UNITED NATIONS CONFERENCE ON THE ENVIRONMENT AFTER THE *RIO* DE JANEIRO OF 1992 : IT'S IMPLICATIONS FOR ENVIRONMENTAL PROTECTION

C.I.N. EMELIE, Ph.D

Abstract

Although the environment is as old as nature, the need to protect the environment had a relatively late beginning in the world. The incessant global technological and economic advancement attracted human interactions and therefore human attention to the global environment. The most significant starting point that provided a benchmark for international concern on the environment was the United Nations Inter- Government Conference on human environment held in Stockholm between $5^{th} - 16^{th}$ of June 1972. The Declaration on the Human Environment also known as the Stockholm Declaration set out the principles for various international environmental issues, including human rights, natural resources management, pollution prevention and the relationship between the environment and development. The highlight of this Conference was the setting up of the Brundtland Commission, which pioneered the sustainable development campaign which produced the basis for the first Earth Summit in Rio de Janerio, on the $3^{rd} - 14^{th}$ of June, 1992. Since this unprecedented conference, other conferences had taken place in the quest to address environmentally protection internationally. These conferences will be x- rayed with the intention to highlight their impacts so far on the global environmental protection.

Introduction

While the exact time the environment received human attention is difficult to know. The initiative of the United Nation Organization which gave birth to the Geneva Convention of 1949, recognized and acknowledged the right to environment in the context of human survival¹. However, the Stockholm Conference of 1972 in Sweden added flesh to the skeleton of the 1949 Conference with the protection of the global human environment in focus. The impact of this Conference cannot be overemphasized as it opened a floodgate of international national legal instruments for the protection of the environment and to make the environment safe for the occupant of the world. The Conference was attended by 114 nations including Nigeria. The major aim of the Conference was to enlist the cooperation of member States to minimize the level of pollution so that it does not go beyond tolerable level². Below were the out come of the conference;

- a 26 principles emerged as declarations;
- b Activating an action plan which contained 106 recommendation with a proposal to set up Earth Watch;

[•] **Dr. C.I.N. Emelie**, 0803-768-3043, 0802-332-0179, Email: reachmeifeyinwa @ yahoo.com, Associate Professor of Law, Faculty of Law, Chukwuemeka Odumewu Ojukwu University, Uli, Igbariam Campus, Anambra State.

¹ N. Sigh, "Right to Environment and Sustainable Development as a Principle of International Law". In E.G. Bello and B.A. Ajibola (ed.)), Essays in Honour of Justice Teslim O. Elias, Vol. 2, Martins Ulijhaff Publishers, Lagos, 1992, 182.

² L. Atsegbua, "Environmental Law in Nigeria theory and practice", Ababa Press Ltd, Benin, 2006, p. 11.

- c Existing of an Environmental Fund to be Funded by Member States on a voluntary basis; and
- d The birth of United Nation Environmental Programme (UNEP) with the duty of developing global Environmental Law.

The UNEP in furtherance of their agenda held a session in 1982 to rekindle the spirit the of the Stockholm, and a Commission on Environment and Development was set up, and headed by Norway's Prime Minister, Gro Harlem Brundtland. In 1987, the report of the world Commission on the Environment and Development³ was adopted. The report recommended that relevant regional and global meetings be held. The report was presented at the UN General Assembly and by its Resolution 44/223 of 22nd December,1989, a UN Conference on the Environment and Development was agreed and scheduled to hold in *Rio de Janeiro, Brazil* on the 3rd -14th of June,1992.

