



**Course- Environmental Law**

**Program- BA.LLB/B.COM LLB & BBA LLB**

**SEMESTER-Vth Semester**

**Course Instructor-Mr. Bishnanand Dubey**

**Assistant Professor**

**CLLS**

**TMU**

**Course Name: Environmental Law**

## **UNIT II-Environmental Protection & International Efforts**

# Objectives

1. Understanding about different International conventions, treaties, Conferences.
2. Understanding the impact of international Environmental Laws.

# The Beginning

- The perception of the world's concern for the environment is relatively new. "At the beginning of the twentieth century, neither environment as an integrative ecological concept nor the biosphere as the planetary life-support system was an object of popular international concern," noted Caldwell. However, in the latter half of the 20th century, global concern over environmental deterioration and ecological imbalances sharply increased. The publication of *Silent Spring* in 1962 sparked a fresh environmental movement on a global scale. Although this book highlighted the negative consequences of pesticide use, it also helped to change public opinion globally against the use of pesticides, fungicides, and rodenticides. The United Nations Organization (UNO) and its other specialized bodies began with organized program in the decades that followed, expressed international concern about the planet's overall safety, and declared that environmental degradation and ecological imbalances are of global concern rather than national concern. Therefore, a comprehensive global program should be developed by all national governments to address these issues.

# HISTORICAL PERSPECTIVE

Prior to 1950, the national governments paid little attention to environmental issues as transboundary issues and instead saw them as local or, to a lesser extent, regional issues. Therefore, even regional organizations only caused local legislation and regulation to be reacted to. However, the constant population growth, excessive and unrestrained use of natural resources, and growing desire for a better life have given rise to greater scientific and technological advancements, which have in turn posed a major risk to humans, animals, and the environment. In addition, issues like acid rain and the consequences of air and water pollution on the environment without regard to geographic boundaries have made it a difficulty for the international regime. Given the global scope of the issue, international law has also begun to address environmental issues. The first international environmental accord or covenant dates to 1967 and concerns fisheries. As a result, the first attempts to create international environmental legislation only concerned birds, fish, seals, etc. **The International Ornithological Congress and the Convention to Protect Birds Useful to Agriculture were established in 1902 as a result of Switzerland's proposal for an international regulatory commission for the conservation of birds in 1872.** This convention sought to forbid the killing of some birds and offer them complete protection. Additionally, it included clauses on nests, eggs, breeding grounds, methods of capture, etc.

Additionally, it permitted the capturing of birds for scientific study, research, and population growth. In terms of pollution, the US and Canada's Water Boundaries Treaty (1909) was the first to prevent and manage water contamination. The creation of the International Committee for the Preservation of Birds in 1922 by the US and the European Continental Countries was another step towards transboundary coordination without surrendering national sovereignty.

The Convention on Preservation of Flora and Fauna in their Natural State, which took place in the year **1933**, was one of the key occasions in the first half of the 20th century. The purpose of this treaty was to protect the native flora and wildlife of particular regions of the world, particularly in Africa, by creating national parks and reserves and by enforcing laws against species hunting and collecting. Additionally, it has rules for the protection of forests, for encouraging the domestication of wild animals with significant economic value, and for outlawing specific hunting techniques, such as the use of poison, explosives, blinding lights, nets, pits, and snares, among others. It also placed limitations on the export of some skins and furs as well as the exchange of trophies. **The convention's biggest flaw was the lack of institutional arrangements for administering the rules and enforcing their compliance.**

# DEVELOPMENT FROM 1945-2003

- Following the end of World War II, a new era began in which countries began to address environmental problems and establish international organizations. Additionally, during this time, people began to become more aware of the link between **environmental preservation and economic development**. The creation of international environmental law during this time was primarily driven by the expansion of science and technology as well as the historical unscientific use of natural resources. Additionally, the industrial revolution resulted in transnational pollution issues, **such as acid rain across North America due to Canadian companies**. Thus, scientists first brought the need for global action on environmental issues to the world's notice, followed by inter-governmental conferences. An illustration of the use of international law for transboundary injury from mines in territorial seas that endangered international navigation is *United Kingdom v. Albania (Corfu Channel case of 1949)*. International environmental law was given a boost with the UNO's founding in 1945. **1954 saw the adoption of the International Convention for the Prevention of Oil Pollution of the Sea. The African Convention on the Conservation of Nature and Natural Resources was established in 1968** in a similar manner. The foundational tenets of this convention stated that the contracting States would commit to taking the actions required to ensure the conservation, exploitation, and development of soil, water, floral, and faunal resources in accordance with scientific principals and with due consideration for the interests of the people.

