

ENVIRONMENTAL PROTECTION AND ECOLOGICAL DEVELOPMENT-GLOBAL AND INTERNATIONAL ISSUES

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Abstract

The environmental issues is a fundamental change in human perceptions of life on earth, caused or influenced by human activity, creating ill-effects, such problems commonly regarded as local, regional or national and may have international or global issues which need political action. The concepts of Globalization have brought the world in close proximity and transform the whole world into a global village. Though earth is geographically demarcated, man with his scientific and technical might could not demarcate natural environment and is common to entire universe. The principles of International law are intended to regulate the conduct of state towards safeguarding the environment, peace and freedom of international communities. The function of international law is to promote creative peaceful and harmonious world order. The environment and its protection are common to international community's the sufferance is not confined to pollution originated country but spreads to neighboring countries. The biosphere is same to everyone. Similarly, the existence of man in the biosphere is global one. Thus, global environmental regulation has assumed much significance. In this regard this paper tries to analyze the international convention and treaties.

Keywords: Environment, Protection, Treaties

Environmental Protection and Ecological Development- A Subject of Global Concern:

International environmental law is not just norms but an effective law accepted by most members. It is formed as an answer to fast growing industrialization and developed as a solution to environmental accidents. Though it has emerged as specific legal regime the domain of it relies on customs, traditions, precedents and on good faith and as a moral obligation. Ecological security and safe guarding environment, is main phenomenon in International communities for this it is essential of developing environmental ethics among the countries.

The growth of international concern to protect migratory wildlife Marine animals and fisheries started during 1872 itself, i.e., century before Stockholm conference but due to absence of institutional machinery, treaties proved to be not so effective. The machinery that was chosen for international concern was a group of private citizens i.e., the non-governmental congress for protection of nature. A consultative commission at Berne was established for international protection of Nature. The activities of the commission were affected by 1st World War. Thus it was never functioned but maintained the legal status during the period between two world wars. So it was a first

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intergovernmental agency for protection of environment. In 1947, Swiss League sponsored conference at Brunnen for protection of Nature attended by 24 countries and 9 International organizations where they adopted a draft constitution for establishment of International Union Protection of Nature followed by UNESCO conference, which framed basis for IUCN. Much other international institutional machinery has been evolved to protect the environment with the efforts of states. United Nations General Assembly is a principal policy making body and the Secretariat provides administrative services.

The UN works largely through committees, commissions, councils and semi-autonomous special bodies out of three principal councils, only economic and social affairs is directly concerned with environmental policies. There are about 16 specialized agencies of the UN system half of them are directly involved in environment protection. The steps in the history of development of International concern has taken place after II world war with the establishment of the UN Educational, Scientific and Cultural Organization (UNESCO) IN 1945 and the International Union for conservation of Nature and Natural Resources (IUCN) in 1948 .

The environment has always been critical to life but concerns over the balance between human life and the environment assumed international dimensions only during the 1950's. At the end of the 1960's, the voice of environmental concern was heard almost uniquely in the west. In the communist world the relentless destruction of the environment in the name of industrialization continued unabated. In developing countries, environmental concerns were regarded as western luxuries. In the early 1970's, attention was focused first on the biophysical environment. The 1970 was the foundation of modern environmentalism. The world of 1972 was very different from that of today. The cold war still divided many of the world's most industrialized nations, the period of colonization had yet ended and global warming had only just been mentioned for the first time and the threat to the ozone layer was seen as coming mainly from a large fleet of supersonic airliners that was never to materialize.

The world of the early 1970's was thus fiercely polarized. Against this backdrop, it was surprising that the idea of an international conference on the environment should even be broached by Sweden, in 1968; it was even more surprising that one should actually take place (in Stockholm, in 1972); and it was astonishing that such a conference could give rise to what later became known as the "Stockholm Spirit of Compromise", in which representatives of developed and developing countries found ways of accommodating each other's strongly divergent views. The conference was hosted by Sweden following severe damage to thousands of Sweden's lakes from acid rain falling as a result of severer air pollution in Western Europe.

The environmental law, in this perspective of International Policy can be best understood as the collective body of agreements among states regarding mutual rights and obligations affecting the environment. Thus nations are bound by treaties and conventions in international forums such as International court of justice. The states also evolve bilateral and multilateral binding agreements which in turn pave the way and guide their respective national legislation to a greater extent on a similar problem. Broader agreements pertaining to the oceans, the atmosphere, the global climate and endangered species will assume a greater role in the preservation of the earth's environment.

International Conventions and Treaties:

India being a developing nation has obligations under numerous international treaties and agreements that relate to environmental issues. India supported faithfully all international decisions on safeguarding environment. India has carved out its national legislations on the problems to a large extent from international environmental policy guidelines framed by UNO and UNEP. International environmental policies are in the form of treaties, multilateral agreements, conventions and conferences. An overview of some of the major multilateral agreements, treaties and conventions on environment and India's obligation are discussed.

The following are the important International Conventions relating to Environment.

Stockholm Declaration 1972

The United Nations Conference on the human environment held at Stockholm from 5th June 1972, which is generally called as the "Stockholm Conference". It was the first declaration of International protection of the environment. In the conference 113 states participated, including India and accepted such declaration. It contains 26 principles. These principles provide the basis of an International Policy for the protection and improvement of the environment. The United Nations Environment Programme has been established by the United Nations General Assembly in pursuance of the Stockholm Conference. The UNEP worked as catalyst stimulator and coordinator among the member states on the environmental action. Several governments have brought legislation on the environment. The object of the Stockholm Declaration was to pass the Mother Earth to the coming generations in clean and healthy conditions.

