
Importance of the United Nations Millennium Declaration for International Environmental Law Development

Belal Hassan Alrawashdeh ^{1*}, Ahmad Mohammad Allouzi ¹

¹ Middle East University, Amman, JORDAN

* Corresponding author: belal_law@yahoo.com

Abstract

Environmental law as a science is being reconsidered because new environmental challenges and issues and their regulation require for theoretical understandings. International documents fixing the progressive world community's vision of prospects for the fight against global environmental issues serve as lawmaking acts. The United Nations Millennium Declaration 2000 (Chapter IV Protecting our common environment) is meant to be one of the strategic international documents stipulating cornerstone principles of environmental compliance and policy for the short- and long-term perspective. This article describes the principles and provisions declared in this document and their significance for international environmental law development.

Keywords: international environmental law, UN, UN Millennium Declaration, Millennium Development Goals (MDGs), sustainable development concept

Alrawashdeh BH, Allouzi AM (2019) Importance of the United Nations Millennium Declaration for International Environmental Law Development. *Ekoloji* 28(107): 115-121.

INTRODUCTION

In the beginning of the 21st century, the ecology is believed to be the top issue on the international agenda uniting issues of the environment preservation and restoration and environmental safety associated with ever-increasing anthropogenic impact (Dlimbetova et al. 2018, Levina et al. 2017, Yachina et al. 2018). The world community clearly realized that the environment is the common heritage of humanity, and its protection and rational use of natural resources are considered the most urgent current issues, and can be solved only by developing environmental legislation and effective approaches (Omarova et al. 2018, Ulengov et al. 2018).

So efforts of the world community (including scientific and academic circles) and international cooperation seem clearly to be tended to unite in legal regulation of environmental protection under new global environmental challenges requiring attention of the social and ecological and natural resource law of certain countries. It is about the adoption of international environmental law under modern conditions.

At this development stage, the specialists see three main areas in international environmental law (Sokolova 2005):

1) coordination of activities in this field and the expanded exchange of experience;

2) development and implementation of scientifically based measures for protection of environment elements across geographic areas;

3) development and implementation of universal environmental protection measures.

It is quite reasonable that the above mentioned directions, firstly, provide for basic regulatory principles, and secondly, they indicate international influence centers to coordinate and catalyze them.

The norms of international environmental law are contained in sources qualitatively different comparing to norms of national environmental law, such as international treaties; conventions; international customs, explicitly recognized by states or tacitly legally binding; in recognized provisions of international law; and in provisions of the so-called soft law (Pavoni and Piselli 2016).

METHODOLOGICAL FRAMEWORK

International organizations play a leading role in development of international environmental law, particularly the United Nations. In the UN, environmental issues are assigned to the Economic and

Social Council; the UN Industrial Development Organization (UNIDO), UNESCO, the International Atomic Energy Agency (IAEA), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), Natural Resources Committee (NRC) are involved in certain aspects as well (including development of relevant standards and principles). Besides, the special UN Environment Program (UNEP), which is de facto an international organization, although de jure it is a subsidiary body established by a resolution of the General Assembly (now the UN Commission on Environment). The UNEP promotes the development of international environmental law (Usmanov 2009). The principles of the law and conventions are being developed within its framework. Also, the special bodies of the European Union and the International Union for Conservation of Nature plays a significant role in this process (as for 2018 it unites more than 40 states).

The Millennium Declaration 2000 is believed to be the most important among many UN documents (resolutions, declarations, protocols, etc.), its role and significance for integration of human efforts to preserve the environment are hard to overestimate. Also, it significantly affected the development of international environmental law. The UN Millennium Declaration was repeatedly studied, however, it was not considered yet as for its direct impact on development of international environmental law, so this research subject seems to be urgent.

The significance of the United Nations Millennium Declaration 2000 for the international environmental law development is described basing on a systematic analysis of binding and recommendatory international UN documents (soft law) in environmental protection (declarations, conventions), and also the UN final reports on the MDG results using methods of general legal, comparative and historical analysis, analysis of documents and a general scientific integrated approach.

