

A REVIEW ON THE INTERNATIONAL AND NATIONAL PERSPECTIVES TOWARDS PROTECTION OF ENVIRONMENT

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Abstract:

Environment relates to everything that surrounds an individual. Deforestation, depletion of ozone layer, climate change, global warming, desertification etc. are the various global issues concerning the environment which have led the world community to deal with such problems more effectively. The protection of environment is not an isolated problem of any particular area or region, it is a global issue. Various international efforts and initiatives in the form of treaties, conventions, and protocols have been undertaken at the international, national and also regional level. This article attempts to review the international and national perspective for protection of environment. It specially aims to highlight the response of India towards the international mandates in dealing with certain major environmental issues.

Key words: Environment, issues, conventions, treaties, response.

INTRODUCTION:

“We won’t have a society if we destroy the environment.” - Margaret Mead

Environment means and include the entire surrounding – the land, water and the air. It includes all the living and non - living elements of this planet and it is from the environment that all the necessities of life are derived. According to the United States Council on Environment Quality, environment means man’s total environmental system including not only the biosphere, but also his interactions with his natural and man-made surroundings.

Right to environment is a human right. Everyone is entitled to be under a clean and healthy environment. The environment must be comfortable to live in and must not bring any negative impact on our health. Thus none should do any act which endangers the environment and also his health. In the above quoted line, Margaret Mead has very rightly pointed that if we destroy our environment, we won’t have a society.

It is a collective right of every individual to be subjected to pure, safe and decent environment. The environment needs to be preserved at the international level. This can be achieved by international cooperation and at the national level such policies and programmes should be formulated. It is a duty of the World community to safeguard the existence of mankind by providing safe and decent environment.

But it is seen that the growth of civilization have brought a negative impact on the environment which have ultimately caused various environmental problems. The obsession for growth and rapid economic development has destroyed our environment in such a way that our ecosystem is ruining. Depletion of ozone layer, climate change, global warming, deforestation etc. are some of the environmental issues which have tend to threaten the very survival of mankind.

INTERNATIONAL PERSPECTIVE:

Earlier, prior to 1950, the protection of environment did not received much attention in nations trans boundary problem. The international concern relating to environmental protection was also less. But now the problems affecting the environment did not remain specific to particular region or nation and it went beyond the capacity of any particular nation to control and protect the environment, as such it became a problem of international regime. The entire mankind has the responsibility to deal with this global problem. Looking at the international nature of the problem, international law has also started dealing with environmental problems

The perception of the global concern about environment is of recent origin. Caldwell observed that 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 public international concern.

The world community faces a number of global environmental challenges ranging from the depletion of the ozone layer to the exhaustion of natural resources and global warming. A growing body of scientific knowledge continues to find new threat to the global common which led to the development of many institutions and agreements addressing specific environmental problems.

The earliest international agreement or covenant relating to environment of 1867 relating to fisheries. Thus early attempts to develop international environmental law was relating to birds, fisheries, preservation of flora and fauna etc. only.

The international fraternity took various initiatives in protecting the environment in the form of adopting conventions, declarations etc. like Stockholm Declaration on Human Environment, 1972; Vienna Convention for the Protection of the Ozone Layer, 1985; Nairobi Convention, 1985; Montreal Protocol, 1990; Earth Summit, 1992; Rio declaration 1992; United Nation Framework Convention on Climate Change, 1992 (UNFCCC); Agenda 21; Kyoto Protocol; World Summit on Sustainable Development, 2002; Johannesburg Declaration on Sustainable Development 2002; Nagoya Protocol on Access and Benefit Sharing, 2010.

On carefully reviewing these international instruments on environment, it is found that each of these instruments is individually very important. They aim to deal with the various environmental issues caused in the modern world. Starting from the initiative undertaken in early 1970s, there has been phenomenal development in this area.