- As a result, it became everyone's responsibility to recognize, safeguard, conserve, and pass on to future generations the natural and cultural legacy that is unique to that State. Additionally, a World Heritage Committee was created, to which each party must provide a list of its national treasures. **The first time that environmental issues were acknowledged was in 1970, when the Organization for Economic Cooperation and Development (OECD) also established a Committee on Environment. The International Liability Convention for Damage Caused by Space Objects was established in 1971.** The Convention's obligation was based on the absolute harm that space objects caused to the earth's surface or to flying aircraft, not on the existence of evidence of wrongdoing.

# SOURCES OF INTERNATIONAL ENVIRONMENTAL LAW

International law has only recently begun to develop. It was only created, fostered, and developed over the past 60 years. Environmental law began at the end of World War II. **The first contemporary piece of particular law in this area was the National Environmental Policy Act of 1960 (US).** Similar to this, action in this sector began with the US's "Earth Day" commemoration on April 22, 1970. The First International Conference on Human Environment, which followed it, took place in **Stockholm in 1972.** Since 1960, a great deal has changed, and environmental law has become a fully developed area of the law. They were established with the aid of numerous initiatives, which later served as the foundation for environmental law. The following lists these key sources.

1. Treaties, Protocols and Conventions:

They have consistently been viewed as the primary sources of international environmental law. The Antarctic Treaty, 1959; the Convention for the Conservation of Antarctic Seals, 1972; the Convention on the Conservation of Migratory Species of Wild Animals, 1979; the 1991 Protocol on Environmental Protection to the Antarctic Treaty; the Basel Convention, 1989; and the Agreement on the Conservation of AfricanEurasian Migratory Water birds, adopted in 1995, entered into force, are just a few of the significant environmental treaties, conventions, and protocols. Some of them have legal weight and are applicable to Member States. These agreements might be bilateral or multilateral in nature. Protocols are supplemental contracts to a principal treaty.

## 2. CUSTOMARY INTERNATIONAL LAW:

- The practices that have long been followed in diplomatic interactions between nations are included in customary international law. Additionally, it has earned status as a source of international environmental law. These are the standards and laws that nations adhere to out of custom, and because they are so widely accepted, they bind all States worldwide. Examples of such laws include the obligation to promptly notify other States of environmental symbols and environmental harms to which another State or States may be exposed, as well as Stockholm Declaration Principle 21. ("good neighbourliness" or sic utere tuo ut alienum non laedas). **The concepts outlined in international declarations, such as the Stockholm Declaration of 1972, the Rio Declaration of 1992, the World Charter for Nature of 1982, and the Third UN Conference on the Law of the Sea of 1982, also became a part of international customary environmental law.** The outcomes of the principles announced in these international conferences include **the principles of sustainable development, polluter pays, precautionary principle, and inter-generational equity**, which are all applied in the adjudication of environmental disputes. Numerous judgements in national and international courts have also been based on these ideas.

### 3. JUDICIAL DECISIONS:

Judicial decisions are acknowledged as one of the sources of international environmental law in Article 38(1)(d) of the statute of the International Court of Justice (ICJ). The ICJ has made significant decisions in numerous instances concerning environmental issues, giving the environment a solid foundation. The Lake Lanoux case, Belgium v. Spairz, Australia v. France, the Aerial Herbicide case, the Pulp Mills case, and others are a few of them. These court rulings have acknowledged and clarified the different sources and tenets of environmental law. **The Chamber for Environmental Matters was established by the Court of Justice in July 1993** as a result of the high number of environmental disputes. Looking at the number of cases decided and the more general principles of environmental law established, the contribution of the ICJ is notable. A few of the important judicial rulings are listed here

# THE TRAILSMELTER ARBITRATION

- The largest lead and zinc smelting facility in the British Empire was located in The Trail, British Columbia. Two substantial, 400-foot smoke stacks were constructed in 1925 and 1927. The amount of sulphur released into the air increased as a result. The amount of sulphur released from the facility on a monthly basis nearly doubled from what it had been in 1924 over the same time period. Its 400-foot-tall stacks emitted poisonous smoke plumes that travelled down the Columbia river valley. The smoke damaged farms and trees in Virginia State after it crossed the US-Canadian border. American farmers requested compensation for crop losses and safety precautions against smoke. The debate brought up difficult questions on how international law should handle transboundary air pollution. These disputes were finally resolved after nearly 15 years and two precedent-setting rulings from an international arbitration tribunal. The US initially agreed to present the matter to the International Joint Commission (IJC). The IJC recommended in its 1931 report that Canada to reduce its sulphur dioxide emission limitations and demanded Canada to pay the US \$350,000 in reparations for harm done to the farmers, but the US rejected the offer. The Convention of Ottawa, signed on April 1, 1935, between the United States and Canada, established an arbitration agreement between the two nations. Canada, meanwhile, once more promised to pay the US \$350,000 as compensation for all harm done before to 1932.