RESULTS AND DISCUSSIONS

First of all, we note that international environmental law (IEL) contains principles, norms and traditions of international law governing relations of its subjects in environmental protection and the rational use of its resources (Sokolova 2005). Thus the terms “environmental law” and “international environmental law” are used rather as international names, whereas in academic communities and special scientific literature the terms “international environment-oriented law” and “environment-oriented law” are more often used.

The international environmental law IEL appeared in the second half of the 20th century. At that time, its basic principles and norms were institutionally formed, first of all, the not harm principle with actions on own territory to another state's nature; environmental protection; liability for harming another state's nature. A quintessence of the approaches reflected in these principles is formulated in the 1972 Declaration of the United Nations Conference on the Human Environment: “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being” (Abashidze et al. 2008).

As it is noted above, resolutions of international organizations and conferences are important in forming international environmental law norms as they open the way to positive law. The 1980 UN General Assembly resolution “On historical responsibility of states for the preservation of nature for present and future generations” and the 1982 World Charter for Nature may serve as an example (Abashidze et al. 2008).

In order to fully appreciate the significance of the UN Millennium Declaration for the IEL development, the impact of the United Nations' activity on the international legal regulation for environmental protection should be studied.

Actually the issue appeared in the 60s of the last century when the environmental safety first became global. Due to the active development of scientific and technological progress, the industrial production intensification and the increasing use of natural resources, humankind met an unprecedented industrial pollution of the oceans, a greenhouse effect and other global environmental problems, as well as serious environmental disasters (the Talidomide catastrophe in 1967, the Torrey Canyon supertanker oil spill in 1967, the most serious accident in the history of nuclear energy United States at Three Mile Island NPP in 1979).

And then the UN responded with the General Assembly Resolution 2398 (XXIII) of December 03, 1968, adopted at the 23rd session to call a United Nations conference on the human environment. The reason for this resolution was called “the continuing and rapid deterioration in the human environment quality” and its “impact on the human condition, physical, mental and social well-being, dignity and basic human rights in both developing and developed countries” (Samoilova 2018). This conference was held in Stockholm on June 05-16, 1972, and its main

recommendation was to create the United Nations Environment Program (UNEP) as the leading program on environmental issues.

The UNEP organizational structure, functions and goals were formalized by the UN General Assembly in resolution 2997 (XXVII) of December 15, 1972 and provided for the following:

- facilitating international cooperation in the field of environment and providing, as necessary, recommendations regarding the policies for this purpose;
- implementation of common strategic leadership for the purposeful implementation and coordination of the United Nations environmental programs;
- obtaining and reviewing periodic reports of the UNEP Executive Director on implementation of the United Nations environmental programs;
- permanent monitoring of the environment in the world for effective national environmental policies of states and governments;
- expansion of the role of relevant international scientific and other professional communities in accumulation and assessment of environmental knowledge and information and their exchange and, if necessary, in development of technical aspects of implementation of the United Nations environmental programs (Shugurov 2013).

The Stockholm Declaration resulted in increased attention to environmental issues. Many countries have passed environmental laws.

In the 70's and 80's of the 20th century, a number of UN conventions on certain aspects of international environmental law were adopted at the international level: the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973), Convention on the Prohibition of Military or Any Other Hostile Use of environmental modification techniques (1977), Convention on the Conservation of Migratory Species of Wild Animals (1979), Convention for the Protection of the Ozone Layer (1985).

Establishment of the World Commission on Environment and Development in 1983 and its further work are very important for the subject (Brundtland

Commission), its report "Our Common Future" intensified the further development of the IEL (Development and International Economic Cooperation: Environmental Problems 1987). An expert group on environmental law was established at the Brundtland Commission, which also contributed to deepening the IEL institutional structure.

The next step in international legal regulation of environmental policy under the UN influence was the Declaration on Environment and Development (Declaration - RIO/92), adopted at the UN Conference on 03-14.06.1992 in Rio de Janeiro. This document confirmed the principles and goals formulated by the 1972 UN Declaration of the Stockholm Conference, develops its provisions and aims to establish new, fair, global partnership by creating new levels of cooperation between states, society and people, concluding international agreements that respect all people's interests and protection of the integrity of the global environmental system. The final document of the Rio de Janeiro conference was a global program containing about 40 chapters on various activities of the world community in environment and social and economic development for up to 2000 and for a long-term perspective with offered ways and means to achieve the goals. Among other things, it contains the achieved commitments of developed countries to increase the part of their national product allocated for environmental development to 0.7% by 2000 (Rio de Janeiro Declaration on Environment and Development 1992). Also, according to the results of the largest international environmental forum, the Commission on Sustainable Development was established.