Conventions on International Trade in Endangered species of Wild Flora and Fauna (CITES) 1973

The conference aims to control or prevent international commercial trade in endangered species or products derived from them. The convention does not seek to directly protect endangered species, rather it seeks to reduce the economic incentive to poach endangered species and destroy their habitat by closing off the international market. India became a party to the convention in 1976.

Vienna Convention for the Protection of Ozone Layer (1985)

The convention was adopted on 22nd March 1985 by the conference of Plenipotentiaries which was organized by the UNEP. The convention came into force on Sep 22, 1988. The main aim of the convention was to provide to states the international legal framework for working together to protect the stratospheric ozone layer. The convention defines ozone layer under Article 1 which says ozone layer means the layer of atmospheric ozone above the planetary boundary layer. The Vienna convention of 1985 was the starting point of the global cooperation for protection of ozone layer. Later, adoption of Montreal protocol on substance that deplete ozone layer on 1987, the amendment in Montréal protocol in London (1990) and Vienna (1995).

Montreal Protocol on Substance that Deplete Ozone Layer, 1987:

The Protocol came into force in 1989 as amended in 1990, 92 and 95 was adopted and by 2000, 173 states have become parties to Montreal protocol. The Protocol set targets for reducing the consumption and production of a range of ozone depleting substances, In a major innovation the protocol recognized that all nations should not be treated equally. The agreement acknowledges that certain countries have contributed to ozone depletion more than others. It also recognizes that a nation's obligation to reduce current emissions should reflect its technological and financial ability to do so. The Ministry of Environment and Forest has established an ozone cell and a steering committee on the protocol to facilitate implementation of the India country programme, for phasing out ozone depleting substances production by 2010 to meet the commitments India has also taken policy decisions.

Helsinki Declaration 1989:

On protection of Ozone layer, phase out CFC Production and consumption by 2000.

Earth Summit 1992:

In continuation of Stockholm Declaration, 1972 and the Nairobi Declaration, 1982 the third major Declaration was held in Rio-de-Janerio in Brazil in the year 1992. Hence it is termed as Rio-Declaration and attended by over 150 countries. Hence it is also well known as "Earth Summit". It discussed global and environmental problems vary widely. It was the biggest International Conference in the history of international relations. At the Rio declaration it was resolved to adopt the Agenda 21. Two other conventions were adopted namely (1) the convention on Biodiversity and the convention on the reduction of greenhouse gases. These aspects have to be explained before dealing with the UN framework convention on climate change 1992.

U.N. Frame work Convention in Climate Change (UNFCCC), 1992:

The primary goals of the UNFCCC were to stabilize green house gas emissions at levels that would prevent dangerous anthropogenic interference with the global climate. The convention embraced the principle of common but differentiated responsibilities which has guided the adoption of a regulatory structure. India signed the agreement in June 1992 which was ratified in November 1993. As per the convention the reduction/limitation requirements apply only to developed countries. The only reporting obligation for developing countries relates to the construction of a GHG inventory.

Convention on Biological Diversity, 1992:

This convention is a legally binding framework treaty that has been ratified by 180 countries. The areas that are dealt by convention are conservation of biodiversity, sustainable use of biological resources and equitable sharing of benefits arising from their sustainable use. The convention came into force in 1993. Many biodiversity issues are addressed including habitat preservation, intellectual property rights, biosafety and indigenous people's rights. India's initiative under the convention on

biodiversity includes the promulgation of the wild life (protection) Act of 1972 amended in 1991 and participation in several international conventions.

U.N. Convention on Desertification, 1994:

An inter-governmental negotiating committee for the elaboration of an international convention to combat desertification in countries experiencing serious drought and / or desertification was recommended in 1992 in U.N. Conference on Environment and Development. The U.N. General Assembly established a committee in 1992 which helped formulation of the convention on desertification. The convention aims at tackling desertification through national, regional and sub-regional action programmes.

Johannesburg Declaration 2002:

Yet, another Earth Summit was held at Johannesburg, South Africa, from 26th August to 4th September 2002. It was consequential follow up action of the decision of the Earth Summit 1992. Johannesburg conference confirmed that significant progress has been made towards achieving a global consensus and partnership amongst all the people of our planet.

Global Warming Ozone Depletion:

The more dangerous effect on the environment is warming of the earth and depletion of Ozone layer. UNEP has chosen a slogan, "Warming: Global Warning", for environment day of the year 1989. Increased urbanization and industrialization has increased the pollution of air, water and soil. Air emissions consist of carbon dioxide, nitrous oxide Ozone, methane etc called Greenhouse gases emitted from factories, vehicles and other sources. Such an effect is called green house effect and increase in temperature of earth is global warming.

Convention on Climate Change:

This convention was adopted on Feb, 2005 for successfully achieving the challenges framed in Kyoto protocol 2005 i.e., reduction of global warming and protection from depletion of Ozone layer and other natural hazards. Regarding this convention International environment policy was adopted on 15th Nov 2006 and many other conferences were held by the parties to the climate change convention to protect natural environment from climate change. Climate change 2007 brings together worldwide expertise and has identified some clear steps towards mitigation of climate change. There are around 10 treaties ratified by India.

Conclusion:

The world is not environmentally uniform. Nations differ in their environmental resources, in terms of quality and quantity. In view of this, no single solution works everywhere to protect ecology. The environmental inequalities in the world are paralleled by economic ones, which are major obstacles to satisfy the basic human needs, especially in developing countries, and a barrier to the harmonious

development of mankind. The economic development now enjoyed by the developed countries was sometimes achieved without due regard to the preservation of human environment, and today they are considered as the champions of human rights protectors. However, it is rightly pointed out that the general principles and prescriptions of international laws are applicable to the problems of transnational pollution and environmental degradation. Therefore, the global environment has been adequately protected through local, regional, national and International Laws, policies, treaties and conventions and maintained the ecological balance particularly in India.

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