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VOLUME 3 AND ISSUE 2 OF 2023

# CRITICAL ANALYSIS ON SUSTAINABLE DEVELOPMENT AS PER THE STOCKHOLM DECLARATION

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#### ABSTRACT

In this paper, we will be discussing the concept of sustainable development as per the Stockholm Declaration. This paper will conduct an in-depth study as to how and why did the concept of sustainable development emerge. We shall start the research paper by answering certain basic questions in brief as to what the role of the United Nations Environment Programme is, what is Stockholm Declaration, why was is required, what is sustainable development, etc. Once we understand the basics we shall move to the deeper analysis where we analyse the concept of sustainable development as per the Stockholm Declaration looking at it from a multidisciplinary viewpoint.

Most of the nations were rapidly consuming and depleting their natural resources at an alarming rate which led to the international organisations taking strict actions to control the damage for not just the present generations but also using resources in a judicious manner so that they can be replenished and be used by the future generations as well. There were multiple other reasons that led to the development of sustainable development, we shall discuss them all in this paper.

#### I. INTRODUCTION

In this paper we will understand the meaning of sustainable development from the perspective of emergence its from the Stockholm Declaration. To understand this concept better we will firstly understand the meaning of the two terms used, sustainable and development. Sustainable means being able to maintain something at rate or level and development means growth or advancement in a particular direction. So, in layman terms sustainable development means maintaining the level of something while growing in a particular direction. So now in terms of environment we can say that sustainable development means maintaining the current level of environment while judiciously utilising the resources.

Sustainable development the means development that fulfils the needs and requirements of the present generation without hampering the ability of the future generations to fulfil their own needs. The widely used definition of sustainable development is given by the World Commission on Environment and Development in its report 'Our Common Future'. It means that the environmental resources should be used to fulfil our current requirements but while exploiting these resources we must understand that they are for the future generations well so we must leave ample resources for them to enjoy as well. It means growing in a manner not hampering the development of other, this promotes intergenerational equity. The principle of intergenerational equity is of the notion that



VOLUME 3 AND ISSUE 2 OF 2023

#### APIS - 3920 - 0001 (and) ISSN - 2583-2344

there should be partnership amongst all in the human community and amongst all generations. It means that all the generations should have right to the same diversity. It means that there should be harmony between various generations. People should not adopt the intragenerational method where focus is put only on the need of the present generation without caring about the future. Although the principle states that there is equity between the people this method is not sustainable for a long period. Whereas the principle of intergenerational equity has a long-term positive impact. Further it can directly be associated with the principle of sustainable development. Sustainable development further promotes an eco-centric approach where intrinsic value is found amongst all human beings and other creatures. Holistic view of the earth is considered. It promotes and fosters economic growth while conserving the nature for future generations.

#### *"We do not inherit the Earth from our ancestors; We borrow it from our children" Lakota.*

It is a saying that we have not inherited the environment from our ancestors rather we have borrowed it from our successors. So, we have a responsibility to return their environment in the same condition if not better to our children. The principle of sustainable development has a similar thought process where we will use the resources to fulfil our current needs, but we will also remember that there will be various generations after us who will also require these resources to fulfil their need. Further the scientists have time and again defined sustainable development as an economic process where the quantity and quality of the stocks of natural resources and the integrity of various biochemical cycles are sustained and passed to future generations. The environment is depicted as natural capital and no depreciation of the natural capital should take place.

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In this paper we will understand the concept of sustainable development from the viewpoint of the Stockholm Conference, but we must understand that the term sustainable development has not been used anywhere in the Stockholm Declaration, only the principle of sustainable development evolved from this declaration. The term 'sustainable development' was first published and used in 1987 in the Brundtland Report published by the United Nations World Commission on Environment and Development that is 15 years after the concept of sustainable development was introduced.

#### **RESEARCH QUESTION**

- Has the adoption of sustainable development led to gain a balance between the use of resources by the current generation as well as saving enough for the future generations?
- 2. How has the continuous growth of population posed a problem for the preservation of environment? What steps should be taken by national and international organisations to attain better living conditions?