In the 90s of the last century, environmental crises, threats and problems became so serious that the issues of strengthening the international legal regulation of environmental protection seemed to be more urgent than ever before. The UN responded by the UNEP reformation. In 1997, the UNEP Governing Council adopted the 19/1 Nairobi Declaration, redefining the role of the United Nations Environment Program as follows: "The United Nations Environment Program is to be the leading global environmental authority that sets the global environmental agenda that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment" (Abashidze et al. 2008). The priority areas of the UNEP work include the following areas: climate change; disasters and conflicts; ecosystem management;

Table 1. The ratio of human development and the MDGs

Key factors in human development	Relevant MDG
Long healthy life	Goals 4, 5 and 6: Reducing child mortality, improving maternal health, fighting major diseases
Getting Education	Goals 2 and 3: Achieving universal primary education, gender equality (especially in education), and extending women's rights and opportunities
Decent standard of living	Goal 1: Eliminating extreme poverty and hunger
Use of political and civil liberties to participate in society	Not a goal, but the Millennium Declaration contains this important political aspiration
Basic conditions for human development	Relevant MDG
Ensure environmental sustainability	Goal 7: Ensure environmental sustainability
Equality, in particular, gender equality	Goal 3: Gender equality and extending women's rights and opportunities
Creating a global economic environment	Goal 8: Formation of global partnership for development

environmental governance; chemicals and waste; resource efficiency; regular environmental reviews. The UNEP is involved in many international programs, such as protecting the oceans and seas, protection from industrial waste pollution, mining, agricultural activities, efficient use of natural resources, development of environmentally cleaner and safer technologies, eliminating ozone-depleting tools and replacing them with safer substances. For many years, the UNEP has initiated negotiations on other international agreements to form the UN's efforts to end the damage to the planet.

The United Nations pays considerable attention to the conclusion of multilateral environmental agreements, since they provide for closer cooperation between countries. Coordinated policies of the member states are reflected, as a rule, in declarations, recommendations and international programs binding on Member States. Currently, there are more than 200 bilateral and multilateral treaties in the field of environmental protection (Prescott 2018).

Thus, the UN initiated the development of international environmental law, preparing a basic regulatory framework that strengthens environmental protection. In fact, it can be argued that the United Nations' activities on integrated international environmental protection became the cause and driving force for the IEL development. The United Nations has been improving this branch of international law for more than half a century, filling it with new scientific, theoretical and practical content (for example, in 1994 the International Court of Environmental Arbitration and Reconciliation was established). In this status, it approached the new millennium.

On the threshold of a new century and millennium, the United Nations held the Millennium Summit in New York in September 2000, when the General Assembly adopted the Millennium Declaration (resolution A/RES/52/2) with the Millennium

Development Goals (MDG) up to 2015 for more than 190 countries in 10 regions. These 8 goals are associated with the most urgent problems of modern society - poverty, hunger, child and maternal mortality, diseases spread (such as HIV/AIDS and malaria), gender inequality, environment, barriers to education, insufficient aid of the international community to the least developed countries. Thus, the world community set a serious and ambitious task: all UN member states should achieve their goals by 2015, significantly improving the living conditions of millions of people around the world. These eight goals consist of 21 targets and 60 indicators. 1990 was adopted as the common initial point of the comparison, and the MDG achievement statistics include the global, regional and subregional levels.

The conceptual basis of the MDGs is the Concept of Sustainable Development - the social and political concept of human development, which presupposes the harmonious development of nature and human: "the interaction of economic growth, social development and environmental protection in order to meet the needs of current and future generations of the population in all countries" (Valeyev 2012). With its history from the first half of the 21st century, it evolved under the global ecological reality and found its reflection in almost all significant international UN documents.