NATIONAL PERSPECTIVES

As the environmental issues seems to tensed the world community, our country India is also facing worst impacts of these issues. The drastic alterations of the natural environment have effected and disturbed the natural balances. In order to get quick benefit and to have a more comfortable life, man has been very unkind to nature. Mahatma Gandhi has said that, "Nature provides adequate bounty to a needy man, but not for a greedy man."

The following paragraphs attempts to highlight India's response in mainly dealing with the three vital areas – a) protection of ozone layer, b) climate change, c) sustainable development.

Protection of Ozone Layer:

Ozone, highly reactive pale blue gas is present both at the stratosphere and troposphere. In the stratosphere, ozone act as ozone shield and protect the organism from harmful effect of strong UV radiations. But in the troposphere ozone acts as a harmful pollutant and causes photochemical smog and even a trace of ozone in troposphere can damage human lungs and tissues and also harm plants.

The level of ozone in the atmosphere is naturally fluctuating by small amount all the time. However today due to many human activities there is a decrease of ozone level in the upper atmosphere. The scientific evidence has shown that human produced

chemicals are responsible for the observed depletion of ozone layer. Chlorofluorocarbon (CFC), carbon tetrachloride and methyl chloroform etc. are important human produced ozone depleting gases that have been used in many applications including refrigerators, air conditioning, and foam blowing and as solvent.

Thus to protect the ozone layer, international treaties have been signed. The Vienna Convention for Protection of Ozone Layer, the Montreal Protocol on substances that depletes the ozone layer is among the two important international treaties for the protection of ozone layer.

India also became party to the Vienna convention and the Montreal protocol on 18th March 1991 and 19th June 1992 respectively. The Government of India has entrusted the work relating to ozone layer protection and the implementation of the Montreal Protocol to the Ministry of Environment, Forest and Climate Change (MoEF &CC). The Ministry has established an Empowering Steering Committee (ESC). The ESC is in overall responsibility for implementation of the Montreal protocol, reviewing of various policies including implementation options, project approval and monitoring.

The Ministry has setup an ozone cell as a National Ozone Unit (NOU) to render necessary services for effective and timely implementation of the Montreal protocol and its ODS phase out program in India.

India has proactively phase-out the production and consumption of CFCs except use in Metered Dose Inhalers (MDI) used for treatment of asthma and chronic obstructive pulmonary diseases (COPD), ailments from 1st August 2008. Subsequently the use of CFCs in the MDI has been phase out from December 2012. India has also completely phase out production and consumption of halon as on 1st January 2010.

Recently 200 nations reached agreement to phase out HFC greenhouse gases, in Kigali, Rwanda. The nations have agreed to limit the use of HFC (Hydrofluorocarbon) gases commonly used in refrigerators. The deal in the limiting the use of HFC divide countries into 3 groups with different deadlines to scale back on the use of the factory made gas which can be 10,000 times more powerful than carbon dioxide. The talk on HFC has been viewed as first test of global resolve since the Paris agreement was reached in 2015.

Climate change:

The term climate change implies the change in the statistical distribution of weather patterns when that change lasts for an extended period of time. It includes the major changes in temperature, precipitation, or wind patterns, among other effects that occur over several decades or longer.

It is found that human activities have released large amount of carbon dioxide and other greenhouse gases into the atmosphere. The build up of these gases is changing the Earth's climate resulting in dangerous effects to human health and welfare and to ecosystems. Climate change has now become an issue rather than the technical description of changing weather.

Thus to stabilize the greenhouse gas concentrations in the atmosphere so that it would prevent dangerous anthropogenic interference with the climate system, an international treaty was negotiated known as the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 which came into force in 1994. The Convention was adopted on the basis of the findings of the first IPCC (Intergovernmental Panel on Climate Change) Assessment Report of 1990. IPCC is a scientific intergovernmental body set up by the World Meteorological Organization (WMO) and by the United Nations Environment Programme (UNEP).

The parties to the Convention have met in various Conferences of Parties (COP) from 1995 onwards to assess the progress made in dealing with climate change. In 1997 Kyoto Protocol was concluded to reduce the emission of greenhouse gases. Recently in 2015 the Paris Agreement was adopted governing emission reductions from 2020 on through commitments of countries.

