

The United Nations Environment Programme, International Environmental Law and the International Law of Human Rights:

MESSAGE TO THE INTER-AMERICAN SEMINAR ON HUMAN RIGHTS AND THE ENVIRONMENT

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There are now more than 150 multilateral treaties and other legal agreements in the field of the environment. Of these almost 100 have been entered into in the two decades since the Stockholm Conference on the Human Environment in 1972. Rarely, if ever, has a field of law expanded so rapidly, both in terms of the number of instruments in force, and in terms of the scope of their coverage.

Three months from now, in Rio de Janeiro, the nations of the world will come together again to chart a course for international environmental policy in the new century. Central to the debate at Rio will be the question of the future of international environmental law. Will it continue to expand its coverage? Will certain areas of international environmental concern remain beyond the ambit of the law?

In at least one critical sense international environmental law is similar to the international law of human rights. Both areas move beyond the purely contractual - or reciprocal - tradition of international law, and attempt to lay down peremptory norms of international behaviour. Both international human rights law and international environmental law are instrumental in the erosion of domestic jurisdiction. Under their ambit domestic actions become international concerns.

To a greater or lesser degree this is true of all international environmental law, and it is particularly true of agreements which seek to limit trade or other forms of association with non-Parties, such as the Convention on the International Trade in Endangered Species of Fauna and Flora (CITES), and the Montreal Protocol on Substances that Deplete the Ozone Layer.

It is the opinion of the United Nations Environment Programme, however, that the sovereign state is, and will continue to be, the basic unit of international relations for the foreseeable future. And although a growing number of issues - environment and human rights foremost among them - will challenge traditional notions of sovereignty, it is within that framework that international environmental law must develop. Ideally the delegates at Rio will reaffirm the wisdom embodied in Principle 21 of the Stockholm declaration, and will call for the progressive development of international environmental law within the framework of national sovereignty.

It is my belief that the law can find room both for the sovereignty of nations and for the sovereignty of nature.

Nairobi, 20 February 1992.