Chapter IV Protecting our common environment (paragraphs 21–23) of the Millennium Declaration is devoted to the present and future state of the ecology of the Earth. The specific target of achieving the goals in this area until 2015 is to integrate the principles of sustainable development into countries' strategies and programs and to reverse the loss of natural resources (Abashidze et al. 2008), and Goal No. 7 is defined as "Ensure environmental sustainability" (Table 1). One of the priorities of the Declaration is to protect "from a threat of destruction of life on the planet due to destroying human activity, as well as depletion of

Table 2. Facts and statistics on the extent of environmental problems (according to the UN)

1.1 billion people did not have access to an improved source of drinking water
3.4 billion people - mostly poor people and children - are dying from lack of drinking water
2.4 billion people do not have living conditions meeting sanitary standards
1.6 million deaths due to air pollution
Every minute a forest area equal to 20 football fields is cut down.
Six million tons of household waste is generated daily.

environmental resources that meet less human needs” (Donchenko 2008), while the leaders came to a common opinion signing and implementing various agreements that allow achieving maximum efficiency of the UN activities that affect the everyone’s interests. The agreements include the Kyoto Protocol and the Convention on Biological Diversity.

Climate change is believed to be one of the global environmental challenges of development in the 21st century. The vast majority of scientists now agree on the significant impact of human activity on climate. According to the conclusions reached at the Johannesburg Summit, countries polluting the environment due to production and consumption, and increasing the greenhouse effect should bear the main responsibility for climate change. Once again, the member states reaffirmed their readiness to ensure the Kyoto Protocol validity by 2002 - the tenth anniversary of the United Nations Conference on Environment and Development.

The seventh MDG is aimed at achieving environmental sustainability and preserving natural ecosystems for future generations. This goal, according to the UN, can be reached by two means: drawing attention to the resources in the poor countries, and stopping destruction of natural resources caused by high consumption by the rich countries. In many ways, environmental pollution is associated with poverty, while at the same time, environmental degradation complicates the lives of the poor. Newborns high birth and death rates in rural areas with a higher concentration of poor people are high enough, and infant mortality remains high. One of the reasons for all this is environmental degradation. Billions of people in urban and rural areas do not have enough drinking water and living conditions meeting basic sanitary standards. The authors of the Millennium Declaration provide depressing facts and statistics in support of the relevance of the stated goals and targets (**Table 2**).

Thus, the provisions of the Millennium Declaration in the field of environmental safety of mankind, approved and adopted by the governments of over 190 states, finally confirmed the supremacy of the right of modern men and future generations to a healthy

environment and favorable natural conditions of life. In essence, this document relating to so-called soft law, yet recognized and legitimized by the world community, clearly formulated and formalized a new principle of international environmental law - the principle of preserving and protecting the environment for future generations. During the time of global environmental threats and disasters, it stressed the awareness and readiness of modern progressive humanity to integrate efforts to protect nature on our planet and gave a nominal start to accumulating financial, scientific, intellectual and legal resources to achieve this goal. Thus, the current tendency of the functioning of international law has once again been confirmed - a reflection of the world development needs in the transition to sustainable development.

It is quite indicative that the sustainable environmental development goals in the Millennium Declaration are considered inseparably with the goals of achieving global peace, fighting poverty and diseases, overcoming backwardness of certain regions of the planet (primarily Africa) - the most urgent and complicated contemporary problems of mankind (Hasanova 2015). From this point of view, it is quite problematic to ignore them at the national legislative level. And this is one more merit of the UN in the matter of international legal and national legal regulation of environmental protection. Thus, we have seen the great dynamics of the green economy development (primarily alternative energy), the gradual transition of the EU to a closed-cycle economy (waste-free economy) and other similar examples in recent decades.

Despite the MDGs were not achieved by 2015 according to the UN data (or achieved, but not all as expected) (Dubinkina 2013), importance of the Millennium Declaration and the processes initiated by its provisions is really great. In particular, it is essential for the development of modern international environmental law.

CONCLUSION

At the current stage of development of human civilization, the following factors are of paramount importance in environmental safety:

- ensuring a safe living environment;
- formation of ecological worldview and legal awareness;
- priority of environmental safety requirements in all sectors of the economy and greening of the production sector;
- anticipatory nature of environmental protection measures.

