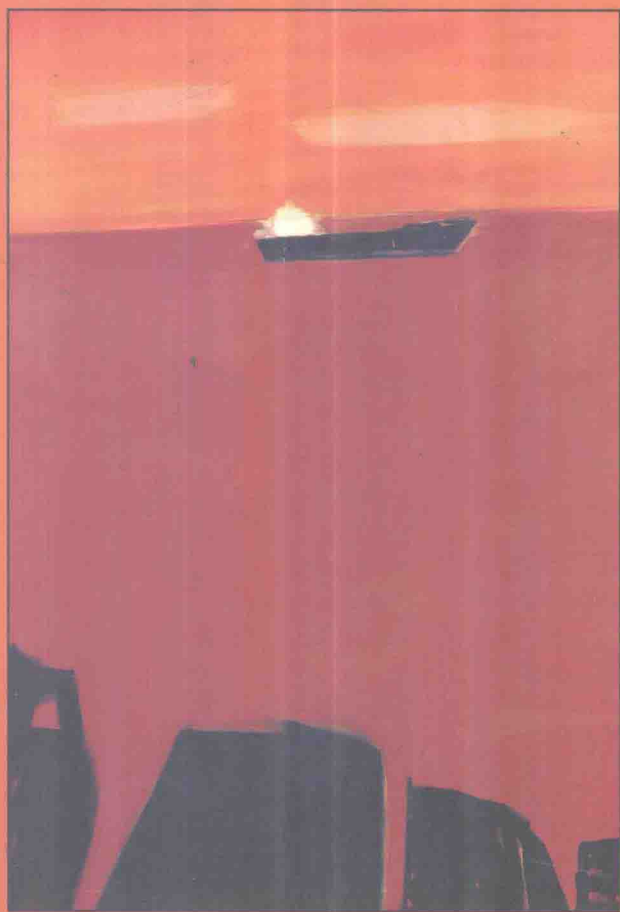


Documents in International Environmental Law

SECOND EDITION



EDITED BY
PHILIPPE SANDS
AND
PAOLO GALIZZI

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INTERNATIONAL
ENVIRONMENTAL LAW

PHILIPPE SANDS AND PAOLO GALIZZI



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DOCUMENTS IN INTERNATIONAL ENVIRONMENTAL LAW

Documents in International Environmental Law, second edition, is the companion volume to the second edition of Philippe Sands' *Principles of International Environmental Law*. It comprises a representative selection of international environmental treaties and documents which are essential for anyone interested in international law in the field of environmental protection. This edition represents an up-to-date collection of the most important documents and aims to make the text and the key information on the legal status of the various acts, including its parties where a treaty is concerned, easily accessible to students, academics and practitioners. Each document is introduced with a short Editorial Note, summarising the main provisions of the instrument and places it in its wider context. Editorial notes are followed by information on the date of adoption/signature of the document, its entry into force and a list of the parties (if a treaty).

PHILIPPE SANDS QC is Professor of Laws and Director of the Centre for International Courts and Tribunals at University College London, and a barrister at Matrix Chambers, Gray's Inn. He was co-founder of FIELD (Foundation for International Environmental Law and Development), and as Legal Director established its programmes on Climate Change and Sustainable Development.

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To all our students
PG and PS

PREFACE

Documents in International Environmental Law is the companion volume to the second edition of Philippe Sands' *Principles of International Environmental Law*. It comprises a representative (and non-exhaustive) selection of international environmental treaties and documents which are essential for anyone interested in international law in the field of environmental protection.

This volume builds on the two volumes "*Documents in international law*" published by Manchester University Press in 1994 and edited by Philippe Sands, Richard Tarasofsky and Mary Weiss. Since 1994 several important new treaties have been adopted, and several existing treaties have been amended. This volume represents an up-to-date collection of the most important such documents and like its predecessor aims to make easily accessible to students, academics and practitioners the text and the key information on the legal status of the various acts, including its parties, where a treaty is concerned. At a time when almost all the documents here published are accessible on the web, we nevertheless consider that advantages may be obtained in reproducing them in a single volume. Books can follow us around. Over time we can highlight key provisions, insert notes, and compare texts wherever we are and as much as we like.

Each document is presented according to the same format. It is introduced with a short Editorial Note, which summarises the main provisions of the instrument and places it in its wider context. Editorial notes are followed by information on the date of adoption/signature of the document, its entry into force and a list of the parties (if a treaty). The status of treaties is generally as of 1 June 2003. Declarations and reservations to the treaties have not been reproduced. For up-to-date information on the status and other information for each document, readers are advised to consult the relevant website (usually indicated) or the depositary.¹

Most of the documents have been reproduced in their entirety. In some cases, however, we have only included extracts relating to environmental matters (e.g.

¹ The lists of Parties are reproduced as provided by the depositaries. Some of the tables therefore refer to certain States which may no longer exist or which have modified their legal status and denomination. The reader will therefore need to obtain information directly from the depositary as to the legal status of the treaty for such countries and for any successor State.

the 1977 Additional Protocol I to the Geneva Conventions of 12 August 1949), or we have omitted annexes or appendices which include detailed technical arrangements of less interest to the general reader or which do not relate expressly to environmental matters (and which are easily available on the web).

This collection does not purport to be comprehensive. It comprises some 70 treaties and other documents, which have been chosen by reference to academic and practical requirements. The instruments included regulate each of the main environmental media and sector, and they represent a broad spectrum of approaches taken in developing principles and rules of international environmental law. Space limitations did not allow us to include selected judicial decisions, which can however be found in other publications.² For these reasons also we excluded certain other documents which we originally planned to include. The success of this volume may well lead to an expansion of the documents included in a future edition.

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1 June 2003

² For example, "*International Environmental Law Reports*", edited by Cairo Robb and published by CUP.

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PART I

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Stockholm Declaration of the United Nations Conference on the Human Environment, 16 June 1972

Editorial note

The UN Conference on the Human Environment was held at Stockholm from 5 to 16 June 1972. It was convened pursuant to UN General Assembly Resolution 2398 (XXIII) of 3 December 1968 (*Ybk UN* 1968, pp. 476–7), on a proposal from Sweden. Delegates from 113 States attended the Conference, representing most of the UN membership with the exception of the USSR, Cuba and a number of other socialist countries who refused to attend on the ground that the criteria for invitations to the Conference had effectively excluded certain States, notably the German Democratic Republic.

The Conference adopted a Declaration of Principles for the Preservation and Enhancement of the Human Environment and an Action Plan consisting of 109 Recommendations for environmental action at the international level (Report of the UN Conference on the Human Environment, *UN Doc. A/CONF.48/14* at 2–65 and Corr. 1 (1972)).

The Declaration of Principles is based on a draft Declaration prepared by the Preparatory Committee for the Conference (*UN Doc. A/CONF.48/PC.17*). It reflects the compromise that was eventually reached between, on the one hand, those delegates who believed it should serve principally to stimulate public awareness of, and concern over, environmental issues and, on the other hand, those delegates who insisted that it should provide specific guidelines to future governmental and intergovernmental action.

In the context of transfrontier pollution the most significant of the 26 Principles are Principles 21 and 22. Principle 21 affirms the responsibility of States to ensure that activities within their jurisdiction do not cause damage in another State or beyond national jurisdiction, such as in outer space or on the high seas. This responsibility is said to extend also to activities under a State's 'control', such as those carried out by its nationals or by or on ships registered in its territory.

Principle 22 requires States to co-operate in developing international environmental law. It is a substantially weakened version of an earlier proposal to include a provision requiring States to pay compensation for all environmental damage caused by activities carried on within their territory.