

DE JURE NEXUS LAW JOURNAL

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INTERNATIONAL PRINCIPLES ON ENVIRONMENTAL LAW

In the terms of John Paul II ¹*“The earth will not go on providing us with resources if we do not look after it faithfully. It will not help if we just say we love nature and then continue destroying it and making it unavailable for future generations to use.”*

Human health and the survival of life on the planet are both influenced by the environment. Earth supports a diverse range of living species, and we all rely on it for food, air, water, and other essentials. As a result, each of us has a responsibility to save and protect our environment.

Environment Protection and the Ancient India

Environmental protection and forest ecology are discussed in the Arthashastra, Sathapatha Bhramanas, Vedas, Manusmriti, Ramayana, Mahabharata, and other Indian works. The Indus Valley civilization’s stunning city layout and social structure also reveals the presence of environmental consciousness during the mediaeval period. The shlok in Rig-Veda “mātā bhūmih putruhan pṛthivyā” speaks of nature, which includes lakes, mountains, heaven and earth, and the forests or waters, which were worshipped and adored as divinity and given the names Varuna, Indra, Maruts, and others, and were thought to be directly responsible for maintaining the required balance. Several literary works warn us about environmental degradation and the importance of ensuring effective sustainability. Although it only takes a few

¹ Pope John Paul II was the head of the Catholic Church and sovereign of the Vatican City State from 1978 until his death in 2005.

to degrade the environment and cause pollution, the Mahabharata warns the entire society that it may result in various diseases.

Importance of Environment

The environment has a significant impact on human health and well-being. It is significant because it is humans' only home, providing air, food, and other necessities. The well-being of all environmental factors is critical to humanity's entire life support system. The environment has a significant impact on air and climate regulation. Another reason the environment is so important is that it is a source of natural beauty as well as a requirement for good physical and mental health. The environment is essential for life on Earth to exist. The only determinant of life on this planet is the environment. Due to the presence of an environment, Earth is the only planet in our solar system that supports the existence of life. We must coexist with the nature and not exist as the only one on the planet.

The environment issues don't just belong to one nation or an area it is a global concern as we all are the kids of dear Mother Nature. So, the nations across the globe realized it and came forward to shake hands and ameliorate the current environmental issues.

As a result, the nations came together and set rules, so that they can be followed. These can be in the forms of treaty, convention, declaration and protocol.

TREATY:

A treaty is an international agreement between two parties, members, or even countries. A treaty is an agreement between sovereign states (countries) and, in some cases, international organizations that is legally binding. Individuals, businesses, and other legal entities can also sign it. It is usually signed by sovereign states and international organizations, but it can also be signed by individuals, businesses, and other legal entities. Treaties are one of the most important sources of international law. Treaties bind nonparties only if they serve as the basis for customary international law. There are numerous environmental treaties that have been signed.

The Treaty of Antarctica (Washington, 1959)

The Antarctic Treaty was drafted with the goal of ensuring that the Antarctic remains a zone that can only be used for peaceful purposes and does not become a source of international strife. The

Antarctic Treaty Area (ATA) encompasses the region south of 60 degrees South latitude and includes provisions for the suspension of territorial claims, prohibition of all military activities in the region, freedom of scientific inquiry, and international cooperation in scientific activities. In 1983, India joined the Antarctic Treaty System as a Consultative Party² Member.

The Amazon Cooperation Treaty (Brazil, 1978)

Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, and Venezuela drafted and signed the Amazon Cooperation Treaty on July 3, 1978. Countries that believe that the management of the Amazon³ basin is critical to the advancement of Amazonian life have established numerous programmes and agreements to preserve biodiversity and promote conservation and resource management in the Amazon.

PROTOCOL

A protocol is similar to an amendment in many ways. It is primarily a legally binding document that allows for changes and amendments to the main treaty. The term refers to a set of rules, procedures and ceremonies that govern state-to-state relations in the diplomatic sense.

Montreal Protocol on Substances that deplete the Ozone Layer, 1987

The Montreal Protocol, established targets for reducing the production and consumption of ozone depleting substances⁴ (ODS) and went into effect in 1989. The protocol also recognizes nations' responsibilities in terms of financial and technological capabilities in reducing ODS emissions, and it identifies countries that contribute more than others. In September 1992, India ratified the Montreal Protocol. In order to implement the India Country Program, the Ministry of

² Consulting Party means the Party obliged to consult.

