duties also apply with regard to activities of a State or its nationals exploiting natural resources in areas not under its jurisdiction.

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(c) The principle of equitable sharing of the cost of preserving and enhancing environmental quality.

(d) States should be guided by the principle of co-operation and mutual assistance and should conduct all their activities related to environmental problems with due regard to the corresponding interests of other States.

(e) Particular reference should be made to:

The conclusion of international agreements on standards of environmental quality and for the establishment of a world-wide observation network to monitor the world's environment on a continuing basis.

The exchange of information, scientific knowledge and experience in solving environmental problems.

The right and duty to consult each other if there is reason to believe that any planned activity may cause serious harm to the environment in general or infringe upon the environmental rights of other States.

The principle that States are internationally responsible for harm caused by them or their citizens to environmental resources shared with other States and for ensuring that national activities are carried out in conformity with the principles set forth in the present Declaration.

(f) States should urgently pursue effective policies designed to secure for their nationals environmental conditions which permit the sustained improvement and enhancement of the quality of human life.

DENMARK

/Original: English/
4 February 1971

The Government of Denmark submits the following preliminary comments:

Question 1

Denmark supports the first alternative calling for a relatively brief inspirational document suited for mass media and as an instrument for education including adult education. The action orientation of the conference should primarily be expressed in separate resolutions and agreements relating to

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institutions and specific fields of environment including a resolution or decision regarding the future institutional machinery to be set up under the auspices of the United Nations to serve member countries in their efforts to preserve and improve human environment. The Declaration could, also, contain some kind of reference to any plan of action or set of recommendations that may constitute the concrete results of the conference stating the intent of the participants to take such action to the best of their endeavour.

Question 2

The Declaration should not be confined to inter-State relations but also appeal to States to be aware of environmental matters in international legislation.

Reference to the welfare of the individual human being and its responsibility towards human environment will enhance the public appeal of the Declaration and increase its usefulness for modern mass media.

Question 3

The Declaration should contain a preamble stating that man's well-being depends to a large extent on his environment, which is undergoing great and rapid changes under present scientific and technological developments and recalling that the interdependence and the global character of a growing number of environmental problems call for individual and concerted effort by all members of the international community regardless of their geographical, economic and social situation or their political systems. In this connexion the attention of Governments should be drawn to the necessity of reserving funds for financing action for prevention of damage and preservation and improvement of environment, prevention of damage to hitherto unspoiled environment being of special interest not least to developing countries. The popular appeal of the Declaration would be enhanced by reference to a few of the most well-known environmental problems such as air and water pollution, waste and noise, but a comprehensive list of factors should not be attempted.

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Question 4

The Declaration should state the main principles to be followed in the major problem areas of human settlements, management of natural resources and environmental degradation from pollution and nuisances.

Question 5

The starting point could be the statement in the preamble of the International Development Strategy for the Second United Nations Development Decade that "the ultimate objective of development must be to bring about sustained improvement in the well-being of the individual...". The well-being and quality of life of the individual depends on his achievements and relation with other individuals and on the amount and value of goods and services and leisure that the individual is able to buy from his income. Human relations as well as the value of goods and services and leisure depends in all societies on the quality of human environment in the widest ecological sense. Scientific progress, industrialization and the universal problems of urbanization necessitate a unified approach to development in which actions of authorities and individuals are judged both on their economic effects in terms of amounts of production and on their merits for the quality of life.

Question 6

The definition of "Human Environment" suggested by the Secretary-General ("those aspects of man's activities which by affecting the natural ecological system of which he is part, affect his own life and well-being") is useful as it covers the whole range of interrelations between man and environment. The reference to ecology should be maintained in the definition even if its wording is changed during further discussions because it implies concern with social as well as biological perspectives in the widest sense.

Question 7

The Declaration should stress the interest of the individual in the achievement of a sound and healthy environment free of unwholesome nuisances for his enjoyment of basic human rights and underline the importance of the

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universal respect for this interest by individuals, communities, national authorities and international organizations. The main emphasis, however, should be placed on the responsibilities of the individual and at all levels to protect and improve the quality of human environment.

Question 8

The Declaration should list the most fundamental principles of behaviour in environmental matters, especially in the fields of global and common importance such as the atmosphere, the soil, the ocean, the sea-bed and inland waters. In this connexion, mention could be made of the responsibility to avoid unnecessary damage and - learning from earlier mistakes in the history of mankind - to prevent deterioration of environment by including environmental criteria in the planning and location of economic activities at the earliest possible stage.

Special emphasis should be put on the principles of co-operation and mutual respect and assistance among States in environmental matters and the desirability of formalizing such principles in international agreements concerning mutual consultations on environmental harm, exchange of information, scientific co-operation and standards of environmental quality.

ETHIOPIA

/Original: English/
26 January 1971

FORM AND SCOPE

Question 1

It is the view of the Imperial Ethiopian Government that the purpose of the Declaration proposed would be best served by a document designed to arouse concern not only among States, but also among local authorities, administrators, business institutions and individuals. In this way the actions of Governments, and the legal measures brought into force by them, would be more readily understood and accepted by all those institutions and individuals whose activities affect the human environment.

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A Declaration designed to serve this end should be both inspirational and easily remembered; this implies that it should be a relatively short document, which will concentrate on the basic principles only, without going into details which would only confuse the issue in the minds of the general public. Further, the spelling out of specific guidelines for action at this time of rapid scientific and technological advance might, by omission of the mention of activities not yet being undertaken, be felt in future to provide a tacit permission for such activities, even though they might be damaging to the environment; to lay down what ought not to be done may be taken as a licence for actions not expressly condemned.

Question 2

It is considered, in view of the fact that much of the damage to the environment is due to actions of individuals, either in a personal capacity or in pursuit of economic ends, that the declaration should deal with the rights and obligations of individuals, as well as States and international organizations. This would be even more desirable if the view stated in the reply to Question 1 above is accepted: that the declaration should be primarily inspirational in character. Much that requires to be done will have to be done by individuals or institutions as a normal part of their way of living, or their way of carrying on their businesses. The actions they will have to take, and the precautions they will have to observe, will often be unsuitable for control by legislative measures, and will be best dealt with by educational methods. To deal only with the responsibilities of Governments or local authorities might well mean that the message of the declaration would go unheeded by many, whereas the publication of a declaration of an inspirational character, suitable for dissemination by mass media and for use in schools and other educational institutions, would have a much more far-reaching effect.