#### II. LITERATURE REVIEW

In the paper Sustainable Growth and Development by PJP Ginting, the concept of sustainable development was viewed from a multidimensional viewpoint that economic, social, and environmental perspective. The associated with sustainable problems development was also discussed in the paper. Further it also analysed as to how the term development has evolved over a period. (Ginting, 2019)

The paper Sustainable Development Concepts-An economic analysis by John Pezzey is an extremely detailed paper filled with intricacies. It focused on the comparative study of economy and environment, the application was given immense importance as to how consumption and expenditure can be balanced, the cost associated with various kinds of renewable and



#### VOLUME 3 AND ISSUE 2 OF 2023

#### APIS - 3920 - 0001 (and) ISSN - 2583-2344

non-renewable resources were viewed from various angles. Further it was seen as to how income distribution and sustainable development is associated along with the model of capital growth and environmental productivity. The author discussed various models which help bring optimisation and sustainability. This paper covered the research in a holistic way by weighing in various parameters. (Pezzey, 1992)

The research paper Sustainable Development: history, principles, pillars, Meaning, and implication for human action by Justice Mensah explained the concept of sustainability and development and the concept of sustainable development in detail. Further the relationship between economy, environment and society was evaluated in detail along with the concept of sustainability. The goals and pillars of sustainable development was also discussed and the Agenda 2030 was also discussed. The SDG's that is the Sustainable Development Goals were discussed and their objectives were discussed. These SDGs are aimed to eradicate poverty, protect the planet, and ensure that everyone enjoys peace and prosperity. There are 17 SDGs that have been given immense importance are they are must for the well being of the people and protection of environment. These SDGs were adopted by more than 190 countries in 2016 and aims to foster economic social inclusion growth, ensure and environmental protection. (Mensah, 2019)

As per the article the Legacies of the Stockholm Conference by Pamela Chasek, the researcher concluded that even after 50 years of the Stockholm Conference, the levels of climate change, biodiversity loss and pollution has crossed the charts and exceeded all levels which couldn't have been foreseen. Further the article discussed as to how global integration and cooperation is required to overcome the challenges associated with climate change. The introduction numerous multilateral environmental agreements (MEA's) that is the result of this conference has been beneficial to Published by Institute of Legal Education

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monitor and regulate these changes but still charting the path is an essential step. The paper discusses as to how 50 years ago the Stockholm Declaration was the key stone for the introduction of international environmental law and how the multiple principles elucidated in the declaration formed the base for multiple laws and enactments passed throughout the world. The paper further stated as to how the involvement of the citizens is necessary for the effective implementation of laws as the government cannot solve the environmental problems on its own. (Chasek, 2022)

The research paper Sustainable Development in India by Anirban Banerjee discussed the concept of sustainable development along with its goals and objectives in an elaborate manner. Sustainable development in India was viewed various perspectives like from poverty alleviation, good health, quality education, food security, gender equality, sanitation and clean water, decent work environment, economic growth, etc. The parameters of the various sustainable development goals (SDG) were also measured and their importance in protecting the environment was assessed. Then a case study was conducted in the state of West Bengal where it was checked as to whether the various SDGs were met or not and were they to effective to protect the environment. (Banerjee, 2022)

In the research paper India and Sustainable Development authored by Vinati used statistical data to prove her research. In the terms of Indian context various enactments like the Constitution, National Environment Policy, the 5year plans, etc. were assessed to understand the status of sustainable development in India. Further India being a developing country various challenges that it faces were also taken into consideration. It was followed by the steps and strategies that can be used to minimise the challenges and obstacles to attain sustainable development. The steps have been not just confined for the government but staps have



#### **VOLUME 3 AND ISSUE 2 OF 2023**

APIS - 3920 - 0001 (and) ISSN - 2583-2344

been laid down for citizens as well as organisations. (Vinati, 2016)

The article Green Growth and Sustainable Development in India published by The Energy and Resources Institute (TERI) discusses as to what is green growth and what are the challenges associated with it in India. A comparative statistical study was done between countries where the key development indicators were factored. Further the green growth interventions were discussed along with their impact, various scenarios over a period were assessed like the result when different primary energy supply material was used, the demand was estimated, etc. The various policy implications for these scenarios were also assessed. Followed by developing a future plan of action by streamlining the decision-making processes, addressing the data gaps, commissioning the pilots and technology demonstration, mobilising finance, etc.<sup>197</sup>

