

International Environmental Agreements and Sustainable Development

Several developing countries, such as China, India, Indonesia, Nigeria, and Zimbabwe, emphasized that the Survey of Existing Agreements (hereinafter called "the Survey") should, in examining legal instruments in the environmental field, aim at an appropriate balance of environmental and developmental concerns and demonstrate how such agreements promote sustainable development. China informed the Group about the results of the Beijing Symposium on developing countries and international environmental law, which examined the needs and capacities of developing countries in participating in the development and implementation of environmental agreements. The delegate further noted that different legal instruments have different requirements and that, in addition to identifying signatories of environmental agreements, analysis should be made of the role of "large" countries in the successful implementation of such instruments. Developing countries also stated that the Survey should examine whether (and which) financial, technical, and scientific factors influenced their participation in such agreements and whether (and which) of the above criteria influenced the implementation of such instruments.

On the question of legal compliance, Indonesia sought clarification of PC/77, commenting that rather than developing new measures for ensuring compliance, countries should agree on strengthening existing measures or programmes.

Canada proposed that the Survey should include key documents, such as the Stockholm Declaration, which contain principles of international law and added that bilateral agreements, such as the Canada-US Acid Rain Accord and the Great Lakes Water Quality Agreement should also be included in the Survey because they involve entire continents. As well, the Secretariat should perhaps include such framework agreements as the UN Law of the Sea Convention with a view to assisting delegations on ways in which such agreements, including key section on marine pollution and living resources, could be better defined and implemented. Finally, we proposed that WG III could usefully look at conflicts among agreements, particularly in the areas of trade and the environment.

A number of countries, including Chile and Canada, noted that there were a lot of environmental agreements in existence and that the Secretariat, in carrying out the survey, should avoid duplication with other fora (such as the International Law Commission) and listing every single agreement with environmental implications. Zimbabwe commented that WG III should agree on which instruments were directly relevant to the issues being discussed at UNCED and avoid simply listing "development agreements" in addition to environmental agreements. This proposal, however, enjoyed only modest support, as the Working Group had already agreed to examine only environmental instruments, rather than environmental and developmental ones.

Peru noted the recent meeting in The Hague on International Environment Law, and pointed