STRUCTURE

Question 3

It is suggested that a short preamble to the Declaration should refer to the following:

(a) that the environment forms part (perhaps the major part) of the common heritage of mankind,

(b) that this heritage is being continuously and increasingly rapidly impaired,

(c) that this impairment of the environment is throughout the world having deleterious effects on the condition of man, and robbing him of his basic human rights,

(d) that much of the damage could be prevented by the action of individuals as individuals (see comments on Question 2 above), but

(e) that the regional or global character of a growing number of environmental problems calls also for a concerted effort by all members of the international community.

Question 4

If the declaration is to provide specific guidelines for individual, national and international action it would appear most suitable to arrange the articles of the declaration according to these headings. If it is to be primarily inspirational then the answer on how it should be arranged is less simple; it could be arranged by problem areas, causes of deterioration, or individual media. On the other hand an arrangement by rights and responsibilities of individuals, agricultural or industrial undertakings, local authorities, States and interregional or international groupings would more clearly convey the message to the individuals or bodies concerned, it would also follow conveniently the preamble suggested above.

CONTENTS

Question 5

If it is felt that the essential relationship between environment and development must be spelt out in detail this will probably be an extremely difficult and controversial article to draft. The inclusion of the many qualifying clauses necessary might well detract, by very length, from the main emphasis of the declaration. It is suggested that the best way to

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handle this is to stress throughout the document the necessity for preserving the human environment, but to include a brief "saving clause" to the effect that the Declaration is intended to safeguard man's basic rights, that among these is the right to economic and social development, and that this right is co-equal with other rights.

Question 6

While a general definition of the term "human environment" on more or less any of the lines indicated in the Background Notes might be included (or might emerge naturally as the drafting proceeds) it is not considered necessary, and it might, indeed, by focusing too great attention on details, detract from the main emphasis of the document. It is felt that it would be better, on the whole, to follow the tradition of General Assembly declarations by omitting any formal definition of the subject matter.

Question 7

Damage to the environment per se is assuredly not the reason for the proposal to draw up this declaration; the reason is presumably that this damage is having an adverse effect on man, both individuals and communities existing today and those as yet unborn. In this case it would seem logical to stress the right to a sound and healthy environment as one of the basic human rights.

If, however, this view is accepted it must surely follow that these rights imply corresponding responsibilities, and that failure to assume these responsibilities automatically means that those so failing are either abrogating their own rights, or depriving others of their rights, or both.

The declaration could then, starting from the basic right of man, as an individual, to an acceptable environment, proceed to outline the responsibility of man, as an individual, and as a member of increasingly large communities.

Question 8

It is suggested that, if any principles be recognized by States as guiding their individual and collective actions are included in the declaration they should be of the broadest and most general character, and should not go into

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great detail. Recommendations for action, or resolutions on the more detailed principles which should govern States in their relations with regard to their own nationals and other States, could be separately adopted by the Conference, but should not form part of the declaration itself.

GENERAL

The declaration should be as brief as possible, consistent with clarity; it should begin with a preamble on the lines indicated, but the main body of the declaration should be so framed as to indicate clearly the right of men to an acceptable environment, and the responsibilities of individuals, States and other bodies in the preservation and improvement of this environment.

It should be so framed that it, or the basic principles it lays down, are easily memorable, transmissible by mass, media and usable as a basis of educational activities, formal or informal. It should concede that the right to an acceptable environment is one of the basic rights, but that this cannot override the responsibilities, particularly of developing countries, to provide for the other basic human rights.

FRANCE

/Original: French/
4 February 1971

I. Form and scope of the declaration

1. The declaration should be primarily a source of inspiration to the public. It should focus on major principles and seek to stimulate the political will of Governments.
2. The declaration should deal chiefly with inter-State relations but should also refer to the rights and obligations governing relations between individuals and States, and between individuals inter se. The need for "acknowledgement of responsibilities" should not be overlooked.

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II. Structure

3. The best course seems to be to have the declaration contain a preamble calling attention to the problems of the human environment and its increasing deterioration.

4. The articles of the declaration might be organized in the form of a list of the respective rights and duties of Man, States and the international community.

III. Contents

5. While the relationship between environment and development is unquestionably of real importance, particularly for the developing countries, it should be borne in mind that those countries would be justified in holding the industrialized countries to blame for their shortcomings should the latter countries initiate concerted action against nuisances and pollution of all kinds without getting the developing countries to take part in that action and giving them the benefit of their experience.

One of the articles of the declaration should be devoted to that aspect of the problem and should stress the importance of calling upon all the resources of technology in order to preserve the environment in the future without substantially affecting the rate of growth.

6. The declaration should contain as simple and broad a definition as possible of the term "human environment"; that suggested in Note EC/114/23 (1-3-3) of 21 December 1970 (Background notes, note to question 6) seems to meet this requirement.

It does not seem wise to have the declaration embody an indication of the minimum conditions necessary to constitute an acceptable human environment: this would require technical argumentation which would be out of place in a document of this nature.

7. There seems to be some advantage in having the declaration include reference to environmental rights, particularly the relationship between a sound and healthy environment and the full enjoyment of basic human rights. But this question seems to duplicate question 2.

8. The declaration should include principles on which States should base their individual and collective actions affecting the human environment. This material could probably be merged with advantage with that contemplated in questions 2 and 7.

HOLY SEE

/Original: French/
9 February 1971

FORM AND SCOPE OF THE DECLARATION

1. A statement of major principles or a more detailed document?

It is of vital importance that the document should be concise and readable so that it can have an impact on world public opinion and bring home to it the gravity and urgency of the problem of the environment.

In view, however, of the nature of environmental problems and of the fact that they vary widely from one part of the world to another, it will be very difficult to draft a concise and readable document, if an attempt is made to go into too much technical detail. We therefore suggest that the Declaration should mainly consist of clear-cut affirmations of principle.

Such a statement of major principles should not, however, be of a purely theoretical and abstract nature. The "Charter of the human environment" must contain information capable of influencing the conduct of individuals as well as the political choices of Governments and also of paving the way for an effective international agreement.