- After thorough expert evaluations, the Tribune acknowledged that the smelter had harmed the environment after 1932 in April 1938. The Arbitration Tribunal then determined in 1941 that
- *“no State has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties or persons therein, when the case is of serious consequence and the injury is established by clear and convincing evidence.”*
- The Canadian Government was ordered to pay US\$78,000.00 for the harm the Trail Smelter caused the State of Washington between 1932 and 1 October 1937. The majority of this compensation was for harm done to US land in the Columbia river valley.

## *France v. Spain ("Lake Lanoux Arbitration")*

- On the southern slope of the Pyrenees, in French territory, is Lake Lanoux (the Department of PyreneesOrientales). The lake's waters exit through a single stream, the Fontvive, one of the sources of the Carol River, which, after travelling about 25 kilometers from Lake Lanoux in France to Puigcerda in Spain, continues its journey there for an additional six kilometers before joining the Segre river, which eventually empties into the Ebro. The Puigcerda canal, which belongs to the Spanish town of Puigcerda, is where the waters of the Carol teed before entering Spain. On 2 December 1856, 14 April 1862, and 26 May 1866, France and Spain signed boundary accords that governed waters of common use. In order to produce hydroelectric energy, France started planning in the 1950s to divert water from Lake Lanoux over a 789-meter drop. Spain asked France to arbitrate the case despite France's assurance that it would restore the diverted water to the Carol River because it feared the scheme would infringe upon its water rights under a number of 1866 treaties. The French plan guaranteed not to change the amount of water entering Spain through the Carol river, therefore the Arbitration Tribunal's 1957 ruling rejected Spain's concerns. The tribunal further concluded that there was no justification for subjugating the broad principle that standing and flowing waters are subject to the sovereignty of the State in which they are found. The tribunal determined that the French Government was not in violation of the terms of the Treaty of Bayonne of May 26, 1866 and the Additional Act of the same date by carrying out works for the utilization of the waters of lake Lanoux under the conditions outlined in the scheme for the utilization of the waters of lake Lanoux.

- France advanced its case by demonstrating that there was no actual harm done to Spanish interests, whereas Spain ignored the facts in favor of focusing its arguments on a matter of principle. The tribunal rejected the idea of absolute sovereignty by declaring that "territorial sovereignty... must bend before all international commitments." It determined that the upstream State has the right to use water in a reasonable manner and rejected the concepts of natural flow and absolute riverine integrity. An international environmental law locus classicus is the Lake Lanoux Arbitration. Some of the award's provisions, such as those promulgated by the 1997 Convention on the Non-Navigational Uses of International Watercourses, signaled new territory. Others aided in delineating the specifics of established concepts, such as the requirement of good faith in diplomatic interactions. The tribunal's authoritative and thorough examination of the principles of international customary law governing the use of international waterways is another reason why the case gained notoriety.

# Stockholm Declaration, 1972

- The International Conference on Human Environment, held in Stockholm in 1972, marked the beginning of international environmental law. Nations from around the world came together under the direction of the UN for the first time to develop a coordinated plan to fight pollution, environmental deterioration, and ecological imbalances. **This conference resulted in the declaration of 26 principles that have come to be known as the Magna Carta on Human Environment.** India took part in the meeting and contributed by signing the Stockholm Declaration of 1972. The first head of State to speak at this conference was Mrs. Indira Gandhi, who was the Prime Minister at the time. The Stockholm Declaration served as a foundation for the formation of various bilateral and multilateral environmental treaties as well as other enforceable international agreements. It would be important to note that this conference chose to issue a non-binding statement of the principles, which, as noted, incorporates the principles **"embodying the world's hopes for a better environment."** **It did not impose any concrete requirements on the World States to carry out the obligations and duties set forth in the Stockholm Declaration.** Although the principles are "non-binding," they are still considered as the **cornerstone of contemporary international environmental law.**

- **"Sustainable development" has been enunciated in Principles 1 and 2. In order to prevent a threat to future generations, it was advised that "today renewable resources of the planet must be exploited in a way".** Man has a specific duty to protect and responsibly manage the legacy of animals and its habitat. In order to improve environmental quality, it also promoted the creation of governmental agencies tasked with planning, controlling, or managing natural resources. **In order to advance environmental law and deal with significant environmental challenges, the UN General Assembly also established the United Nations Environment Programme (UNEP) on December 15, 1972.**
- The UN General Assembly formed the **World Commission on Environment and Development** in 1983 to advance **"a global agenda for change."** The commission's chairperson was chosen to "reexamine the critical environmental and developmental problems on the Planet and to formulate realistic proposals to solve them and to ensure that human progress is sustained through development without depleting the resources of future generations." **Gro Harlem Brundtland was the then-prime minister of Norway. In 1987, the commission delivered its findings, known as Our Common Future. The report is split into three sections: 1) A shared concern; 2) a shared difficulty; and 3) a shared endeavor.**