They can be implemented only by wide intergovernmental cooperation. And here the UN's role is invaluable as the universally recognized global coordinator and moderator of all processes related to the international system of environmental safety.

The Millennium Declaration, initiated by the UN, is the first global agreement of the UN member countries, bringing together rich and poor countries to protect the environment.

For the development of international environmental law, this document has an unconventional significance:

1. The consolidation of the new IEL principle - the principle of preserving and protecting the environment for future generations.
2. Stimulation of development of new promising scientific and theoretical, practical and methodological researches in the field of environmental law.
3. Raising the rules of soft law to the new global level.
4. Wide reception of the IEL norms and principles by national legal systems.

REFERENCES

- Abashidze AKh, Solntsev AM, Sotnikov FI (2008) International Environmental Law: Collection of Documents. Issue I. Basic UN Documents. Moscow: RUDN.
- Development and International Economic Cooperation: Environmental Issues (1987) Report of the World Commission on Environment and Development, Our Common Future. Retrieved from <http://www.un.org/ru/ga/pdf/brundtland.pdf>
- Dlimbetova GK, Bulatbayeva KN, Abenova SU, Fahrutdinova GZh, Khuziakhmetov AN (2018) Management of Ecologization of Professional Education. *Ekoloji*, 106: 1217-1225.
- Donchenko V (2008) The role of the United Nations in ensuring environmental safety: PhD thesis. Moscow.
- Dubinkina K (2013) Millennium Declaration: any progress over 10 years? *Sociodynamics*, 1: 38-51.
- Hasanova V (2015) UN activities in the field of environmental protection and its development. *Young scientist*, 3(2): 585-587.
- Levina EY, Masalimova AR, Kryukova NI, Grebennikov VV, Marchuk NN, Shirev DA, Renglikh KA, Shagiya RV (2017) Structure and Content of e-Learning Information Environment Based on Geo-Information Technologies. *EURASIA Journal of Mathematics, Science and Technology Education*, 13(8): 5019-5031.
- Omarova LB, Kalimullin AM, Grudtsina LY, Korzhuev AV, Zhukova MY (2018) Philosophical anthropology in postmodernism. *XLinguae*, 11(3): 76-85.
- Pavoni R, Piselli D (2016) The Sustainable Development Goals and International Environmental Law: Normative Value and Challenges for Implementation. *Veredas do Direito, Belo Horizonte*, 13(26): 13-60.
- Prescott J (2018) Développement durable: avons-nous progressé depuis la publication du rapport Brundtland? Retrieved from <https://www.mondialisation.ca/developpement-durable-avons-nous-progresse-depuis-la-publication-du-rapport-brundtland/5615804>
- Rio de Janeiro Declaration on Environment and Development (1992) Report of the UN Conference on Environment and Development. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/No.92/836/57/PDF/No.283657.pdf>
- Samoilova A (2018) The role of the UN in the development of international environmental law. *New Legal Gazette*, 5(07): 55-56.
- Shugurov M (2013) International legal basis for the transition to sustainable development. *Bulletin of the Saratov State Law Academy*, 2(911): 161-180.

- Sokolova N (2005) Tendencies in the development of international environmental law. *International lawyer*, 4: 211-220. Retrieved from <http://center-bereg.ru/o5511.html>
- Ulengov RA, Khuziakhmetov AN, Nasibullov RR., Yarullin IF (2019) Approaches to the Environmental Assessment of Landscapes in the Republic of Tatarstan. *Ekoloji*, 106: 1713-1717.
- Usmanov E (2009) The role of international environmental law in the regulation of international environmental policy. *The age of globalization*, 2(4): 160-162.
- Valeyev R (2012) The concept of sustainable development and international legal environmental protection. *International Environmental Law*. Retrieved from <http://pravo.studio/rossii-pravo-ekologicheskoe/mejdunarodn-oe-ekologicheskoe-pravo-uchebnik.html>
- Yachina NP, Khuziakhmetov AN, Gabdrakhmanova RG (2018) Formation and Development of the Regional System of Continuous Environmental Education of a Teacher. *Ekoloji*, 106: 1315-1322.