2. Considering:

(a) The essentially moral and legal implications of the problem of conserving a human environment in which man can attain his full development;

(b) The inescapable duty of solidarity, which must govern relationships between individuals over and above any considerations of immediate interest;

(c) The fact that the degradation of the human environment caused by individuals and the community has the effect of restricting and impairing the full development of man; the declaration should specify the rights and duties of individuals vis-à-vis all other human beings, including the generations still unborn, with respect to problems of the natural environment.

STRUCTURE OF THE DECLARATION

3. Desirability of a preamble and matters to be referred to

In our view, it would be desirable for the Declaration to start with a preamble or introduction of the type usually to be found at the beginning of United Nations "declarations".

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The preamble should emphasize the complex relations which exist between:

(a) The causes

(b) The necessity for a rational, responsible and co-operative utilization of the common natural heritage. The protection and conservation of this heritage are the key not only to man's development but to his survival.

The solidarity in the use of natural resources which is necessitated by:

1. The dignity of the human person, which makes all men brothers;
2. The fact that material wealth is intended for the benefit of the world as a whole.

In fact the indissoluble bond which must be recognized as existing between all phenomena of the biosphere dictates the adoption of a unitary vision of the physical and biological world which transcends the conflicts by which mankind is unhappily torn. This new vision of the world is essentially ecological, i.e. founded on an all-embracing single concept of the problems of life, viewed in the environmental context. A joint effort to ensure the rational management of the resources of the planet for the greatest benefit of all mankind may become a factor of great importance in the process of genuine unification of a world which is still too deeply marked by ideological, political and social divisions.

The preamble should, in particular, emphasize that, in any event, in the present state of knowledge and for a more or less lengthy future, man can count only on the natural resources of the earth (air, water, the soil, plant and animal life, etc.) for his needs: food, housing, energy, various products, etc. Such resources are limited and reserves of them are steadily decreasing.

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The first factor making for this decrease is the actual nature of the deposits of the available resources: these are liable to exhaustion and pollution. Productive human activities in fact necessarily lead to a quantitative decrease in natural resources and, at the same time, to a qualitative deterioration of reserves, which are often irreparably damaged as a result of pollution caused by the introduction of waste products.

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The rapid advances in production techniques have led to a substantial rise in the qualitative level of goods produced, thus creating and generalizing a broad range of ever new and more sophisticated secondary needs. This process is having an incalculable impact on the availability of natural resources, which thus cease to be available for meeting the primary needs of today and tomorrow.

Hence conservation of the environment calls for a new approach to the management of natural resources, one which is not only governed by the requirements of productivity, but is also adapted to the need to ensure a more human world for present and future generations.

It would therefore be desirable for the preamble to stress the need to go beyond existing concepts of productivity, economy and consumption, so that, in assessing the social and psychological damage caused by the deterioration in the quality of the environment, account is also taken of the benefits secured by human life in a good quality environment, on which the physical, psychological and social development of the individual largely depends.

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The phenomenon of the quantitative decrease in resources and the qualitative deterioration of the natural environment is complicated by various social and cultural problems. These include, for example, the disturbing imbalance in population distribution, the most striking features of which are the huge urban concentrations, the vast industrial complexes and the desertion of the countryside.

The preamble cannot be silent on the serious threat presented to the natural environment by this development and by the more or less carefully considered choices made by the individual and society within the framework of modern civilization.

4. Exact structure of the Declaration

We suggest a document drawn up on the following lines:

I. A preamble setting forth the main scientific and moral aspects of the present ecological crisis (as already outlined in reply to question 3);

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II. A definition of the human environment;

III. A statement of the main rights and duties of individuals, of States and of the human family as a whole;

IV. Guidelines and standards as a basis for programmes and for political choices. Among such guidelines we should like to see the following mentioned:

(a) A recommendation that towns and villages should be so restructured or planned as to provide dwellings which conform to established standards of space, hygiene and comfort; to ensure the full exercise of individual freedoms and of the right to culture; and to meet the moral and social requirements of the family, with particular attention to the needs of children and old people;

(b) The need to use logistical methods, such as systems analysis and technology assessment, in order to detect and anticipate the effects produced on the general balance of the biosphere by a particular use of natural resources or a particular application of a given technology;

(c) The duty of States to ensure the exercise of individual and collective rights relating to the environment by means of international conventions, by setting up international machinery of supervision and co-ordination.

5. How is the need to encourage development to be reconciled with the problems of protecting the environment?

Above all else, the Declaration should be positive; it will be based on the premise that there can be no fundamental conflict between the promotion of economic and social development and the protection of environmental quality provided that the sole aim in each case is enhancement of the quality of human life, and that this aim is steadfastly pursued. It is therefore necessary to reaffirm the human conception of economic development and to emphasize the inner connexion between economic progress, environmental quality and the integral development of the human person.

The following will therefore be firmly denounced;

(1) The constantly increasing and uncontrolled use of methods of production and of harnessing resources which, by seriously impairing the ecological balance, ultimately harm the well-being of man;

(2) The headlong pursuit of goods intended to meet secondary needs which have been artificially created;

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(3) The marginal enhancement of material well-being for the benefit of those who already have plenty, by monopolizing natural resources - an integral part of the wealth of all - and keeping them from being used to satisfy the primary needs of much of mankind.

It is necessary to reaffirm the right of all human beings to adequate access to those primary goods which today are universally regarded as essential to a decent human life. If, to achieve this, it should be necessary to impose any restrictions on the use of natural resources, it is more equitable to do so on behalf of those who are still short of primary goods than to the advantage of those who have an abundance of superfluities.

The protection of the human environment must therefore remain secondary to the establishment of the living conditions necessary to man.

At the same time it must be recognized that there are intrinsic laws in the rational use of the resources of the biosphere in the service of man. Their violation would inevitably cause damage, not only to those who expected to profit by it, but often for the entire human community.

It therefore seems necessary that the Declaration should advocate operational standards based on a definition of economic and social development which makes it clear that the ultimate and essential purpose of development and human progress does not reside solely either in an increase in the goods produced or in the physical preservation of the natural environment, but that both contribute to it provided that they are placed directly in the service of all human beings.

To stress the primacy which must be given to man in the consideration of either economic development or the natural environment is the only way to reconcile development with the protection of the environment. It is also the way to recognize the importance, in protecting the environment, of protecting the cultural and spiritual values which form the most valuable asset handed down by the past to the present generation, not as a dead tradition, but as a vital, ever-fertile element whose decay is one of the gravest symptoms of imbalance in a culture or civilization.