- The report promoted sustainable development, which attempts to foster peace among people and between people and the natural world. Common problems, as **population, food security, species, and environmental difficulties**, as well as energy, industry, and urban challenges, have been explored in Part II. Part III emphasizes teamwork to meet shared **difficulties and offers a number of suggestions for institutional and legal change**. "Human laws must be developed to preserve human activities in line with the unchangeable and universal principles of nature," the commission advised. It concludes by listing 22 "legal principles" for environmental preservation and sustainable development.
- All people have the fundamental right to an environment that is suitable for their health and well-being, according to Principle 1; under Principle 2, the concept of "intergenerational equity" has been established. The rights, obligations, and principles relating to transboundary natural resources and environmental interferences are covered by 22 Principles (9 to 20). These include the concepts of "strict accountability" and payment for significant transnational injury. In accordance with Principle 21, States are responsible for environmental obligations they have signed internationally and must pay damages when they violate them. Finally, it states that States must use peaceful measures to resolve environmental problems, such as mutual consent, conciliation, arbitration, and judicial resolution.

# BASEL CONVENTION

- In 1989, the Basel Convention was held to regulate the movement of hazardous waste across international borders. **The primary goal of this convention is to lessen the production and transportation of hazardous waste as well as other types of trash, and to ensure that these wastes are properly disposed of in their State of origin in order to preserve human health and the environment.** There are 29 articles in it. It adheres to a number of principles, including limiting the amount of hazardous waste production at the source, forbidding the export of hazardous or other wastes to nations that have banned their import or have not provided written consent, guaranteeing the availability of sufficient disposal facilities, and forbidding import and export from non-parties.
- In order to "ensure reduced transboundary movement of hazardous and other wastes, consistent with their environmentally sound and efficient management, and this being conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement," the convention's main goal is stated as follows. The agreement further stated that "each party shall take appropriate legal, administrative, and other means to implement and enforce the contents of this agreement, including measures to prevent and penalize conduct that is in violation of this agreement." Each party State must adopt this convention into its domestic/national laws and designate competent authority(ies) to carry out the convention's provisions, according to Article 3(1).

- The Supreme Court ordered the Union Government to align the Hazardous Wastes (Management and Handling) Rules with the Basel Convention in *Research Foundation for Science v. Union of India* (2012). The Basel Convention's standards must also be followed while obtaining permission to import toxic waste. The convention also includes provisions for agreements for the transboundary movement of hazardous wastes [Article 11, and Article 12 provides for the adoption of suitable rules/procedure in the area of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous and other wastes.
- Some other conventions related to transboundary movement are as follows:
  - 1. Convention on the Transboundary Effects of Industrial Accidents, 1992
  - 2. Convention on Environmental Impact Assessment in Transboundary Context, 1991
  - 3. Convention on Long Range Transboundary Air Pollution, 1979

# UN Convention on the Law of the Sea, 1982

*The convention's goal is to create a legal framework for the seas and to advance the following activities: 1) the use of seas and oceans; 2) the fair and efficient exploitation of their resources; 3) the conservation and protection of their living resources; and 4) the preservation of the marine environment. The goal of the convention is to stop, control, lower, and mitigate marine pollution from*

- 1. land-based resources, including pipelines, estuaries, rivers, and other waterways; and Art. 207*
- 2. activities on the seabed; [Art. 208]*
- 3. Dumping (including the willful removal of waste or other material from aircraft, platforms, ships, or other man-made structures; [Art. 210]*
- 4. Ship pollution; [Article 211] and*
- 5. air or through air pollution. [Art. 21]*
- The States are required to enact laws and regulations to avoid, mitigate, and regulate marine pollution from the aforementioned sources as well as to develop international and regional guidelines, standards, and suggested procedures to do so. According to international law and the convention, the States are responsible for damages brought on by maritime pollution and are required to provide compensation and other appropriate relief. [Art. 235].*

- *A State-owned or -operated warship, naval auxiliary, vessel, or aircraft that is utilized for governmental and non-commercial service is also granted "sovereign immunity" under Article 236. The convention also includes provisions for the advancement, transfer, and resolution of technology.*

# Vienna Convention on Protection of Ozone Layer, 1985 and Montreal Protocol, 1987

- The Vienna Convention was established with the goal of "further developing scientific knowledge of ozone layer and checking the probable bad effects resulting from its change" in order to safeguard the ozone layer, which is a shield encircling the globe that shields it from ultraviolet (B) radiation. The basic goal of the agreement is for the States to cooperate, enact suitable legislative or administrative measures, and control, limit, and reduce human activities that could harm the ozone layer and fall under their purview.
- Additionally, the Member States must cooperate and share legal, scientific, and technical information among themselves. The primary chemical substances with the potential to alter chemical and physical properties have been identified as carbon substances (carbon monoxide, carbon dioxide, and methane), nitrogen substances (nitrous oxide, nitrogen oxides), chlorine substances (CFC11, C2F3, C13, CFC13, CFC14), fully halogenated alkanes, partially halogenated alkanes (CH3CI, CFC22, CH3-CCl3, CFC21), bromine substances (anthropogenic CF3B).

