

STATEMENTS AND SPEECHES



INFORMATION DIVISION

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DECLARATION ON THE HUMAN ENVIRONMENT

A Statement on June 14, 1972, to the Plenary Session of the United Nations Conference on the Human Environment, Stockholm, concerning the Draft Declaration on the Human Environment, by Mr. J.A. Beesley, Legal Adviser to the Department of External Affairs.

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We regret that it has not been possible to reach agreement on every issue raised during the discussions on the Draft Declaration. We particularly regret that it was not possible to reach agreement on matters as important as the duty of states to inform one another concerning their activities or developments within their jurisdiction, and the overwhelming need to spare man and his environment from the potentially catastrophic effects of nuclear-weapons tests. Nevertheless it is our considered view that the Draft Declaration represents a major achievement. It reflects an interdisciplinary approach to the problems of the human environment and points the way in clear and unmistakable terms to the direction we must follow if man is to survive as a species.

When we spoke on this matter in plenary at the time we were debating -- the setting-up of a working group to consider the Draft Declaration, we pointed out that the document we were considering was more than a plea for co-operative action; it was more than an inspirational message; it was more than an educational vehicle. It was our view that the Draft Declaration then under consideration represented nothing less than the first essential step in developing international environmental law.

If the Draft Declaration reflected such considerations before its intensive study and debate in the working group, it does so even more now, for the Declaration has been broadened in many important respects and, equally important, now represents a wider consensus on a larger number of issues.

I shall now summarize briefly the view of the Canadian delegation concerning the conceptions embodied in the Draft Declaration.

We consider that there is a fundamental need for an environment that permits the fullest enjoyment of the basic human rights reflected in the universal Declaration of Human Rights, including, in particular, the right to life itself. *This* conception is reflected in the Draft.

We recognize that life on the planet Earth is dependent on the land, the earth, the water and the sun and upon other forms of life on earth. *This* conception is reflected in the Draft.

We are aware that human life is also dependent upon the maintenance of the ecological balance of the biosphere. *This* conception is reflected in the Draft.

We are increasingly aware that human life is affected by environmental processes and influences, which are in turn affected by human activities. *This* conception is reflected in the Draft.

We are equally aware that human beings require and utilize the resources of the biosphere for their physical, mental, social and economic development. *This* conception is reflected in the Draft.

We are conscious that economic and social development and the quality of the environment are interdependent. *This* conception is reflected in the Draft.

We accept that the limited resources of the biosphere, including, in particular, land, air and water, require rational utilization. *This* conception is reflected in the Draft.

We recognize that there is cause for concern that irrational utilization of these resources is posing an accelerating threat to the environment. *This* conception is reflected in the Draft.

It is the firm position of the Canadian Government and people that environmental problems are the concern of all human beings and all peoples irrespective of their social or political systems, geographic situation or state of economic development. *This* conception is reflected in the Draft.

It is the further position of the Canadian Government and the Canadian people that all human beings and all peoples have equal rights to an environment adequate to their needs. This fundamental principle is also reflected in the Draft.

I have spoken of the importance of this Draft Declaration as an instrument laying down the foundation for the future development of international law. I should like to take advantage of the unusual opportunity presented to us by this Conference, which we regard as of historic importance, to make the following statement of interpretation. It is not, I should like to stress, a statement of reservations. On the contrary -- it is an affirmation.

The Canadian Government considers that Principle 21 (formerly 18) reflects customary international law in affirming the principle that 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 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".

The Canadian Government considers that the secondary consequential Principle 22 (formerly 19) reflects an existing duty of states when it proclaims the principle "that States should co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction".

The Canadian Government considers also that the tertiary consequential principle contained in the Draft Declaration on the Human Environment as it first came before us in plenary (former Principle 20 not now contained in the Draft) on the duty of states to inform one another considering the environmental impact of their actions upon areas beyond their jurisdiction also reflected a duty under existing customary international law, when it proclaimed, in essence the principle "that relevant information must be supplied by States on activities or developments within their jurisdiction or under their control whenever there is reason to believe that such information is needed to avoid the risk of significant adverse effects on the environment in areas beyond their national jurisdiction".

These legal principles, taken together with the important and closely related marine-pollution principles and the draft articles on a proposed dumping convention, on which we have already taken action, together provide us with an opportunity to work together in a co-operative spirit of conciliation and accommodation (accommodation not only as between differing national interests but as between national interests and the interests of the international community) to elaborate laws that will protect us all by protecting our environment. Let us grasp this opportunity.

I should like before concluding to refer to the vital question of the dangers posed to all humanity by nuclear tests. Canada is a party to the partial test-ban treaty: We worked as hard as any other state to bring about its conclusion. For Canada, it is not only an arms-control treaty; it is an important environmental-protection treaty. Canada is a party to the non-proliferation treaty, which is also both an arms-control and, by implication, an environmental-protection treaty. Canada is also a party to the Seabed Arms Control Treaty, which also has important environmental as well as arms-control implications. Even so, we regard these measures as only the first steps, essential though they are.

We consider that all nuclear-weapons testing should be stopped. This is our continuing, consistent position, and we have made it known to every country conducting nuclear-weapons tests, be they atmospheric or underground.

For these reasons we joined with the other countries in this forum in an appeal to nuclear states to cease their tests. For these reasons the Canadian delegation supported the resolution we have passed unanimously in plenary condemning such tests and calling for their cessation. For these reasons we strongly support the principle on which we have been unable as yet to agree unanimously -- namely, that man must be spared the effects of nuclear weapons and all other means of mass destruction.

We have listened with interest and careful attention to the previous speakers. It is clear that there remain differences of view concerning some aspects of our Draft. We would earnestly request delegations to follow to the furthest limits possible, an approach which many of us have recommended, of general agreement on the Draft with oral or written declarations of interpretation by those delegations wishing to register their views on points of disagreement.

My delegation is honoured to have had the opportunity to have participated in the elaboration of this historic document and we commend it to the earnest attention, consideration and action of all states and peoples in the world as guidelines for the future, our collective future as inhabitants of our only earth.

S/A