6. Case for and content of a definition of the "environment"

In view of the seriousness of the subject and of the need to understand it clearly and to apply disciplined thinking, we consider that a definition of the environment would be in order. On mature consideration we shall endorse that put forward by the Secretary-General of WMO, with the words added by the Director-General of WHO and the insertion of some further words which we shall explain:

"The human environment, as the natural setting of man, comprises all physical, biological and social matter, processes and influences which, directly or indirectly, have a significant effect on the well-being of the individual and of the human race as a whole; some of these may be beneficial, others harmful; some may be natural in their occurrence, others may be the result of man's own activities."

The purpose of the phrase "as the natural setting of man" is to denote that the notion of the human environment should take into account the original dimensions of human nature. Some of these are aesthetic, intellectual and spiritual; suffice it to think of the benefits conferred by living in a particularly beautiful place, or even by a brief look at a landscape; of surroundings conducive to relaxation and recreation; of the virtues of a setting which makes for calm, reflexion and study; or of the effect of silence and tranquillity in enabling man to lose himself in prayer and contemplation.

7. Statement of rights and duties relating to the environment

It is desirable to mention the main rights and duties governing relations between man and the environment. For the sake of clarity, these may be classified under three headings: (1) rights and duties of individuals; (2) rights and duties of the State; (3) rights and duties of the international community.

The enumeration of these rights and duties should be preceded by a general affirmation of the right of every human being, every State and the entire human family to a wholesome natural environment. (This affirmation may be based on a quotation from article 25 and of article 29, paragraph (1), of the Universal Declaration of Human Rights.)

In enumerating the rights and duties underlying relations between man and his environment, attention will be drawn to the following in particular:

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(a) Rights and duties of individuals. The need for every citizen to realize the social implications of the possession of private property;

(b) Rights and duties of States. The need to plan the use of land and natural resources at the national level and to base legislation for the protection of the environment on recognition of the right of all citizens to a human environment.

In particular it is urgently necessary to point out that, as a result of the reduction of infant mortality and the increase in the length of life, there has recently been a marked increase in the number of old people and children. It is therefore necessary to plan the human environment in such a way as to promote the normal physical, mental and social development of children and to make due allowance for the capacity of old people for activity and movement;

(c) At the international level. With regard to relations between States, it is impossible to ignore serious problems which create a crisis in relations between man and his environment and which can be tackled only at the international level.

It is an urgent international duty to ensure respect for human rights relating to the human environment by means of conventions between States and recourse to supranational agencies of supervision and co-ordination invested with legal authority.

8. Affirmation of principles which should govern relations between States

It stands to reason that the Declaration should confirm the duty of States to be guided in their actions by principles which they will bear in mind in endeavouring to preserve a wholesome human environment. The enumeration of principles proposed in the annex to the questionnaire (pp. 8-10) can be followed, with special emphasis on the principle of regional and international planning.

ITALY

[Original: French]
5 February 1971

As the view expressed by Italy at the first meetings of the Preparatory Committee indicated, the Stockholm Conference should set itself two essential aims.

Its first aim should be to awaken world opinion to an awareness of environmental problems, to strengthen Governments' and individuals' conviction of the importance and urgency of those problems and stress the responsibility of multilateral organizations, States and communities for conservation and the improvement of environmental conditions.

Its second aim would be connected with the action to be undertaken by the Conference with a view to creating a political and legal context within which Member States could develop the forms of mutual co-operation required.

It is by reference to these two fundamental principles that the Italian delegation has formulated its replies to the questionnaire issued by the Secretary-General of the Conference.

Form and scope of the Declaration

1. The Declaration on the environment should be a document detailed enough to provide specific guidelines for national and international action. It should at the same time be very concisely written, so that it may be disseminated as widely as possible through all existing information media.

The part embodying general principles could be developed in the preamble to the Declaration referred to in question 3.

2. The Declaration should be a global one and should review the nature of the rights and obligations governing relations between States and individuals, and between individuals inter se, in their environmental activities.

Structure of the Declaration

3. A preamble is certainly necessary and all the statements suggested in the background notes to the Secretary-General's questionnaire are very important and noteworthy.

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In order not to make the document unduly lengthy, consideration might be given to putting the statements in a shorter form and, if necessary, reducing their number by combining those having similar subject matter (such as the first and second, the fourth and fifth, etc.).

4. Of the suggested ways of organizing the articles of the Declaration, we believe organization by subject matter is the most effective. In any event, in order to determine the nature of the action to be taken, the fundamental causes of deterioration of the human environment must be enumerated.

Contents of the Declaration

5. Italy has already advocated at the international level the establishment of a link between the Stockholm Conference and the Second Development Decade. This principle should be stressed in the Declaration by a statement that international action to conserve the human environment should in no way hamper or slow down the economic development - and particularly the industrial development - of the developing countries or make the introduction of advanced technology more difficult for them.

These points should be given special emphasis in order to show very clearly the willingness of the industrialized countries to embark on a constructive dialogue with the States of the Third World on environmental subjects and to make available to their Governments all the experience gained in that sphere, so that their development may proceed without causing the environmental deterioration which has characterized the progress of more developed societies.

6. It seems unnecessary to include a definition of the term "human environment" in the Declaration. To draw up an accurate definition would certainly be difficult inasmuch as it might provoke sharp disagreements between groups of countries, and thus delay and add to the difficulties of preparatory work which is probably complex enough already.

Moreover, any definition produced by a laborious process of compromise would probably be a rather limited one; it would be influenced by the reluctance of some countries to tackle certain subjects at the international level and might make the future actions of States participating in the Conference more difficult.

7. The Declaration should emphasize the responsibilities devolving upon individuals, communities, national authorities and international organizations for the protection and restoration of the human environment.
8. The Declaration should include a list of principles which would guide the future action of international organizations and States with regard to the human environment. The list given in the note to question 8 in the background notes provides a useful basis for work in this connexion.

JAPAN

/Original: English/
25 January 1971

Form and scope of the Declaration

1. It would be desirable that the Declaration be primarily inspirational in character. However, the Government will have no objection to the inclusion in the Declaration as general guidelines such principles as may be found agreeable to every participating Government in the process of preparation for the 1972 Conference.
2. The Government considers it desirable that the Declaration will also deal with relations between (1) individuals and States, and (2) individuals, inter se.