# **Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973**

The convention's main goals are to "acknowledge the ever-increasing value of wild flora and fauna from aesthetic, scientific, cultural, recreational, and economic point of view" and that "international cooperation is essential for the protection of certain species of wild flora and fauna against over exploitation through international trade." The convention "in its Preamble also indicates that fauna and flora are irreplaceable parts of the natural environment of the earth and international cooperation is essential for the protection of certain species against over exploitation and International trade," the Supreme Court of India has further noted. The convention categorizes these species into three groups (Appendices I, II and III). **All threatened or endangered species are listed in Appendix I.**

- **Appendix II lists species that are not necessarily threatened with extinction but could go extinct if trade in them is not strictly regulated. Appendix III lists species that have been identified by the party nations and require cooperation from other party nations to control trade. These species may only be exported, imported, or re-exported with a prior "permission" that has been secured for that purpose. It won't be allowed if there is no permit. A unique permission is required for every shipment. A permit will often be issued if the "scientific authority" and the "image authority" certify that the import or export would not endanger the existence of the species in question, will represent a low risk of harm to humans or other animals, and will not be utilized for commercial gain (Arts. III-V).**

- The treaty also instructs the States to enact domestic legislation restricting or outlawing commerce, as well as imposing fines for violating regulations relating to taking custody of or transporting specimens of species, Art. 14].The convention has also made it illegal for non-parties to trade with one another unless they substantially abide with the treaty's documentation requirements. India has ratified this agreement.

# Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1979

- The convention realized that since wild animals are an essential component of the planet's natural ecosystem, it is our duty as a species to protect them for future generations and, when necessary, to use them properly. Since wild animals move across States, it is the responsibility of the States to safeguard them when they are located on their soil. In order to prevent them from going extinct, the treaty strives to conserve migratory species and their habitats. The party States must work together, take the proper and essential actions to conserve such species, their habitat, and fund related research. **A list of critically endangered species, found in Appendix I, contains the "mammalia" and "reptilia" families of animals.** All migratory species with **a poor conservation status that demand international protection and agreement for their management and conservation are listed in Appendix II.** According to the agreement, "range States" must prevent, eliminate, make up for, or minimize the negative impacts of actions that seriously restrict or prevent species movement, as well as reduce or control causes that imperil the species. The taking of endangered species is expressly forbidden unless it is done so for a scientific reason, to help the affected species proliferate or survive, to meet the needs of traditional subsistence users, or if unusual circumstances call for it. [Article III(5)J] living; using natural resources sparingly and forbidding their waste; preserving soil productivity; reusing and recycling natural resources; exploiting non-renewable resources sparingly; controlling activities that might have an impact on nature; using the best technologies that reduce significant risk to nature; and avoiding the discharge of pollutants into natural resources with special care..

- **The Charter mandates the States to adopt legislative measures, promote environmental education, encourage scientific research, develop and implement conservation policies and methods, monitor and evaluate conservation efforts, implement applicable international legal provisions, ensure public participation in the formulation of environmental decisions, and recognize that "each person has a duty to act individually" in conjunction with others or through participation**

## Nairobi Convention, 1985

- **The region's countries can plan and develop plans and programmes that improve their capacity to safeguard, manage, and develop their coastal and marine environments sustainably with the help of this convention, which provides a framework and organizes their efforts.** It attempts to stop further deterioration of the maritime environment as well as the destruction and reversal of vital habitat. This convention was adopted in order to safeguard, manage, and improve the marine and coastal environment in East Africa. The unique hydrographic and ecological features of the regions were also emphasised as requiring particular care and appropriate management. **There was no treaty on maritime pollution at the time that suited the needs of East Africa.** The convention's 31 articles cover a range of topics, including general obligations of contracting parties, airborne pollution, damage to specially protected areas caused by engineering activities, environmental impact assessment, liability and compensation, institutional arrangements, adoption of protocols, and pollution from ships, pollution caused by dumping, pollution from land-based sources and from seabed activities.