#### III. METHODOLOGY Data sources

In this research the primary source of data will be secondary data. We will refer to the Stockholm Declaration primarily to see as to which principles led to the evolution and growth of the sustainable development. Apart from the Stockholm declaration we will go through the Rio Declaration and the legislations passed by the Indian parliament for the same. We have assessed the various literature present in this matter, and we shall refer to the reports published various by Governmental organisations to get a better understanding of the topic.

IV. STOCKHOLM DECLARATION

The United Nations Conference on Human Environment<sup>198</sup>, 1972 commonly known as the Stockholm conference till date has been the most transformational conference in the field of

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environmental issues. It was the first conference in the world to make environment crisis a major issue. The result of this conference was the Stockholm Declaration and the United Nations Environment Programme. The Stockholm Declaration is a soft law that means it is a nonbinding instrument and it hasn't been signed or ratified by any of the states. These laws act as the guiding principles for other laws, and they also help development and codification of laws. this conference In the importance and interrelation between the environment and development acknowledged. The was Stockholm Declaration is instrument an containing 26 principles. It enumerates the various types of issues that can arise due to environmental crisis, and it further states the solution for those problems. It also made a bridge between the developed and the developing nations by technology transfer to developing nations to promote industrialisation. The action plan enumerated in the Declaration can be broadly classified into 3 parts the watch plan i.e., to assess the global environmental program, the environmental management activities and lastly to establish measures to assess and manage activities at the national and international level. Further apart from these principles there were 109 recommendations.

The principle 5 and 11 of the Stockholm Declaration primarily envisage the concept of sustainable development. There are certain other principles as well that promote the concept of sustainable development.

The Principle 5<sup>199</sup> of the Declaration states that the renewable resources must be utilised in such a way that there is no threat of future exhaustion and scarcity. Which will enable that the benefits of such utilisation can be shared by all. So, in simple terms it states that the renewable resources must be use in manner

<sup>&</sup>lt;sup>197</sup> GGSDI (2015). Green Growth and Sustainable Development in India. Implemented by The Energy and Resources Institute (TERI) and Global Green Growth Institute (GGGI).

<sup>198</sup> https://documents-ddsny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenE lement

<sup>&</sup>lt;sup>199</sup> Principle 5, Stockholm Declaration on Human Environment

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind. https://documents-dds-

ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenE lement



# INDIAN JOURNAL OF LEGAL REVIEW [IJLR] VOLUME 3 AND ISSUE 2 OF 2023

#### APIS - 3920 - 0001 *(and)* ISSN - 2583-2344

that the benefits of it can be used and shared by all mankind. The principle uses the term all mankind which widens the scope of this principle as it then can be understood as the use of resources amongst multiple generations. This principle encompasses the concept of sustainable development as well as intergenerational equity.

The Principle 11<sup>200</sup> lays down the responsibilities for the states as to how the environmental policies implemented by them should enhance and not hamper the present or future development of the developing countries nor it should affect the living conditions for all. Better living conditions must be secured for all not just for the present generation. Further the states and international organisations shall take an appropriate step to reach an agreement on the possible international and national economic consequences arising from the implementation of the environmental measures. This principle envisages the concept of sustainable development along with intergenerational and intragenerational equity within it.

The above 2 principles led to the establishment and development of the concept of sustainable development. There were certain other principles like the duty to protect the natural resources and renewable resources and the non-renewable resources, etc. that acted as the foundation stone of this principle. The principle  $3^{201}$  emphasised that the renewable resources must be maintained and it should be tried to restore or improve their levels. The principle 13 and 14 stating about the rational management and rational planning of the resources also promote sustainable development.