Structure

3. The Declaration should contain preambular paragraphs. As to the contents, the Government is of the opinion that the matters given as examples in the note annexed to question 3 are generally appropriate to be included.
4. The Declaration should not deal with highly technical matters, rather it should concentrate on the matters of general and global concern.

Contents

5. The relationship between environment and development is one of the issues of crucial importance and it would be useful to make a particular reference to the protection of the interests of developing countries.
6. It would be desirable that the Declaration contain a definition of the term "Human Environment". However, as it is difficult to establish a precise definition at the present stage, further study should be made in the preparatory work.
7. As far as the Declaration be essentially inspirational in character, it would be appropriate to include in the Declaration a general reference to environmental rights and moral obligations of individuals and various communities.
8. The Government deems it desirable to include in the Declaration general principles which could serve as guidelines in the formulation and implementation of national environmental policies. However, the Government considers it

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appropriate at the present stage that it will not include such principles as (1) the conclusion of international agreements on standards of environmental quality and, (2) the principle that States are internationally responsible for harms caused by them or their citizens to environmental resources shared with other States, both given in the note annexed to question 3 as examples of principles with regard to other States. In view of the Government of Japan, these principles are too specific and involve various difficult questions.

LIBYA

/Original: English/
10 February 1971

A. Form and scope of the Declaration

1. The Government of the Libyan Arab Republic thinks that the Declaration should be primarily inspirational in character, designed to stimulate public concern and, by focusing on major principles, seek to provide a basis for the necessary political will.
2. The Declaration should be concerned with inter-State relations involving issues on the subject of environment and not deal with relations between individuals and States and individuals inter se.

B. Structure

3. The Government of the Libyan Arab Republic approves the contents of the proposal of the Preparatory Committee in its report A/CONF.48/PC.6, p. 19, para. 35.
4. The Government of the Libyan Arab Republic thinks that the articles of the Declaration be organized by subject matter (alternative a).

C. Contents

5. The Government of the Libyan Arab Republic strongly believes in the relationship between maintaining human environment and the efforts of States in the fields of economical and social development, but we think that the Declaration should not contain what might be thought as an interference in the

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efforts deployed by the developing countries in developing the social life and raising the developing standards of the citizen in any field, and that conservation of natural environment should not hinder the right of the State to exploit its natural wealth.

6. The Government of the Libyan Arab Republic agrees that the Declaration should contain a definition of the term "Human Environment"; and the human kind should be the main factor of this definition and also what is related to the urbanization and development achieved by the human kind.

7. The Government of the Libyan Arab Republic agrees that the Declaration should include reference to environmental rights and should stress the relation between achievement of a sound and healthy environment and the enjoyment of basic human rights, but it should not contain any reference which may be considered as a hinder to the authorities of the States in issuing the legislations and laws which deal with its social and economical affairs.

8. The Government of the Libyan Arab Republic does not object to the idea that the Declaration may contain certain principles which could be utilized by States as a guiding line in their legislation acts and that could be considered in forming their plans for utilizing natural wealth and potentialities and on which basis inter-State relations could be formed, in these aspects.

NETHERLANDS

Original: English
4 February 1971

Form and scope of the Declaration

1. The form and the scope of the Declaration on the Human Environment will necessarily depend on the purpose which the Declaration is to serve.

It is our opinion that the purpose of the Declaration should primarily be an educative one. The Declaration must be designed to help countries and nations to realize what needs to be done in order to maintain and improve the human environment.

It should also encourage individuals and communities to be ready to accept sacrifices in the interests of the environment, at the same time making clear that any burdens involved should be fairly distributed.

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With reference to the question whether the Declaration should focus on major principles, or be a more detailed document providing specific guidelines, it may be stated that the document should be concise in order to be more readable, but at the same time contain, as well as general principles, a number of policy guidelines to serve as a basis for national action and international measures.

2. It would seem that, as the first universal formulation of principles and guidelines and as a basis for agreements and further regulations, the Declaration should not have primarily the formal character of an instrument settling, as it were, legal relationships in their various forms. The Declaration should rather be a practical document taking the dignity and welfare of man as its point of departure and consequently focusing on the duty and responsibility of States to take separate and joint action for the maintenance and improvement of the human environment.

Structure

3. The preamble of the Declaration could be based on the following elements:

First it should elaborate on the three-level relationship of "man - State - international community". Man, comes first, his dignity and his equal and inalienable rights; man, whoever and wherever he may be, is at the centre of all our efforts (see the Universal Declaration of Human Rights). It could also be pointed out that man has not only rights but also responsibilities towards his fellow-men and the community (see article 29 of the Universal Declaration). The preamble would then turn its attention to the State, which has a duty towards people under its direct responsibility but also the duty to work in co-operation with other States in order that all States can fulfil their obligations to mankind to the fullest possible extent (this is also the underlying principle of Article 56 of the United Nations Charter: "All members pledge themselves to take joint and separate action, etc."). This obligation of States to co-operate with one another would lead to the third dimension, namely, that of the international community. By the Charter of the United Nations the international community, as embodied in the United Nations Organization, has undertaken to promote certain economic, social and humanitarian purposes (Article 55 of the United Nations Charter). In relation to this it may be stated that the commitment made by the

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international community should not only be promotional in character, but should also provide for devices of review and reappraisal once concrete standards and programmes have been formulated for the maintenance and improvement of the human environment. It would also seem important to underline the global character in the preamble. Although the problems presented by the environment can vary from country to country they are becoming of increasing concern to all members of the international community regardless of their geographical, economic and social situation.

The preamble could conclude with an appeal to all organs of society, both national and international, to the end that they, keeping the Declaration in mind, should strive for the realization of the principles and guidelines set out in the Declaration (see as an example the last paragraph of the preamble of the Universal Declaration of Human Rights). A conclusion of the preamble on these lines would bring out that the Declaration is not only based on the three-level legal framework of "man - State - international community", but rises above what is essentially a practical juridical construction in addressing a general appeal to all organs of society and to mankind as a whole in the interests of the well-being of future generations.

4. The operative part of the Declaration could consist of "principles and policy guidelines, the latter being subdivided into national and international policy guidelines (see as an example the Declaration on the Management of the Natural Environment of Europe by the European Conservation Conference of the Council of Europe).