# Earth Summit: The Rio Declaration on Environment and Development, 1992

The "Earth Summit" refers to the Rio de Janeiro Conference. It has stated 27 guiding principles. The 1972 Stockholm Declaration was repeated. **The main goal of the conference was to establish a new, equitable global partnership through the development of new levels of cooperation among States, important social groups, and individuals... international agreements that respect everyone's interests and uphold the integrity of the world's development and environmental systems while also acknowledging how interconnected and interdependent the earth, our home.** The declaration's various tenets emphasize "sustainable development" to equitably meet the developmental and environmental needs of current and future generations, programs to end poverty, the reduction and abolition of unsustainable consumption and production patterns, and the promotion of demographic policies. **The precautionary approach to protect the environment, promoting the internalization of environment costs, undertaking environmental impact assessments for proposed actions that are likely to have a significant negative impact, the role of women in environmental management, and developing national law regarding liability and compensation for the victims of pollution and other environmental damage. In accordance with Article 22, indigenous people's knowledge must also be used effectively and protected. "Peace, progress, and environmental conservation are interconnected and inseparable," it further declares. Consequently, even violent wars shouldn't have an adverse effect on the ecosystem.**

# AGENDA 21

- At the 1992 Rio de Janeiro, UN Conference on Environment and Development, Agenda 21 was approved as one of the instruments. **It is a non-binding document that offers specific strategies and other comprehensive programs to slow down environmental deterioration and support environmentally sound, long-term growth.** For the aforementioned goal, it also promotes international cooperation between the world government, the populace, and non-governmental, charitable organizations. **Agenda 21 is broken up into four sections:**
- **1) Socioeconomic aspects (habitat, health, demography, consumption patterns, etc.);**
- **2) Resource management and conservation (atmosphere, forest, water, waste, etc.);**
- **3) Enhancing the role of NGOs and other social action organizations like trade unions, women's organizations, etc.; and**
- **4) Implementation measures (finances, institutional machinery, etc.).**
- The agenda includes a number of provisions for the management of radioactive wastes, biotechnology, solid and sewage wastes, toxic chemical hazardous pollutants, and other wastes. Other measures have been put in place for the protection of the atmosphere, oceans, seas, coastal regions, and a reliable supply of fresh water resources. Some of the clauses cover land resource management, deforestation, drought, sustainable mountain development, and rural agricultural areas.

# UN Framework Convention on Climate Change, 1992

- The Convention on Climate Change was one of the conventions that was ratified during the 1992 "Earth Summit" in Rio de Janeiro. The convention's main goal is to "stabilize the atmospheric greenhouse concentration at a level that would preclude harmful anthropogenic influence with the climate system." Green house gas (GHG) concentrations cause the earth's surface and atmosphere to warm even more, but they can also have a negative impact on the human race and the natural world. The Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, and the Vienna Convention for the Protection of the Ozone Layer, 1985, were both mentioned. The treaty further stipulates that:
  - 1) Each State Party shall adopt national policies and implement appropriate measures to reduce its anthropogenic GHG emissions; and
  - 2) Its greenhouse gas sinks and reservoirs shall be protected and improved. The Member Countries have a duty to advance and collaborate in scientific, technological, socioeconomic, and other research, as well as to conduct regular observations, create data archives relevant to the climate system, and share those archives with other nations..

# UN Framework Convention on Climate Change, 1992

- [Art. 51 Additionally, the member states shall support and encourage the implementation of educational and public awareness program on climate change at the national level with national laws and regulations as well as train scientists, technocrats, and managerial staff in this area. The Member States shall also promote public involvement and information availability.[Art. 6].
- As stated in Article 17(1), the Conference of the Parties may adopt protocols to the Convention, the Kyoto Protocol of 1997 is a component of this Convention

# Convention on Biological Diversity, 1992

It is among the significant agreements established at the Rio Earth Summit in 1992, which approved a comprehensive strategy to safeguard biological variety since it is a shared concern of humanity and crucial for evolution and the maintenance of the biosphere's life-sustaining system. The CBD has validated the cultural rights of indigenous people and highlighted the importance of preserving and maintaining traditional knowledge, innovation, and practices that are important for biodiversity conservation and sustainable usage. The agreement intends to create national strategic plans, program, and initiatives for biodiversity protection and sustainable use.

[Art. 6] In order to safeguard biological diversity,

Article 8 calls for the establishment of protected areas and a "in-situ conservation" plan.

The same is true for Article 9, which calls for "ex situ conservation" measures, such as "establishing and maintaining facilities for ex-situ conservation and study on plants, animals, and microorganisms, ideally in the nation of origin of genetic resources." Additionally, it contains clauses that "promote the traditional cultural use of biological resources in conformity with conservation or sustainable use standards." Additionally, there are provisions for "incentive measures," research, training, public education, and awareness, as well as the introduction of "impact assessments" of projects that are likely to have significant negative effects on biological diversity with a view to avoiding or minimizing those effects and allowing public participation in such procedure.

# Convention on Biological Diversity, 1992

Article 19 mandates the provision of and advancement of priority access or a fair and equitable foundation of the outcomes and advantages deriving from biotechnology based on genetic resources.

Article 16 also addresses access to the transfer of technology among nations. It also supports promoting and developing the usage of technology, particularly indigenous and traditional technologies, in conformity with national legislation and regulations.