<sup>200</sup> Principle 11, Stockholm Declaration on Human Environment

https://documents-dds-

ine capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved. Published by Institute of Legal Education

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The rise is population is directly proportional to the increased consumption of resources as more population requires more resources. One of the major effects of the rise in population is the global warming. To facilitate the lives of the growing population, forests and other natural resources are being exploited. We have also seen this trend that the population is rising rapidly in poor of developing countries whereas in cases of the developed nations has become almost stagnant and is even declining in certain cases. These population dynamics primarily have influence in the local levels but also at the global levels. These population dynamics not just pose as challenges but also have certain advantages associated to it.

Then need for a principle which not just takes care of the present generation but also the future generations arose after the catastrophic series of environment hazards in the first half of the twentieth The century. Stockholm conference was an effort to address these hazards. The principles of the Stockholm Declaration acted as the foundation for enactment of several other initiatives to protect environment by various states and the international environment. the Stockoholm50+ was established to achieve multiple goals and to further achieve sustainable development. So, we have understood that in the Stockholm Declaration only the concept of sustainable development was mentioned, it was more than a decade when the principle of sustainable development and the term was explicitly formed.

#### V. RIO DECLARATION

The United Nations Conference on Environment and Development, 1992 commonly known as the Rio Conference was the first international meet where action plan and strategies were developed to move towards a sustainable pattern of development. this summit was not just attended by various states but representative of multiple organisations were also present. It was concluded as per the Brundtland Commission in its report of 1987 that

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenE lement

<sup>&</sup>lt;sup>201</sup> Principle 3, Stockholm Declaration on Human Environment The capacity of the earth to produce vital renewable resources must be



**VOLUME 3 AND ISSUE 2 OF 2023** 

#### APIS - 3920 - 0001 (and) ISSN - 2583-2344

the solution to the alarming rate of environmental degradation is sustainable development. it was now understood that and development environment were not mutually exhaustive, and they weren't required to be addressed as two separate issues, rather they could be addressed in a mutual way. This conference concluded that any long-term economic progress is ensured over when the environment is protected. The first principle 202 of the Rio Declaration states that the main concern of sustainable development are the human beings, and they are entitled to live a healthy and productive life with nature in harmony. Even the third<sup>203</sup> principle encompasses the principle of sustainable development and states that the right to development must be fulfilled to equitably meet the developmental and environmental needs of the current and future generations. Further the principle<sup>204</sup> also fourth states that environmental protection is an integral part to achieve sustainable development and the development process cannot take in an isolated situation. Principle 8205 states that we must reduce and eliminate unsustainable patterns of production and consumption to achieve higher quality of life and sustainable development.

There are many other principles in this declaration that state about sustainable development. It was the first time that the term sustainable development was being used in such an extensive sense. The need for sustainable development was such that we already reached at a stage where even the present generation couldn't meet all its needs.

<sup>205</sup> PRINCIPLE 8 Rio Conference,

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So, the situation became such that if the present generation could not fulfil its requirements how will the future generations survive. So that is why this concept gained such immense importance.

Post Rio a World Summit for Sustainable Development was conducted in Johannesburg, 2002. The key commitments included sustainable consumption and production with water, sanitation, and energy.

An institution, International Institute for Sustainable Development has been established to ensure a world with stable climate conditions. sustainable resources and equitable and fair economy. Their vision is to make a world where the people and the planet thrives. Further the aim of the institution is to improve lives of the population by creating a sustainable world, equitable world, and a healthy ecosystem for all. There are multiple functions performed by it. It makes legal and economic policies while supporting sustainable development. It is enabling to move towards cleaner energy sources. IISD's focus area is 'CREATE' i.e., climate, resources, economies, act together and engage.

#### VI. CONCLUSION

We began our research paper with two questions firstly whether the adoption of sustainable development has brought а balance between current consumption and the need of future generations and secondly as to the effect population on environment. So, to answer the first question we can state that we with the extensive adoption of sustainable development we are moving towards a society where there is some balance, yet a lot is needed to be covered. Even after the laws are enacted their implementation is the important activity and we have seen that time and again. We are moving towards a sustainable development environment rapidly, but the natural resources are also being used and depleted at an alarming rate to fulfil the current consumption requirements. So, while we are using sustainable methods, we must also understand

<sup>&</sup>lt;sup>202</sup> PRINCIPLE 1, Rio Conference,

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. https://www.iau-hesd.net/sites/default/files/documents/rio\_e.pdf

<sup>&</sup>lt;sup>203</sup> PRINCIPLE 3 Rio Conference,

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. <sup>204</sup> PRINCIPLE 4 Rio Conference,

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.