Contents

5. It is indeed important for the Declaration to stress that there is a fundamental relationship between a sound and healthy environment and development, and that special attention should, therefore, be given to the economic and social implications, with particular regard to the position of the developing countries.

6. For the reasons given in the background notes to the questionnaire it would seem to be better at this stage not to worry about a definition of "human environment".

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7. With regard to rights and duties at the three levels of man, the State and the international community, reference may be made to our comments under 2 and 3.
8. The Declaration should indeed include certain principles which States should recognize as guiding their individual and collective actions affecting the human environment (see comments under 4).

PANAMA

Original: Spanish
27 January 1971

1. The Declaration should be as simple and concise a document as possible, It is essential that it should include both the rights and obligations of individuals and those of the State in the fight against environmental problems. Unless the efforts of both are covered, it is futile to co-ordinate any effort to find a solution to this problem, which needs to be tackled as soon as possible.
2. On the subject of rights and obligations, the Declaration should be as explicit as possible about the rights and obligations of statesmen and of men of all nations with respect to a problem which affects all mankind.
3. Given the steady deterioration to which the human environment is exposed, it is of the highest importance that the Declaration should be in such a form that people will at once understand that the danger with which Man is confronted is great and that each one should consider himself responsible for helping not to intensify that danger.
4. The Declaration should be organized, basically, as an enumeration of the rights and duties of Man, so as to convince people of the need for the human organism to live in a human environment free from pollution and so that they will understand that it is their responsibility to help to prevent its deterioration.
5. The Declaration should undoubtedly be positive and should deal with present and future environmental conditions, principally in countries which are not yet developed. Experience has shown that the growth of industrial centres adversely affects Man's natural environment in many ways. The under-developed countries therefore have time to take steps to prevent a deterioration of the human

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environment. The co-operation of ecologists should be sought so that their scientific studies can be used as a basis for specific statements on the ecological effects of major development projects.

6. Rather than a definition of "human environment", which would raise the problem of reconciling a variety of opinions, a listing should be made of the minimum conditions necessary to constitute an "acceptable" human environment.

7. Just as environmental rights are included in the Declaration, one of the basic human rights included should be the achievement of a sound and healthy environment, together with the need for general co-operation in achieving it (by individuals, communities and authorities - both national and international bodies).

8. In order to secure uniformity in the action to be taken by States with regard to the human environment, the Declaration should include some basic general principles applicable to all (for both individual and collective action).

SINGAPORE

/Original: English/
17 February 1971

Declaration presented by the Delegation of Singapore to the
second session of the Preparatory Committee for the United
Nations Conference on the Human Environment

Declaration on the control of environment in South-East Asia

The Governments of South-East Asia

- concerned over the deterioration of their environment caused by the discharge of waste into air, water and soil, by degradation of human habitats and by economic and technological changes;
- considering that air, water and soil of the earth are so interconnected that the manner in which these resources are used affects all forms of life;
- convinced that a balance between economic growth and environmental quality is essential to human welfare;
- alarmed that the concentration of population in urban centres is often accompanied by the deterioration of the environment and the creation of tensions;
- confident that the proper application of science and technology, accompanied by a change of attitudes and practices, can prevent further deterioration of the environment and repair the damage already done;
- realizing that the regional character of the threat calls for joint action and that efforts must now be made by all nations in the region to counter the threat to the environment;

Declare that they are resolved

- to mobilize the conscience of the region in a common effort to arrest the degradation of the region's environment and to promote its enhancement, and
- to develop plans and institute measures based on the following:

Principles

- Each person has a fundamental right to a healthful environment.
- Each person has a responsibility to protect the environment.

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- Governments have a responsibility to promote a healthful environment and to motivate their citizens to act as guardians of the environment.

- Governments have a responsibility to regulate the use of resources which are of importance to the welfare of the people in the region.

Guidelines

To this end, the Governments of South-East Asia endorse joint efforts of Governments and regional organizations:

- to provide basic data needed to assess the major problems which call for regional action;
- to establish regional networks for the monitoring of indices of environmental quality and of factors likely to produce a degradation of the environment;
- to provide facilities for the evaluation, exchange and dissemination of background data thus established;
- to develop criteria and standards necessary for environmental control by national authorities;
- to provide resources and manpower to plan and operate regional programmes needed to safeguard the environment;
- to conduct studies to assist planners and reviewers of development programmes in assessing the impact of such programmes on the environment;
- to promote the establishment of national and regional facilities for the training of experts in environmental management;
- to give high priority to the planning of new and to the remodelling of established urban centres with major emphasis placed on the enhancement of human environment.

SWEDEN

/Original: English/
29 January 1971

General

The Preparatory Committee might at its second session establish an intersessional working group on the Declaration which could report to the Committee at its third session. Naturally, it would work in close co-operation with the Secretary-General of the Conference. The actual drafting of the Declaration should not be initiated at the second session, whose task it would rather be to indicate general directions as to the format, scope and character of the Declaration.

The main element of the Declaration should be a solemn commitment of the nations of the earth, jointly and individually, to ensure that the functioning of the biosphere is maintained, and the Declaration should further contain provisions for carrying out this task.

Question 1

As to the question whether the Declaration should be inspirational or a more detailed document, an effort should be made to combine the two principles.

Question 2

The Swedish Government questions the wisdom of starting the Declaration with an enumeration of rights.

Question 3

The preambular paragraphs should reflect and strive for a balance between ecological and social and cultural problems.

Question 4

The articles of the Declaration should be organized by subject matter.

Question 5

The recognition of the essential relationship between environment and development: as to this subject please refer to the Swedish statement at the second session of the Preparatory Committee.

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Question 6

The Government doubts whether it is necessary to have a definition of the human environment in the Declaration.

Question 7

The Declaration should include reference to environmental rights.

Question 8

The Declaration should contain principles guiding States in their individual and collective actions affecting the human environment.

SWITZERLAND

/Original: French/
29 January 1971

The Government of Switzerland submits the following preliminary comments:

Question 1

We consider that the Declaration should be confined to what is at present possible: that it should, in other words, state for the benefit of the general public the fundamental principles of the protection of the human environment and affirm the need to improve it.

That the Declaration should contain specific guidelines for individual, national and international action is undoubtedly a desirable end in itself, but it would, we think be impossible to draw up such guidelines until the many components of the human environment are better known and defined.