In order to fulfil their obligations under this convention and to receive the benefits of its provisions, developed countries are now required by **Article 20 to provide new and additional "financial resources" "to enable developing country parties to meet the agreed full incremental costs to them for implementing measures."** The CBD "mandates the contracting parties to adopt and maintain relevant legislation for preservation and management of threatened species and also restrict trade therein," as it has been correctly noted. Therefore, it is necessary for the States to create policies, legislation, and suitable regulations to stop the actions that lead to the extinction of specific species. **The Supreme Court explained in *T.N. Godavarman Thirumulpad v. Union of India* that there is a shift and emphasis on ecological rights rather than on environmental rights in the Convention on Biodiversity, 1992, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973. Therefore, this change is from an anthropocentric to a ecocentric viewpoint. Humans are at the heart of concern, according to the Rio Declaration and the Stockholm Declaration, underscoring anthropocentrism approach.**

## Cartagena Protocol on Biosafety, 2000

The 2000-53 Cartagena Protocol on Biosafety is an addition to the 1992 Convention on Biological Diversity. The protocol's primary goal is to ensure an adequate level of protection in the field of the safe transfer, handling, and use of "living modified organisms resulting from modern biotechnology" that may negatively impact the conservation and sustainable use of biological diversity, while also taking risks to human health into account and concentrating in particular on transboundary movements. It is based on the 1992 Rio Declaration on Environment and Development's Principle 15 on the "precautionary approach." It aims to safeguard biological variety from potential threats posed by live modified creatures produced by contemporary biotechnology, particularly with regard to the transboundary movement of such species. The agreement specifies that new technology-based products must adhere to the precautionary principle and permit developing countries to weigh economic advantages against public health considerations. The protocol has been praised as a crucial tool for guaranteeing the preservation and sustainable use of biological diversity and safeguarding human health. The protocol's signatories must take all necessary administrative, judicial, and other actions to fulfil their commitments. The "Live Modified Organisms" (LMOs) are living organisms with a novel combination of genetic material created through the use of contemporary biotechnology. The protocol methods and mechanisms to be applied in the transboundary movements of LMOs are living organisms (genetic modification). Thus, the protocol only applies to the transboundary movement of "living modified organisms" that are pharmaceuticals for humans and are covered by other pertinent international agreements or organizations.

- Instead, it covers the transboundary movement, transit, handling, and use of all living modified organisms that may have negative effects on the conservation and sustainable use of biological diversity. [Art. 5] The protocol includes provisions for advance informed agreement procedures, living modified organisms intended for direct use as food or feed or for processing procedures, risk assessment and management, handling, transport, packaging, and identification procedures, information-sharing and the biosafety clearing-house procedures, capacity building procedures, socioeconomic considerations, liability and redress for damages procedures, compliance procedures, and public awareness and participation procedures

# Nagoya Protocol on Access and Benefit Sharing, 2010

- The protocol is also an addendum to the CBD of 1992 and refers to "access and benefit sharing of genetic resources," one of the three goals of the CBD. This protocol is a global agreement that attempts to distribute the advantages of using genetic resources fairly and equitably through adequate access to genetic resources and appropriate transfer of pertinent technology, while also respecting all rights to such resources and technologies. **There are 36 articles and one annexure in it. Its mission is to "conserve biological variety and ensure its components are used sustainably."** One of the three goals of the CBD, "the fair and equitable distribution of gains arising out of the use of genetic resources," is effectively implemented within this open-book legal framework. The Nagoya Protocol also addresses traditional knowledge (TK) connected to genetic resources protected by the CBD and the advantages brought about by their use. The parties to the contract are required to take action to secure these communities' prior informed consent, fair and equitable benefit-sharing, and observance of local laws and customs. Its effective implementation has been made possible by a variety of tools and mechanisms, including the creation of **national focal points (NFPs) and competent national authorities (CNAs)**, domestic ABS legislation implementation, development of in-country research capability and institutions, awareness-raising, technology transfer, and financial support for capacity-building and development initiatives through the Nagoya Protocol's financial mechanism (GEF). According to the protocol, the contractual parties have three main responsibilities: **access obligations, benefit-sharing obligations, and compliance obligations.**

# International Year of Biodiversity

- 2010 was proclaimed the International Year of Biodiversity by the UN General Assembly (IYB). The 2010 biodiversity target, set by the CBD parties and Heads of State and Government at the World Summit for Sustainable Development in Johannesburg in 2002, also falls in this year. The major objectives of the IYB were to promote creative solutions to lessen the threat to biodiversity, increase public awareness of the value of and threat to biodiversity through activities and events, and motivate people, organizations, and governments to stop biodiversity loss. So, in 2010, the world was urged to take action to protect the diversity of life on Earth and put it at the top of its political agenda. To raise public awareness of the value of protecting biodiversity, a number of activities were also carried out in India, including the issuance of two commemorative stamps on biodiversity by the Indian government on World Environment Day.

