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RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

THE EARTH SUMMIT (1992)

The United Nations Conference on Environment and Development (UNCED), generally known as the Rio de Janeiro Earth Summit, the Rio Summit, the Rio Conference, and the Earth Summit, was held in Rio de Janeiro, Brazil, from June 3 to 14, 1992. It brought together representatives from 172 countries in Rio de Janeiro, Brazil.

The Earth Summit brought together 108 heads of state, 2,400 delegates from various Non-Governmental Organisations (NGOs), and over 10,000 journalists in an unprecedented gathering. A parallel NGO meeting, attended by 17,000 NGO representatives, made suggestions to the Earth Summit. The Earth Summit in Rio had the primary goal of producing a wide agenda and new blueprint for international action on environmental and development concerns that would help shape international cooperation and development policy in the twenty-first century.

The Earth Summit drew a large number of governments and non-governmental organisations, indicating a shift in global views toward the environment. In the second part of the twentieth century, scientific data revealed that human activity was wreaking havoc on the environment. According to scientific data, pollution and depletion of natural resources in one country can have a significant impact on the environment of neighbouring countries or the entire globe. With the aid of national and municipal governments as well as non-governmental

organisations, world leaders developed plans and policies to protect the environment during the Earth Summit.

THE RIO DECLARATION

The World Summit on Sustainable Development (Earth Summit 2002) and the Kyoto Protocol are two long-range reports and implementation plans that continue to serve as blueprints for worldwide action on environmental concerns.

The Rio Declaration on Environment and Development, the Statement of Forest Principles, and Agenda 21 were all produced at the 1992 Earth Summit. The United Nations Framework Convention on Climate Change and the Convention on Biological Diversity (UNFCCC) were both established as a result of the Earth Summit.

The Rio Declaration on Environment and Development is a collection of principles that establishes states' rights and obligations in the fields of environmental preservation and development. According to the Rio Declaration, countries have the freedom to use natural resources inside their borders as long as their actions do not harm the environment of neighbouring countries.

PRINCIPLES TO THE RIO DECLARATION

According to the Rio Declaration, long-term economic growth is only possible if it is connected to environmental conservation. If this is to be accomplished, countries must form a new global partnership that includes governments, citizens, and important sectors of society. Human society must work together to create international accords that safeguard the global environment while also promoting responsible development.

Certain principles were established in recognition of the Earth's intrinsic and interconnected character as our home-

1. *Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.*
2. *States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.*

3. *The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.*
4. *In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.*
5. *All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.*
6. *The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.*
7. *States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.*
8. *To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.*
9. *States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.*
10. *Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available.*

Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

11. *States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.*
12. *States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing trans boundary or global environmental problems should, as far as possible, be based on an international consensus.*
13. *States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.*
14. *States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.*
15. *In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*
16. *National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.*

17. Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
18. States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.
19. States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse trans boundary environmental effect and shall consult with those States at an early stage and in good faith.
20. Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.
21. The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.
22. Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.
23. The environment and natural resources of people under oppression, domination and occupation shall be protected.
24. Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.
25. Peace, development and environmental protection are interdependent and indivisible.
26. States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.
27. States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.¹

¹ Available at- <https://www.cbd.int/doc/ref/rio-declaration.shtml>

CASE LAWS UPHOLDING THE PRINCIPLES OF RIO DECLARATION

Vellore Citizen Welfare Forum v/s Union of India was the first case in which the Supreme Court used the idea of "sustainable development." A disagreement emerged over certain tanneries in the state of Tamil Nadu in this case. The effluents from these tanneries were being discharged into the Palar River, which was the state's major supply of drinking water. The Supreme Court held that the precautionary principle and polluter pays principle are part of India's environmental law, and that remediation of the damaged environment is part of the process of 'Sustainable Development,' and that the polluter is liable to pay the costs to individual victims as well as the costs of reversing the damaged environment.²