Question 2

It is desirable that the Declaration should deal with the responsibility of individuals and the State towards the human environment, the importance of measures to regulate their mutual relationships in this sphere and the need for international co-operation. Here again, however, we think that the Declaration should be confined to very general considerations, essentially educational in their scope, on the understanding that an effort will be made to define specific aims in resolutions and recommendations, either at Stockholm or later on.

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Question 3

The preamble to the Declaration could, indeed, call mankind's attention to the increasing danger it is running by ignoring the laws of nature and to the urgent need for vigorous preventive and remedial measures, including a constant fight against water and air pollution. Reference should also be made to the need for the planning and orderly management of natural resources in the light of the continuing growth of the world's population and the ever-increasing use of natural resources by everyone. The passages on these subjects should, however, be concise, as should the entire Declaration, without becoming involved in over-abstract argumentation.

As stated in connexion with question 2, mention should be made of the need for intergovernmental co-operation, but the means to achieve it and the need to co-ordinate the multiplicity of international endeavours to protect the environment would be more appropriately discussed in a separate resolution.

Question 4

It is hard to say what the best way of organizing the articles of the Declaration would be.

The least satisfactory method, in our view, would be to enumerate the rights and duties of Man, States and the international community.

The first three methods suggested in the background notes in the questionnaire (note to question 4), on the other hand, would be acceptable. In certain respects the organization of the subject matter with reference to individual media (air, land, water) might seem to be the most logical method, since the elements are more accessible concepts than others, but to define the rights of the individual with respect to each of them would probably be a very difficult process. If this method was adopted, a set of rules for conserving and improving the quality of each medium of the human environment might be drawn up for the benefit of the public authorities, communities, industry and individuals.

Question 5

We fully subscribe to the proposition that the protection of the human environment and development are not irreconcilable. Nevertheless,

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industrialization has often caused and is still causing permanent damage to the natural environment. Obviously, too, the fight against "nuisances" of all kinds is and will continue to be very costly and the developing countries, in particular, may find it extremely difficult to set aside the financial resources it demands. Accordingly, the Stockholm Conference will definitely have to turn its attention, among other problems, to that of the desirable balance between the quality of life and economic growth.

Question 6

The Declaration will certainly have to show clearly what it is that is to be protected, restored or improved. However, like some members of the ACC Ad Hoc Working Group (background notes, note to question 6), we fear that there may be substantial differences of opinion if at this stage an effort is made to formulate a precise, readily understandable and concise definition of the human environment, and we are inclined to think that it would be easier to work out such a definition later, on the basis of the work of the Stockholm Conference, and that the definition could then be included in an international convention, as suggested in the same passage of the background notes.

Question 7

We can support the inclusion in the Declaration of a passage mentioning, without going into such detail as to affect the concise character of the document, the fundamental responsibility of the State for maintaining a sound and healthy environment.

On the other hand, the recognition of a subjective individual right to the enjoyment of such an environment is not really compatible with some national legal systems, such as Swiss constitutional law. We do think, however, that agreement could be reached, in this context, on a flexible formula covering such matters as the State's obligation to keep the public informed on short- and long-term dangers to the human environment, the major facts of scientific ecology and the consequences of technological progress, all such information being integrated, of course, into the educational system.

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Question 8

We believe that the Declaration should state general principles, which might include: the principle of national sovereignty over natural resources; the duty of States carefully to husband and preserve the human environment and all natural resources, including fauna and flora, through domestic legislation and the establishment of executing and controlling bodies; the duty of States to co-operate with one another and with international agencies in safeguarding and improving a common heritage; giving effect to the principle of co-operation by concluding bilateral and multilateral agreements establishing environmental quality standards, a reasonable system of responsibility and an effective system of inspection; the principle that every member of the international community should refrain from damaging others and owe them reparation for damage caused; the duty to consult one another in the event of a threat of serious harm, and to exchange environmental data and experience; the duty of States to secure for their inhabitants the safeguarding and improvement of their natural environment, through action and information (on this latter point, see also our reply to question 7).

* * *

As there was only a limited time available for the principal Federal authorities concerned with the protection of the environment to be given the opportunity to express their views, you will understand that we reserve the right to elaborate on these replies, which are only a partial statement of our opinions, at a later stage; we wished you to have them before the second session of the Preparatory Committee for the Conference.

UNITED ARAB REPUBLIC

/Original: English/
6 February 1971

Question 1

Declaration on Human Environment while maintaining its inspirational character, should be within a framework of an agreed set of principles between developed and developing countries, and provide specific guidelines for individual, national and international action.

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Question 2

Declaration should be concerned with inter-State relations involving issues of human environment. It should also be addressed to States and meanwhile provide for certain duties on part of the individuals.

Question 3

It should contain preambular paragraphs calling attention for existing interrelated problems of human environment and taking into consideration the necessity of overcoming future problems arising during the process of development, such as the problems contained in the explanatory note drafted by the Secretary-General.

Question 4

Provisions of the Declaration should be organized according to subject-matter and in accordance with the rights and duties of States and through them to their nations. Under each heading of subject-matter, mention should be made of the rights and duties of States.

Question 5

As it has been acknowledged that there is no fundamental conflict between the promotion of economic and social development and concern for human environment. It has been equally stressed in the DDII that the ultimate purpose of development is to provide increasing opportunities to all people for a better life, hence it is essential to bring about a more equitable distribution of income and wealth for promoting both social justice and efficiency of production, to raise substantially the level of employment, to achieve a greater degree of income security to expand and improve facilities for education, health, nutrition, housing, social welfare and safeguard the environment. These principles are in line with the goals and objectives of DDII, namely the increase of an annual average of growth by at least 6 per cent in the gross national product of the developing countries.

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Question 6

Definition of "Human Environment" should not be an obstacle serving to side-track the aims and objectives of the Conference.

Question 7

It would be appropriate to start with a general affirmation of every human being's "right to a wholesome environment". It should be followed by a more detailed outline of rights, duties and responsibilities of Governments in relation to their environment and through them to their nations.

Question 8

Declaration should mention certain principles which are of particular importance to the human environment, such as those set forth below:

(a) The principle of national sovereignty over natural resources.