# International Decade of Biodiversity

- The UN has designated 2011 to 2020 as the "International Decade of Biodiversity" as a follow-up to IYB (IDB). This decade will emphasize "the value of biodiversity to all of our lives" and urge fresh efforts to protect the diversity of life and commemorate earth's inhabitants. It is an international commitment agreement to safeguard our natural resources through a strategic biodiversity plan for the long term. The protection of the rarest of the rarest plant and animal species is the main focus. Living in peace with environment is the core tenet of the Aichi Biodiversity Targets and the strategic plan for biodiversity from 2011 to 2020. 2011 has been designated as "International Year of Forests" as part of IDB. In order to ensure that life on earth will continue in all of its diversity and complexity for the benefit of both the present and future generations, parties to the Nagoya Conference of 2010 also created a strategic plan for this decade. The IDB Declaration includes measures for implementation, monitoring, review, and evaluation as well as support mechanisms. It also includes the plan's justification, vision, strategic goals, and Aichi Biodiversity Targets. It also urged Member States to pay attention to other treaties relating to biodiversity as well as the United Nations Declaration on the Rights of Indigenous Peoples.

# World Summit on Sustainable Development, 2002

- The United Nations convened this conference, commonly referred to as the "Earth Summit," in Johannesburg, South Africa, from August 26 to September 4, 2002. It came after the 1972 Stockholm Conference on the Human Environment. The summit drew attention to the pressing issues facing the entire globe, including how to better the lives of people while protecting the environment, given the rising demands for food, water, shelter, sanitation, energy, health care, and economic stability. The Rio de Janeiro Conference of 1992 and the execution of Agenda 21 were examined at the summit. Water and sanitation, energy, human health, agricultural productivity, and biodiversity and ecosystem management were the five main areas of emphasis. The summit urged all nations to start developing their national sustainable development policies right away and to start putting them into action by 2005. The following resolutions were adopted following the summit:
  - 1. Creating a "solidarity fund" to eradicate poverty. However, affluent countries were advised to contribute 0.7% of their gross domestic product to this purpose.
  - 2. To reduce by half, by 2015, the number of people in the world who make less than \$1 a day. The "UN Millennium Summit Goals of 2000" are being reiterated..

# World Summit on Sustainable Development, 2002

- 3. To reduce the number of persons without access to basic sanitation and clean water by half by 2015.
- 4. Significantly raise the proportion of "renewable energy" used worldwide.
- 5. Decrease the rate by which unique plants and animals are going extinct significantly by the year 2010.
- 6. By 2015, replenish reduced fish stocks (whenever practicable).
- 7. Significant reduction in the number of persons who experience hunger.
- 8. To use and produce chemicals by 2020 in a way that has minimal negative effects on the environment and human health.
- 9. To reduce the pace of biological variety loss significantly by the year 2010 from its current level.
- It was resolved that the UN Commission on Sustainable Development will actively participate in putting the resolutions into effect and assist the States in achieving these goals

# World Summit on Sustainable Development, 2002

## *Johannesburg Declaration on Sustainable Development*

- The declaration represents a global commitment to sustainable development. We pledge to work toward creating a just, compassionate, and fair world in which everyone is treated with dignity. It provided the battle against poverty and environmental protection a fresh push. The creation of a "global solidarity fund" for the eradication of poverty was the most significant advancement. Other significant initiatives included those related to health, water and sanitation, energy, agriculture, biodiversity, and ecosystem management, corporate social responsibility, and the institutional framework for sustainable development. "We assume a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development—economic development, social development, and environmental protection—at local, national, regional, and global levels," it was stated in the political agenda. As a result, eliminating poverty, altering patterns of consumption and production, and safeguarding and managing the natural resource base for economic and social growth are goals and crucial prerequisites for sustainable development.

## Kyoto Protocol, 1997

- The parties to the Climate Change Convention signed this protocol (1997). The main goals of the protocol are to limit or reduce GHG emissions, including methane emissions, protect and improve GHG sinks and reservoirs (which are not regulated by the Montreal Protocol), encourage afforestation and reforestation, and promote research, development, and increased use of new and renewable energy sources. According to Article 3 of the Protocol, Member Nations must reduce their GHG emissions by at least 5% below 1990 levels over the commitment period of 2008 to 2012. Additionally, it envisions worldwide collaborations in the areas of technology transfer or access to environmentally friendly practices and procedures related to climate change. Implementing environmental education, training, and public awareness programmes is a part of this cooperation. A list of GHGs and their sources, including energy, fugitive emissions from fuel, industrial processes, solvent use, and other product use, is included in the protocol's Annexure A. (agricultural and water).

Thank You