The Rio De Janeiro Conference Of 1992

This was a United Nations Conference on Environment and Development (UNCED)⁴. It was generally captioned as "the Earth Summit". The Conference was a response to the call for a global environmental cooperation to reconcile the worldwide economic development with environmental protection. The Conference was headed by Maurice Strong who had been a prominent member of the Brundtland Commission. The Conference was unprecedented in terms of its size and scope of concern,⁵. About 2400 representatives of Non- Governmental Organizations (NGOS) attended, with 17,000 people at the parallel NGO "Global Forum" who had Consultative Status⁶. Twenty years after the first global Environmental Conference, the UN sought to help governments rethink economic development and find ways to stop the destruction of irreplaceable natural resources and pollution of the planet. Among the highlights of the Conference was the popular summit message, which reads " that nothing less than a transformation of our attitude and behavior would bring about the necessary changes". The message reflected the complexity of the problems facing us. Poverty, as well as excessive consumption by affluent population place damaging stress on the environment. Government recognized the need to redirect international and national plans and policies to ensure that all economic decisions took into account any environmental impact. This popular message has produced results, making eco-efficiency a guiding principle for business and governments. The conference also highlighted the following:

- a Patterns of production, particularly the production of toxic components such as lead in gasoline or poisonous waste are being scrutinizes in a systemic manner by the UN and government alike.
- b Alternative sources of energy are being sought to replace the use of fossil fuels which are linked to global Climate Change.

³ Titled "our Common Future" popularly known as " The Brundtland Report.

⁴ held in Rio de Janeiro, Brazil from 3rd -14th of June 1992

⁵ 172 governments participated with 117 heads of State in attendance.

⁶ United Nations Conference on Environment and Development, Rio "Declaration on Environment and Development". Habitat.igc.org. Retrieved 4th August, 2014, p. 8.

- c New reliance on public transportation system is being emphasized in order to reduce vehicle emissions congestion in cities and health problems caused by polluted air and smog.
- d There was much greater awareness of and concern over the growing scarcity of water.

The efforts of all the member States of the UN lead to the adoption of Agenda 21^7 . The agenda 21 consist of a preamble and 40 chapters divided into programme areas addressing topics in terms of basis for action, objectives, activities and means of implementation. The chapter address among other issues like combating poverty, changing consumption and production patterns; protecting the atmosphere, combating deforestation, meeting agricultural needs, sustaining biological diversity, safe-guarding ocean resources, managing hazardous wastes, and ways of obtaining the financial resources required for tackling these problems⁸. Although, agenda 21 is a non-binding framework incorporating environmental, economic, and social concerns into a single scheme, and, also weakened by compromise and negotiation, it is said to be the most comprehensive and if implemented will be the most effective programme of action ever sanctioned by the international community⁹. Apart from the agenda 21, other major agreement includes the Rio declaration on environment and development which housed series of principle defining the rights and responsibilities of States, and forest principles underlying the sustainable management of forest worldwide¹⁰. In addition, two legally binding Conventions aimed at preventing global Climate Change, and the eradication of the diversity of biological species were opened for signature at the Summit.

Before the Conference in *Rio de Janeiro, Brazil,* environmental protection was seen as an added cost to development by most developed and developing countries. The popular concept among them was that environmental protection and management has to wait till "appreciable" economic development occurs¹¹.

The World Summit on Sustainable Development 2002

This UN world Summit informally nick named "Rio + 10" took place in Johannesburg, South Africa from the 26th of August to 4th of September 2002. The goal was to bring together leaders from government, business and NGOs to agree on a range of measures toward achieving earlier goals highlighted at the Rio Summit. At the conference, sustainable development was recognized as an overreaching goals for institutions at the National, Regional and International levels. The need to enhance the integration of sustainable development in the activities of all relevant United Nation agencies, programs and funds was agreed upon. Also, institutions, the Multilateral development banks, and the rest of the United Nations system ¹². The main targets of the Conference were, one, how to build a green economy to achieve sustainable development and lift

⁷ a wide ranging blueprint for action to achieve sustainable development worldwide

⁸ Press Release GA/9254 ENV/ DEV/ 423, 20 June, 1997.

⁹ Maurice Strong, the conference Secretary- General.

¹⁰ Declaration on principle of International Law Relating to Sustainable Development, Preamble to the Biennial conference of the International Law Association held in New Delhi, 200, p.11

¹¹ C.I.N. Emelie, Environmental Law and Practice in Nigeria", Rhyce Kerek publishers, Enugu, 2016, p. 228.

