

# Preface (Volume 51, Issue 5)

Emanating from the EPL's milestone of 50<sup>th</sup> year, a series of transformational steps are being put into place. As one of the logical steps of EPL's *global* thrust, the journal's content will step-by-step witness sharpness. With this growing scholarly edge, the journal seeks to provide a platform for cutting-edge research works and ideas that reflect upon the global environmental regulatory approaches hitherto followed as well as finding a pathway for our better common environmental future. Hence, EPL, in effect, will seek to walk-the-talk of being the journal for the 'decision-makers'. In this organic process, it is the outstanding scholars whose contributions will lead from the front being part of the 'decision-making' processes. Many of the leading environmental law scholars join the governmental officials and staff members of international institutions in organizing, leading or contributing to some of the global conferences, the conference of parties meetings of multilateral environmental agreements, being advisors to the governments and contributing to the catalytic roles of the international environmental institutions.

## Road to Stockholm + 50 (2022) and Beyond

As a continuation of the *ideational* trajectory of EPL, it is intended to carry out a series of invited contributions of outstanding scholars from Issue 6 (2021) till Issue 3 (2022) to coincide with the convening of another global environmental conference in the Swedish capital Stockholm during 2-3 June 2022. The global environmental movement and the mega-regulatory processes have come of age after the 'act of origin' at the 1972 first UN Conference on the Human Environment (UNCHE). At UNCHE, while all the credit went to Sweden and its audacious late Prime Minister Olaf Palme, the coming 50<sup>th</sup> anniversary event in 2022 has been

designated by the UN General Assembly's *modalities* resolution 75/326 of 10 September 2021 in a complex yet matter-of-fact way: "Stockholm + 50: a healthy planet for the prosperity of all – our responsibility, our opportunity". Reflecting another reality of 'ageing' of the UN's principal environmental 'program' (UNEP) and its location in the Kenyan capital of Nairobi, the UNGA resolution has called for sharing the credit with Kenya and underscored that the 2022 event will be "mutually reinforcing with the commemoration of the fiftieth anniversary of the creation of the United Nations Environment Programme".

Ironically, there is still no prospect of taking the logical final step, even in the proposed 'political declaration' (2022), of allowing the UN's environmental *baby* to become an *adult* through an independent 'functional' UN (specialized) agency after 50 years of its existence. Is the Nairobi location, far away from the decision-making UNHQ in New York, in the troubled, disadvantaged and impoverished African continent part of the problem? It is high time that the UN and its member states jettison extraneous factors and resolve the puzzle by designating and elevating the UNEP (a subsidiary organ of the General Assembly), now given a concession of being called the UNEA (with universal membership), as the UN's environment protection organization (UN-EPO). Even if environment has been mainstreamed and all kinds of reasons propounded are true for not giving UNEP the status of a 'specialized agency', in a hierarchy-ridden UN system, trappings of structure, legal instrument, organizational independence and visibility do matter most. This is especially so at a time when the global environmental crisis is worsening by the day.

Some of the organizational issues on the 'need for a UN specialized agency for the environment' and revival of the 'UN Trusteeship Council with a new mandate for environment and the global commons' have been addressing by scholars like Said

Mahmoudi and Bharat Desai in *EPL Special Issue* (vol.51, no.1-2, 2021). Still, the forthcoming 50<sup>th</sup> year milestone of UNCHE and UNEP presents EPL an opportunity to probe the global environmental regulatory approaches as well as to strive for 'envisioning the future'. The EPL Special Section in the forthcoming issues till Issue 3 (2022) will carry some cutting-edge ideational reflections on the predicament we face today.

### **Sectoral Issues: Biodiversity, Forests, Water**

This Issue 5 of EPL comprises 7 contributions that broadly cover various approaches at work concerning sectoral resource issues such as biodiversity, forestry and water. In the first global segment, the three aspects covered include access and benefit sharing (ABS) under the biological diversity regime, sustainable development goals (SDGs) and geographical indicators (GI). They examine several inter-connected issues of clearance of forests, mapping of traditional knowledge and valuing uniquely grown and produced items that carry distinct geographical indication. Through different approaches, these have come to be inscribed with legal fabric that aspire to address the interests of the local communities. Still, the issues

of equity, distribution, authenticity and community participation haunt the respective processes of policy, law and institutional mechanisms. They reflect lessons from the working of some strands of the global common concerns and respective global regulatory mosaic in the said areas.

In the second segment, there are four contributions from national systems that provide examples in policy-law interface of the forestry sector in Nigeria, responsibility of the Indonesian government in fulfilling clean water during Covid-19 pandemic, interface of Vietnam's environmental protection system with other sectoral laws and risks of contamination by active pharmaceutical ingredients in Malaysian tap water. The assembling of these national examples of policy, law and institutional approaches comprise available practices that could have some replicable global utility, howsoever limited, under the circumstances.

EPL as a *global* journal aspires to present best possible *replicable* examples of national regulatory approaches. However, our effort to induct any such case will be constrained by the issues covered, content and scope of the article, efficacy of the respective model and the scholarly sharpness of the contribution. We can only try and hope for the best.

**-Bharat H. Desai**