³Also referred as 'Lungs of Earth' as the billions of trees that absorb tones of carbon dioxide each year, helps in slowing climate change while also producing 20% of the world's oxygen.

⁴ Ozone depleting substances include: chlorofluorocarbons (CFCs) hydro chlorofluorocarbons (HCFCs) hydrobromofluorocarbons (HBFCs)

Environment and Forests (MoEF) of the Government of India has established an Ozone Cell and a steering committee on the Montreal Protocol to supplement the protocol.

Kyoto Protocol

The Kyoto Protocol was an international treaty that extended the United Nations Framework Convention on Climate Change (UNFCCC) of 1992, which required state parties to reduce greenhouse gas emissions based on scientific consensus that (part one) global warming is occurring and human-caused CO₂ emissions are to blame. The Kyoto Protocol was signed on December 11, 1997, in Kyoto, Japan, and went into effect on February 16, 2005. In 2020, there were 192 parties to the Protocol⁵. The Protocol was founded on the principle of shared but differentiated responsibilities, which recognized that different countries have different capabilities in combating climate change as a result of economic development, and thus imposed the obligation to reduce current emissions on developed countries because they are historically responsible for the current levels of greenhouse gases (i.e., developed countries).

CONVENTION

A convention is an event that occurs prior to the formation of a treaty. A convention can also refer to a treaty between several countries. Despite the fact that it is not legally enforceable, it is almost universally observed. In order to resolve a specific procedural issue that has arisen, a new convention is occasionally agreed upon.

United Nations Framework Convention on Climate Change

It aims to regulate greenhouse gas emissions through international cooperation and agreement in order to reduce emissions to a level that can mitigate the effects of global warming and climate change. India ratified the convention in 1993 after becoming a member in 1992. As a developing country⁶ India was not obligated to make commitments to reduce greenhouse gas emissions.

This changed, however, with the Paris Agreement of 2015, in which India agreed to participate in UNFCCC multilateral negotiations. In this regard, India has demonstrated leadership by

⁵ Canada withdrew from the Protocol in December 2012.

⁶ Defined by the UNFCCC, at the time as, countries with low income, weak human assets and high economic vulnerability.

implementing policy frameworks such as the National Environment Policy (NEP) and the National Action Plan on Climate Change (NAPCC).

Ramsar Convention

The Ramsar Convention is a wetlands convention that was signed in the Iranian city of Ramsar in 1971. Negotiations for the convention began in the 1960s between various countries. Ramsar Convention are a wetlands convention that was signed in the Iranian city of and non-governmental organizations (NGOs) to protect wetlands and their resources. It was finally implemented in 1975. In India, there are 42 Ramsar Sites listed under the Ramsar Convention.

DECLARATION:

When acting in the field of international relations, subjects of international law use declaration to express their will, intention, or opinion. It is the general form in which unilateral acts of international law subjects are carried out.

Stockholm Declaration

From June 5 to 16, 1972, the United Nations Conference on the Human Environment was held in Stockholm, Sweden. The meeting adopted a Declaration containing 26 environmental and development principles, as well as an Action Plan with 109 recommendations and a Resolution. The principle included principles such as apartheid⁷ and colonialism must be condemned, and human rights must be asserted, natural resources need to be protected, the capacity of the Earth to produce renewable resources must be preserved, wildlife must be protected and many more.

Rio Declaration

It is the declaration issued following the 1992 United Nations Conference on Environment and Development (Rio de Janeiro Summit, 1992). It reaffirms and seeks to build on the Stockholm Declaration of the United Nations Conference on the Human Environment, which was adopted on June 16, 1972. Its goal is to build a new and more equitable global partnership by establishing

⁷ Apartheid is an Afrikaans word that literally means "apart-hood" and means "separateness" or "the state of being apart."

new levels of cooperation among states, key sectors of society, and people. It acknowledges the Earth's integral and interdependent nature. There were 27 principles in total.

Conclusion

So, while the society progresses so does the science and technology along with it. But why in this race of growth do we leave behind the most important thing that is the Mother Nature without which any life on earth is not even possible. We are harming the nature so much that it high time now to step up and do something about it. Across the globe many nations have starting coming together and have made various regulations and policies in the form of treatise, declarations, protocols, conventions, summits etc. But formalizing anything will never be of any help till we as individual citizens step up and not do help the authorities implement them bt also serve our part so that the mother nature can heal the harm done and in turn revive not only herself but also us as her beloved kids.



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