¹² O.C. Aniemeka, "United Nation Conferences on protection of the global Environment" A seminal presented to faculty of Law, Chukwuemeka Odumegwu Ojukwu University, 2017, p.4.

people out of poverty, build support for developing countries that will allow them to find a green path for development. Two, how to improve international coordination for sustainable development by building an institutional framework. Three, securing renewed political commitment for sustainable development. Four, assessing the progress and implementation gaps in meeting previous commitments. Five, addressing new and emerging challenges.

Apart from about 10,000 government delegates other delegates include those from Non-Governmental Organization (NGOS), corporate interest, youth, farmers, trade union, local authorities as well as Chief Justices from various Countries¹³.Although the Summit was intended primarily to stimulate implementation of Agenda 21, the Summit, however, as reflected in the deliberations and the two documents produced focused on the problem created by poverty as different from environment degradation¹⁴.

The United Nations Conference on Sustainable Development- Rio + 20, 2012.

The Conference also known as the Earth Summit 2012, was the third international conference on sustainable development aimed at reconciling the economic and environmental goals of the global community. It was a 20 year follow up to the 1992 earth summit of the United Nations Conference on environmental development. The Conference was again hosted by Brazil in *Rio de Janeiro*¹⁵.. The conference was organized by the UN department of Economic and Social affairs. About 192 UN members, private sector, cooperate bodies among others participated¹⁶.

The Conference was intended to be a high level International gathering organized to redirect and renew global political commitment to the three dimensions of sustainable development, that is, Economic growth, Social Improvement and Environmental protection, with emphasizes on reducing poverty while promoting jobs, clean energy and more fair and sustainable use of resources. It also sought to secure affirmations for agreement reached at past earth summit and set the global environmental agenda for the next 20 years by assessing progress towards the goals set forth in agenda 21 and implementation gaps therein, and discus new and emerging issues¹⁷. While the UN wanted Rio to endorse a UN "Green Economy Roadmap", with environmental goals targets and deadlines spelt out, the developing Nations preferred establishing new " sustainable development goals" to better protect the environment, guarantee food and power to the poorest, and alleviate poverty¹⁸. The Conference although attracted many protests as it was reported that" downtown Rio de Janeiro was partly shut down as an estimated 50,000 protesters, some of whom were naked took to the streets¹⁹. This however did not prevent exhibitions, fairs and announcements as a wide range of diverse group struggled to take advantage of the international Conference to gain International attention²⁰. Some global leaders

¹³ UN Department of Economic and Social Affairs, Key outcomes of the Summit, 2002, p.25.

¹⁴ World Summit on sustainable Development Plan of Implementation, (2002) A/CONF/199/7. UNCOF.com, assessed 31-3 2017.

¹⁵ From the 13^{th} to 22^{nd} of June, 2012.

¹⁶ Rio + 20, UN Conference on Sustainable Development/UNCOF/con.com, p.6. Accessed31-3-2017.

¹⁷ T. Gergarft. Rio + 20 kicks off, "www.Rio Conference, google.com. accessed June3rd ,2017.

¹⁸ John Vidal, Rio + 20 Earth Summit draws more clouds than 1992", The Guardian, British online Newspaper, 19th June 2012.

¹⁹ ibid

²⁰ ibid

like the G20 leader United State President Barrack Obama, German Chancellor, Angela Merkel, UK Prime Minister, David Cameron among others did not attend the Conference and blamed their absence on the European Sovereign debt crisis²¹.

The primary result of the Conference was a non binding document titled the " the Future we want", a 49 page working paper in which about 192 Heads of State that were in attendance renewed their political commitment to sustainable development and declared their commitment to the promotion of a sustainable future²². It reaffirmed previous action plan like Agenda 21, and dwell on Sustainable Development Goals (SDGs) and measures to address criticism that the original goals failed to address in development ²³. Apart from the above major United Nation Conference, there are other off shoots of the Conference like:

The United Nations Convention to Combat Desertification. (UNCCD) 1994.