(b) The duty of all nations to carefully husband their national resources and to hold in trust for present and future generations the air, water, land, and community of plants and animals on which all life depends. This principle includes the responsibility to maintain and enhance the quality of the environment in which present and future generations must live and to prevent the continuance of processes which can permanently impair this quality. For this purpose, States should establish and enforce adequate environmental quality standards and set up appropriate institutions for resource management to minimize the risk of irreversible ecological changes resulting from resource development.

UNITED STATES OF AMERICA

/Original: English/
29 January 1971

My Government transmits herewith the following responses to the Questionnaire in Connexion with the Preparation of a Draft Declaration on the Human Environment. Although the Declaration has been the subject of considerable discussion within my Government, the following comments are preliminary, subject to further discussions both within my Government and internationally.

1. The Declaration by being concise, easily understandable, and inspirational, should be an instrument for stimulating public concern as widely as possible. It should contain a statement of policy and a body of principles, which would not only be useful for that purpose but which would, moreover, be acceptable to States as goals for future action, and would, therefore, constitute a basis for stimulating more specific action by States as well as the public.

The Declaration should not, however, include specific guidelines. The more specific the guidelines the more apt it would become for inclusion in a Level II "Plan for Action". It is important to determine early in the preliminary meetings whether a proposed statement should be classified as a principle to be included in the Declaration or as a guideline to be included in a Level II resolution.

My Government would hope that a declaration comprised of a body of principles might be elaborated by a consensus and could receive the unanimous endorsement of the Conference. As it is likely that specific guidelines for action will command a lesser consensus, they should be separated from the declaration, and should be subject to the ordinary two-thirds rule.

2. The Declaration should contain principles which would set forth some general rights and obligations of States to each other, of States to individuals and of individuals to each other. States would strive to implement these principles as soon as possible by progressive measures, national and international.

3. The Declaration should contain preambular paragraphs which establish terms of reference and lay a positive basis for establishing principles. The preamble should identify the crucial problems of the human environment. Emphasis in the preamble should be not on the problems of a deteriorating environment but upon the opportunities for improving the environment and the need for concerted action.

The matters which might be included in the preamble are indicated in Attachment I.

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4. Although my Government could agree to other systems of organizing the Declaration, it believes that an enumeration of the most important rights and duties of man, States and the international community would be most consistent with the objective that the principles set forth in the Declaration become a point of reference for stimulating concrete action by Governments, on both national and international levels, and by individuals. It is recognized that many of the rights and duties described in the Declaration will be common to men and to organizations of men, including States and the international community.

5. Recognition of the relationship between environment and development could be stressed in the preamble as a precept for action. For instance, it might be stated that development which confers immediate benefits on the few at the expense of future generations by contributing to the deterioration is a false accomplishment. The best development is that which avoids past environmental mistakes and thus achieves development in a fuller sense. (See also Attachment I, paragraph 7.)

6. The scope of environmental problems not having been fully explored, a definition of "human environment" may wrongly exclude problems not now identified and may stand in the way of needed progress. Achieving an agreed definition would surely be time-consuming and substantively difficult. Accordingly, my Government believes the probable disadvantages of defining "human environment" outweigh the advantages.

7. As the answers to the foregoing questions imply, my Government believes that the Declaration should affirm in the form of general principles the most important environmental rights and duties by which States (and others) are willing to be guided at this time. Such a statement of rights and duties would also provide a point of departure for future action. It should include not only long-range goals but should be framed with attainable shorter-range goals in mind so that the whole effort to improve the human environment will not be impaired by appearing to have failed to achieve goals which are too idealistic when in fact successes have been achieved. A few of the principles which might be included in the Declaration are listed in Attachment II.

8. The statement of principles should be the main strength of the Declaration. Subsequent actions can be initiated most effectively if agreement has been reached on principles. My Government will be forthcoming in its support of substantive

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and specific actions to improve the environment. It believes that the continuing elaboration of specific guidelines for action and the implementation of such guidelines through specific actions can best be accomplished on the basis of established principles.

My Government believes that as a first step toward the preparation of the Declaration a working party on the Declaration should be established at the second session of the Preparatory Committee. A draft prepared by that working party should be circulated for comment to all Governments invited to the Conference, should be revised by the working party in the light of these comments, and should be presented to the third session of the Preparatory Committee.

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ATTACHMENT I

The preamble to the Declaration might include such statements as the following:

The Conference AWARE

That human civilization stands at the threshold of new opportunities for improving the quality of life for each individual and enhancing the dignity of all mankind.

That these opportunities may slip from human grasp and that the future of life on earth may be imperilled unwittingly by the very actions designed to improve it.

That the air, soil, water, minerals and life forms of the earth comprise a single life-support system that must be maintained so that the accumulated harmful effects of innumerable separate actions will not endanger the health and safety of mankind everywhere.

That the earth's natural resources are limited, and must be managed for continuous use, not thoughtlessly consumed, exploited or degraded to the detriment of future generations.

That excessive population growth can defeat man's efforts to preserve the earth's environment.

That man's health, safety, welfare and food supply depend on the quality and productivity of his environment, which must be maintained so that all nations will not suffer the consequences of excessive pollution of the world environment.

That the quality of human life is predicated on a desirable economic, physical, social and cultural environment which must not be threatened by disorderly growth resulting in reduced standards of being, in accumulations of wastes, in social tensions and in insults to man's cultural and aesthetic sensibilities.

The economic development and environmental quality are essential aspects of human progress, which can be pursued simultaneously by wise application of science and technology and the adoption of enlightened social attitudes and practices.

And that actions necessary for the conservation, and the enhancement of the human environment will require sustained co-operation by States, peoples, and international organizations.

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ATTACHMENT II

The operative paragraphs of the Declaration might affirm such principles as the following:

(a) Every human being has a right to a healthful and safe environment, including air, water and earth, and to food and other material necessities, all of which should be sufficiently free from contamination and other elements which detract from the health or well-being of man;

(b) States, individuals and the international community commonly resolve to respect, safeguard and properly manage the environment, to foster and promote the general welfare and fulfil the social, economic and other requirements of present and future generations;

(c) States promise to further this resolve by progressive measures, national and international;

(d) Whenever a proposed activity by any State might cause grave harm to human environment beyond its territory the State or States planning such an activity should undertake appropriate international consultations before proceeding with any such activity; and

(e) In all that concerns the human environment, States should be guided by these and other principles to be set forth in the Declaration.