#### VOLUME 3 AND ISSUE 2 OF 2023

#### APIS - 3920 - 0001 (and) ISSN - 2583-2344

that the consumption needs to be controlled and alternatives must be assessed to leave enough for the future generations. Increase in population does mean requirement of more resources but it is just one facet of it. Population demography and urbanisation is an effective driver of sustainable development. High population at times leads to reduction of cost resulting in lower per capita while delivering essentials to the public. We have already discussed at the very beginning of the paper the national and international that organisations cannot lead to attainment of better living conditions, they can only bring in the changes required. The task of actually implementing such large-scale changes can only be done by the general public. So, the citizens are playing and will play an immense role to bring in the required changes.

#### VII. REFERENCE

- Gunther Handl, 'Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972 and the Rio Declaration on Environment and Development, 1992.' [2012]
- Justice Mensah, 'Sustainable develop: Meaning, history, principles, pillars, and implications for human action: Literature review' (2019) Volume 5 Issue 1.
- PJP Ginting, Sustainable Growth and Development, Research gate (January 2020),

https://www.researchgate.net/publicatio n/342461625\_Sustainable\_Growth\_and \_Development

 Vinati, India and Sustainable Development, Volume 6, International Journal of Computing and Corporate Research, 2016,

https://www.ijccr.com/March2016/89.pdf

- GGSDI (2015). Green Growth and Sustainable Development in India. https://www.teriin.org/projects/green/pd f/National\_Tech%20Report.pdf
- United Nations Documents,

https://documents-ddsny.un.org/doc/UNDOC/GEN/NL7/300/05/I MG/NL730005.pdf?OpenElement

- ClearIAS, https://www.clearias.com/stockholmdeclaration/, (last visited March 15, 2023)
- Sustainable Development Commission, https://www.sd-
- commission.org.uk/pages/history\_sd.ht
  ml, (last visited March 13, 2023)
- Government of Canada, https://www.ic.gc.ca/eic/site/693.nsf/en g/h\_00019.html, (last visited March 12, 2023)
- Rio Declaration on environment and development, 1992 https://www.iau-

hesd.net/sites/default/files/documents/ rio\_e.pdf

• Sustainable Environment Organisation, UK.

https://www.sustainable-

environment.org.uk/Action/Rio\_Declarati on.php#:~:text=The%20Rio%20Declaratio n%20states%20that,the%20key%20sector s%20of%20society.

#### • Down to Earth,

https://www.downtoearth.org.in/classro om/what-is-sustainable-development-29774#:~:text=%22Sustainable%20develo pment%20is%20development%20that,its %20report%20Our%20Common%20Futur e.

- Pamela Chasek, Stockholm and the Birth of Environmental Diplomacy, IISD https://www.iisd.org/articles/deepdive/stockholm-and-birth
  - environmental-diplomacy
- Pamela Chasek, The Legacies of the Stockholm Conference, IISD https://www.iisd.org/articles/deepdive/stockholm-conference-legacy
- Brittanica, https://www.britannica.com/topic/envir onmental-law/Sustainabledevelopment

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VOLUME 3 AND ISSUE 2 OF 2023

#### APIS - 3920 - 0001 *(and)* ISSN - 2583-2344

- Rahul Mittal, Impact of Population Explosion on Environment, Volume 1, We School Knowledge Builder, May 2023 https://www.researchgate.net/publicatio n/237771340\_IMPACT\_OF\_POPULATION\_E XPLOSION\_ON\_ENVIRONMENT#:~:text=On e%20of%20the%20largest%20environmen tal,destroyed%20at%20an%20alarming% 20rate.
- United Nations Population Fund. https://www.unfpa.org/press/sustainabl e-development-and-populationdynamics-placing-people-centre

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https://iledu.in