The Convention was a recommendation of the Rio Conference Agenda 21. It was a Convention to fight desertification and mitigate the effects of drought through national action programmes strategies based on the principle of participation, partnership and decentralization. It was adopted in Paris, France on 17th June, 1994 and entered into force in December 1996. To help publicize the Convention, 2006 was declared International year of Deserts and Desertification. However debates have ensued regarding how effective the international year was in practice²⁴. The Convention initially has 196 parties with 195 State ratifying it, however some States have withdrawn, while some are making moves to re accede to the Convention²⁵. The first Conference of Parties (COP) was held in Rome in1997. The COP is the supreme decision making body and it comprises all the ratifying governments. The first five sessions were held annually from 1997 to 2001. Starting from 2001, the sessions were held bi-annually, interchanging with the session of committee for the review of the implementation of the Convention whose session was held in 2002. The Last of the Convention was the session held in Ankara, Turkey from 12th -23rd October, 2015²⁶. The Convention intends with the creation of the committee on Science and Technologies and to collect, analyses and review relevant data and promote cooperation in the field of combating desertification and mitigate the effects of drought through appropriate subregional and national institutions in research and development. This will increase knowledge on desertification and drought as well as on their impacts²⁷.

²¹ UNCSD "Gets Underway in Rio de Janeiro", the Washington post, Associated press, yahoo.google.com, accessed 31-3-2017.

²² UNCSD, "The future we Want", <u>www.doc.con/outcome,2012,accessed</u> 31-3-2017.

²³ J.W. Ford, "Rio +20, Earth Summits Campaigners Decry final Document". <u>www.doc.con/outcome,2012</u> accessed 31-3-2017.

²⁴ L.C Sringer, Reviewing the International Year of Desert and desertification 2006: What Contribution Towards Combating global desertification and Implementing the UN Convention to combat Desertification?, The Washington Post, Associated Press 2008.

²⁵ Canada reversed its withdrawal by re- acceding to the Convention on 21 December 2016.

²⁶ ibid

²⁷ Ibid

The UN Framework Convention on Climate Change (UNFCCC) 1992.

This is a UN Environmental Treaty agreed upon at the Rio de Janeiro earth summit in 1992. The UNFCCC objectives are to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the Climate system. They set no binding limits on greenhouse emission for individual countries and contains no enforcement mechanisms, instead, the framework outlined how specific international treaties, protocols or agreement may be negotiated to set binding limits on greenhouse gases.

The structure of the framework was produced during its meeting in New York from 30th April to 9th May 1992 and opened for signature on 4th of June, 1992. The Parties to the Convention met annually from 1995 in conference of parties to assess progress in dealing with Climate Change. In its 1997 meeting in Kyoto Japan, it's first formal protocol was adopted on the 11th of December 1997 and entered into force on the 16th of February 2005²⁸. The protocol which contains 28 provisions require the country parties to the protocol to endeavour to implement all the policies and measures in such a way as to minimize adverse climate change effects²⁹.

At the 2005 meeting in Canada, an ad hoc working group of the Koyoto protocol with a mandate to negotiate and decide on further commitments on the part of industrialized nations after the end of 2012 when the protocol ceases to operate. This was followed by another conference at Bail Indonesia in 2007, with its first commitment period starting from 2008 to 2012. The Bail road map, a framework for climate Change mitigation beyond 2012 as submitted at the UNCCC held in Copenhagen, Denmark, from 7th to 19th of December 2009. The Copenhagen Accord drafted by U.S, China, India, Brazil and South Africa recognized that climate change is one of the greatest challenges of the present day, and that actions should be taken to bring temperature below 2° c. However, this proposition was not adopted and was not passed unanimously³⁰.

Other session took place in Cancun, Mexico from 29th November to 10th December, 2010, and in Durban, South Africa from 28th November to 11th December,2011. This conference established a new Treaty to limit Carbon Emissions on the environment, secure a global Climate Agreement and create a Climate fund, this fund is to be distributed to help poor countries adopt to Climate impacts³¹.