In **Indian Council for Enviro-Legal Action v/s Union of India**, the Court held that if an activity is hazardous or inherently dangerous, the person who engages in it is liable to compensate any other person who suffers a loss as a result of his activity, regardless of whether he exercised reasonable caution while doing so. The rule is based on the nature of the task being performed.³

In **M.C. Mehta v/s Kamal Nath and Ors**, it was held that pollution, is a civil wrong and a tort committed against the entire community. As a result, anybody who causes pollution must pay damages (compensation) for environmental and ecological rehabilitation. According to the Polluter Pays Principle, it is not the responsibility of the government to cover the expenses of either preventing or correcting such harm thus, the taxpayer bears the financial cost of the environmental pollution.⁴

The principle of sustainable development was further emphasised in the case of **Intellectuals Forum, Tirupathi v/s. State of A.P. & Ors**, reported in 2006, by the Apex Court, which held that economic development should not be allowed to occur at the expense of ecology or by causing widespread environmental destruction and violation. At the same time, the need to protect the environment and ecology should not stifle economic and other growth.⁵

² 1996(5) SCC 647

³ 1996(3) SCC 212

⁴ (1997)1SCC388

⁵ [2006] 3 SCC 549

STRATEGIES TO ACHIEVE SUSTAINABLE DEVELOPMENT

Abiding by the principles laid down, one needs to follow certain strategies to achieve sustainable development-

a. Input-Efficient Technology

We need to come up with input-efficient production technologies. It means output is maximised. This will moderate the stress on resources endowment per unit of input

b. Use of Environment-Friendly Sources of Energy

LPG and CNG are cleaner fuels and environment friendly as compared to petrol, diesel, kerosene, etc.

c. Integrated Rural Development

Integrated rural development must be given a high priority programmes of state planning. This will generate employment opportunities in rural areas, restricting migration to urban areas and thus, reducing over-utilisation of resources in urban areas.

d. Shift to Organic Farming

Excessive use of chemical fertilisers, insecticides and pesticides has raised the crop yield but at the cost of soil fertility which means a loss of production capacity for the future generations.

e. Manage the Wastes

Rather than allowing the industrial waste and household garbage to litter around or merge with the streams and rivers, we must systematically manage them. Household waste can be recycled into compost and used as a manure for organic farming.

f. Public Means of Transport

Because public transportation transports a large number of people in a single vehicle, it can minimise the number of cars, traffic noise, and exhaust emissions connected with those vehicles. Public transportation may assist cities minimise smog, satisfy air quality requirements, and lessen the health hazards associated with poor air quality for their inhabitants by lowering emissions from transportation in dense metropolitan areas.

HOW TO SAVE ENVIRONMENT?

Listed below are some of the ways to save the deteriorating environment as intended after the Rio Declaration on Environment and Development:

i. Social Awareness

There is an immediate need to raise public knowledge about the risks of pollution and how each individual can help to combat this threat.

ii. Population Control

If the environment is to be protected, it is critical to keep population growth under control.

iii. Enforcement of Environment Conservation Act

The Environment (Protection) Act was passed in 1986 in India. Its objectives is to check deterioration in the quality of environment. This bit of legislation should be severely enforced.

iv. Afforestation Campaign

To safeguard the environment, a massive afforestation programme should be started.

v. Control Over Industrial and Agricultural Pollution

The management and control of air and water pollution produced by industrial growth is critical for environmental protection. Pesticides and chemical fertilisers should be used sparingly in agriculture to minimise contamination.

vi. Clean Rivers

River waters should be maintained clean, and rural residents should have access to safe drinking water.

CONCLUSION

After the Rio Summit, people's sensitivity towards environment protection has increased significantly, the use of CNG vehicles have increased by a huge number. The number of people, especially youth coming up and joining environment protection clubs have also increased. Government have also devised several plans and statutes to save environment and adopt sustainable development techniques. Despite this, still, it is not enough because of the lack of awareness among people and lack of proper technology to use better means of energy such as wind energy, solar energy, hydro-power, etc.