



International Legislation for Environment and Development

A statement presented to Working Group III of the Third session of the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED)

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A little over a hundred years ago, in a series of letters to the world leaders of the day, Bahá'u'lláh spoke of humankind as entering on a period of history that would entail the radical restructuring of the life of the planet. Challenges never before contemplated would, He said, soon overwhelm the resources of even the most advanced nations. They could be addressed only by a world federal system whose central organ would be a representative world parliament empowered to create a code of universally agreed upon and enforceable international law. *"The earth is but one country," Bahá'u'lláh asserted, "and mankind its citizens."*

As the magnitude, complexity, and urgency of environmental problems have gradually forced themselves on public attention, the logic of this prescription has become daily more apparent. The available international legislative machinery and processes are proving inadequate, primarily because they are based on laws governing nation-states. To the Bahá'í International Community it seems clear that, unless creative new steps in the restructuring of the international order can be taken, environmental degradation alone, and its long-term implications for social and economic development, will lead inexorably to a disaster of appalling dimension.

The current process for creating international environmental legislation, which addresses only one problem at a time, is fragmented and unsystematic. Conventions, treaties, and protocols, have been adopted on such diverse issues as the protection of the ozone layer and control of international traffic in hazardous wastes. Other conventions are being negotiated on climate change and on biological diversity. Still others have been suggested on such subjects as land-based sources of marine pollution. No one body is responsible for drafting international environmental legislation. Nor have the nations of the world agreed on a set of principles upon which environmental legislation can be based. Moreover, the countries signing the various legislative instruments are rarely identical. Thus, it is almost impossible to harmonize or combine agreements.

The international legislative process is well known to be slow, cumbersome, and expensive. Once a problem is identified, meetings of experts are called to prepare a draft agreement. The agreement is negotiated by interested governments and signed at a plenipotentiary meeting. After what is often a lengthy period of ratification and accessions, the legislation comes into force, but only in those states which have signed it. A secretariat is generally established to facilitate and monitor the convention's implementation. If legislation has to be modified, as in the case of the Montreal Protocol, where increased ozone deterioration outstripped the protocol's provisions, updating can be as slow as adoption. Many countries with limited numbers of diplomats and experts cannot cope with such time-consuming and expensive procedures, particularly as the number of negotiations is increasing to respond to pressing global environmental problems.

The present ad hoc process for environmental legislation can only become more unmanageable. Numerous proposals have been offered to provide global mechanisms to create and support a sustainable pattern of development. Some experts advise strengthening the existing UN system by upgrading the mandates of agencies such as the UN Environment Programme (UNEP), reconfiguring the Economic and Social Council (ECOSOC), or using the Trusteeship Council to administer certain global resources. Others suggest creating new bodies such as an environmental security council, a World Court of environmental justice, or an international environmental negotiating body to prepare, adopt, and revise international legislation on issues requiring global action.

However well motivated and helpful such proposals are, it seems apparent to the Bahá'í International Community that the establishment of a sustainable pattern of development is a complex task with widespread ramifications. It will clearly require a new level of commitment to solving major problems not exclusively associated with the environment. These problems include militarization, the inordinate disparity of wealth between and within nations, racism, lack of access to education, unrestrained nationalism, and the lack of equality between women and men. Rather than a piecemeal approach conceived in response to the needs of the nation-states, it seems clearly preferable to adopt an umbrella agreement under which specific international codes could be promulgated.

Long-term solutions will require a new and comprehensive vision of a global society, supported by new values. In the view of the Bahá'í International Community, acceptance of the oneness of humanity is the first fundamental prerequisite for this reorganization and administration of the world as one country, the home of humankind. Recognition of this principle does not imply abandonment of legitimate loyalties, the suppression of cultural diversity, or the abolition of national autonomy. It calls for a wider loyalty, for a far higher aspiration than has so far animated human efforts. It clearly requires the subordination of national impulses and interests to the imperative claims of a unified world. It is inconsistent not only with any attempt to impose uniformity, but with any tendency towards excessive centralization. Its goal is well captured in the concept of "unity in diversity."

The Bahá'í Writings envision the world federal system proposed by Bahá'u'lláh as one *"in whose favour all the nations of the world will have willingly ceded every claim to make war, certain rights to impose taxation and all rights to maintain armaments, except for purposes of maintaining internal order within their respective dominions."* Such a world commonwealth will include "a

world legislature, whose members will, as the trustees of the whole of mankind, ultimately control the entire resources of all the component nations, and will enact such laws as shall be required to regulate the life, satisfy the needs, and adjust the relationships of all races and peoples. A world executive, backed by an international Force, will carry out the decisions arrived at, and apply the laws enacted by, this world legislature, and will safeguard the organic unity of the whole commonwealth. A world tribunal will adjudicate and deliver its compulsory and final verdict in all and any disputes that may arise between the various elements constituting this universal system." Under such a system, "a single code of international law -- the product of the considered judgement of the world's federated representatives -- shall have as its sanction the instant and coercive intervention of the combined forces of the federated units..." At the same time, "the autonomy of [the] state members and the personal freedom and initiative of the individuals that compose them [will be] definitely and completely safeguarded."

The Bahá'í International Community therefore urges the Preparatory Committee to consider bold and creative approaches to the creation of international legislative machinery and processes. No real change is possible without a vision. The proposed Earth Charter can go a long way toward articulating a unifying vision for the future and boldly asserting the values upon which it must rest. In its work on the text, the Preparatory Committee may wish to refer to The Promise of World Peace, a statement to the Peoples of the World issued in support of the United Nations International Year of Peace (IYP) by the Universal House of Justice.

Bahá'ís the world over find in the UNCED process a powerful reinforcement of the optimism they feel about the future of humankind. We believe that, empowered by the universal recognition of the dangers presently facing the planet, the governments of the world can be moved to act courageously on behalf of the human race as a whole. The result may well prove to be not only an effective response to the environmental and developmental problems now facing us, but another enormous step forward in the building of a federal system able to take up the entire array of challenges confronting a rapidly integrating human race.

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