The Doha, Qatar Conference held from 26th to 8th December 2012 is significant, in that it extended the life span of the greenhouse emission limit to 2020 and rectified the 2011 Durban platform, which agreed to initiate a successor to the Kyoto protocol which would have been developed by 2015 and implemented by 2020. A document collectively titled " the Doha Climate Gateway" (Doha Amendment to the Kyoto protocol) with contents different from the contents reached at the Kyoto Conference. The popular Paris agreement was negotiated at the UNCCC held from 30th November to 12th December 2015. The agreement is a global agreement on the reduction of Climate Change but will enter into force when signed by 55 countries . As at 22 of April, 2016 (Earth Day), 174 Countries including Nigeria has signed the agreement and have

²⁸ UNFCCC Document, "The International Conference which led to the adoption of the Kyoto Protocol in Japan, 1997.

²⁹ Ibid.

³⁰ Article 2 of UNFCCC Document.

³¹ Richard Black, "Climate talks: UN Forum extends Kyoto Protocol To 2222", BBC News, 11th December, 2011.

began adopting it within their own legal system through ratification, acceptance, approval or accession. The expectation is to set up measures in place to ensure zero net anthropogenic greenhouse gas emission to be reached sometimes between 2030 to 2050^{32} .

The 2016 version held in Marrakech, Morocco from 7th to 18th November, 2016 was to discuss and implement plans about combating climate change and to "demonstrate" to the world that the implementation of the Paris agreement is underway³³.

Impact of these Conferences on Environmental Protection

The Rio Earth Summit produced the Rio declaration, Agenda 21 and led to agreement on two major Conventions on Environmental protection. They are the framework Convention on biological diversity and Climate Change respectively. This framework laid the foundation upon which the subsequent Conferences of Climate Change was built. The world summit on sustainable Development held in 2002, 10 years after the Rio Conference, brought to limelight the need to integrate sustainable development at all levels and in the activities of all relevant United Nation's agencies. Today the common language globally is sustainable development with Environmental Protection taking the centre stage.

The Rio +20 Conference held in 2012 again re-directed and renew global political commitment to Economic growth, Social improvement, Environmental protection, Reduction of poverty, promotion of Jobs, Clean Energy, and fair sustainable use of resources. These ideals which are laudable and on point exposed the world to a new dimension as to how the environment could be managed to enhance positive result both for the benefit of the present generation and generation yet unborn.

The UN Convention to combat desertification, and mitigate the effects of drought through national action programmes like Participation, Partnership and Decentralization led to the declaration of 2006 as the International year of Deserts and Desertification. The Convention, created awareness among the Member Nations on the need to preserve the forest of the world, promote cooperation among stakeholders and provided expert information. This awareness in no small way contributed to increased research and development in prevention and management of Drought and Desertification.

The Kyoto protocol, given birth to at the 1997 UNFCCC created the consciousness as to the dangers of Climate Change. It brought to the fore front the meaning, causes, effects and the possible solution to this serious environmental challenge. The fact that anthropogenic (human-emitted) greenhouse gases emission is the major cause of Climate Change was made bare. The following structures were therefore put in place to check mate the problem.

- a Stabilization of the amount of green house gases in the atmosphere, ensuring food production and allowing for economic development;
- b That developed countries should take the lead in reducing the level of green house gases;

 ³² D. John, B. Joshua, "Final draft of Climate Deals Formally Accepted in Paris", CNN, 12th December, 2015.
³³ UNFCCC, "Marrakech Morocco Sustainable Innovation Forum: The Paris Agreement Main page, www.cop22.org.Accessed July 16th 2017.

c Commitment to meet on regular basis to chat Climate Change course.

Another major impact was the creation of the green Climate Fund at the UNCCC held in Durban, South Africa. The fund is to be provided by the developed countries and global financial Institutions, for distribution to the developing nations to enable them tackle the impact of Climate Change.

The Doha UNCCC moved a step further in enhancing proper environmental management by incorporating the concept of "loss and damage", which requires that the richer nation will take responsibility for their failure to reduce carbon emission. This by implication introduce the principle of polluters pay, which presupposes that those who involve in polluting the environment should bear the cost of putting the environment back to its natural state.

No doubt, these conferences are not left without challenges, rising from non-binding nature of the agreement, non adoption, disagreement, withdrawals, protest, lack of political will and interest, hence it has been described as "only providing necessary direction and goals towards which the ongoing negotiations should move, to the fact, that, there is no certainty and clarity on financial commitments undertaken by the developed Countries."³⁴ The fear is still been expressed as to whether member States will ever reach a new global agreement to address global warming and the resulting Climate Change³⁵. However a great deal has happened since after Rio. There is growing awareness of many positive development and concepts which has continue to encourage the global communities to be more environment protection conscious. In all, there is a quest to have a suitable environment in the face of development, all over the world. There is much more concern for sustainable development which is the outcome for the UN meeting and re- meeting just to make our environment habitable in the face of all human and non human challenges that it is facing. These impacts howbeit minimal and slow is progressive.

The Way Forward

The purpose of every Conference, especially the United Nations Conference on the environment is to brainstorm on an issue and make way for the advancement of such issue. Thereafter, positive changes are expected and in fact observed. For the UN to achieve this aim the following suggestion are proffered.

- 1 The UN should be focus on the issue that prompted the organization of the Conference. The theme of the Conference should be their watch word. For example, the Rio + 10 Conference was intended to stimulate implementation of Agenda 21. This however was reverted on the problem created by poverty as distinct from environmental degradation.
- 2 The Conference at the meeting should be able to give to the world a binding document with enforcement mechanizsm. The non binding nature of the agreements reached, make State not to be committed in actually addressing environmental protection issue in their State. They play politics with the agreement and this make nonsense of the whole effort.

³⁴ Mr. Ban-ki moon, one time Secretary General of UN, commenting on UNCCC, CNN News, 2010.

³⁵ Ibid

- 3 Developed Nations should be sincere in their quest to actually address environmental problems. The manner in which mostly, the super powers agree and later withdraw from the agreement reach is not in the best interest for the global environment. They determine the strength and weakness of the outcome of the Conferences
- 4 The UN should be consistent in pursuing set agenda. The somersault experienced at the Doha Conference, which gave birth to the new Paris Agreement and abandoned the Kyoto Protocol accord speak volume. The question therefore is, has the UN train derailed?
- 5 The UN should provide a leadership structure for the enforcement and implementation of agreements. For example, there is no agreement on how the \$100 Billon a year for the Green Climate Fund will be raised. Most of their agreement are open ended with State Parties left with so many option to chose from. According to Alister Doyle³⁶, the agreement though approved by most of the delegates fell woefully for short of action needed. However, with a grant of \$500million in 2016 by president Barack Obama, with over and10 Billon in pledge from some developed Nations like France, Japan, US and developing like Mexico, Indonesia and others, there is hope for the environment.
- 6 The Paris Agreement which has over taken the Kyoto Protocol Accord should include detailed timetable or Country specific goals for reduction of emission as was incorporated in the Kyoto protocol.
- 7 The National Determined Contribution agreed upon at the Paris Conference is a welcome development. However, these contribution should be made binding. As it stands now, they lack the specific normative character, or obligatory language necessary to create binding norms. Added to this, is that, the Paris Agreement has "bottom up" structure in contrast to most International Environmental Treaties which are "top down". Our aspiration is that this structure be re-visited so as to enhance effective enforcement and implementation of the agreement.

Conclusion

It is unfortunate that since after Rio Conference, the global Environment Protection has not equaled the shaking and quaking of the globe that the United Nations Conference on the Environment is known for. The global Environment has continued to deteriorate. Pollution level has taken different dimensions. Therefore, the world need to take additional measures. This is because, the progress registered so far in integrating Environmental protection policies and development are far cry from the global expectation. It is our hope and aspiration that in years to come, and with the vigour and zeal being exhibited by United Nations march with honest disposition, environmental degradation will be reduced to its barest minimum.

³⁶ Reuter's Environmental Correspondent, Climate talk: 18 years, Too Little Action? 17th December, 2010 accessed 31-3-2016.