India is also very vulnerable to climate change. India is subjected to irregular monsoons, floods, rising sea levels, higher temperature etc. The severe flooding in Mumbai in 2005, breaking of the Kosi River embankments in 2008, the floods in the Indus

River in 2010, the flash floods in Kedarnath in 2013 and Srinagar in 2014, current floods in Assam are few of the situations which show the impact of climate change in India.

Thus various initiatives were taken by India to deal with and to minimize the impact of climate change in the country. India adopted the National Environment Policy 2006 to create awareness about climate change on 30 June 2008, India unveiled its National Action Plan on Climate Change with a view to lay down the priorities and future actions of the government for addressing climate change and updating India's national programme relevant to addressing climate change. It focuses on eight missions – National Solar Mission, National Mission for Enhanced Energy Efficiency, National Mission on Sustainable Habitat, National Water Mission, National Mission for Sustaining the Himalayan Ecosystem, Green India Mission, and National Mission for Sustainable Agriculture, National Mission on Strategic Knowledge for Climate Change.

India is also taking actions to fulfill its pledge made at the Copenhagen Summit in 2009 to bring down the emission intensity of its GDP by 20-25% by 2020 over 2005 levels.

India, the world's third largest emitter of green-house gases also ratified the landmark Paris Climate Change agreement which is a very remarkable and important step undertaken by India.

Recently the scientists at the Indian Institute of Tropical Meteorology (IITM), Pune are likely to unveil in December 2017 a computerized model that can forecast the impact of climate change on the Indian monsoon until 2100. This is for the first time that India will be submitting a home-grown assessment to IPCC.

Sustainable development:

Sustainable development means an integration of developmental and environmental imperatives. Sustainable development can be regarded mainly as a development strategy. It aims to cater the needs of the present generation without negotiating the ability of upcoming generations to satisfy their needs.

The term sustainable development was used in the Stockholm Conference on the Human Environment 1972. The development that meets the needs of the present without compromising the ability of future generations to meet their own needs is known as sustainable development (Brundtland Report 1987).

The most fundamental landmarks in the history of sustainable development includes the Rio Declaration adopted in the 1992 Rio Conference, a voluntary action plan - Agenda 21, the Earth Summit Plus Five (1997), the Earth Summit Plus Ten (2002) which are regarded as significant milestones that set a new agenda for sustainable development.

Another important milestone as regards sustainable development is the adoption of Sustainable Development Goals (SDG) 2015 which is a successor to the Millennium Development Goals (MDG). Officially the SDG is known as Transforming our World: the 2030 Agenda for Sustainable Development. It is a set of 17 aspirational goals with 169 targets between them. SDG covered a broad range of sustainable development issues. These included ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change and protecting oceans and forests.

The mandates set forth by these international milestones have to be implemented properly so that the goal of sustainable development becomes effective. Various countries have ratified and signed the conventions, declarations, treaties relating to sustainable development.

India is also a member of various declarations, conventions, treaties etc. India has always been in the forefront of taking all possible steps for the protection and improvement of the environment and aiming at sustainable development. Almost all ministries of the Government of India are involved in decision making for sustainable development – the Ministries of External Affairs, Environment and Forests, Agriculture, Water Resources, Finance, Industries, Rural Development etc.

Government of India has formulated various legislations, regulations and policy instruments at almost regular intervals to address matters concerning cooperation for sustainable development, to deal with the problems of environmental degradation. The Environment (Protection) Act 1986, the Water Act 1974, the Air Act 1981, the National Environment Tribunal Act 1995, Re-cycled Plastics Manufacture and Usage Rules 1999, Municipal Solid Wastes (Management & Handling) Rules 2000, New Biodiversity Bill 2000 etc. are some of them. Recently the legislature enacted the National Green Tribunal Act, 2010 for effectively and expeditiously disposing of the cases involving multi-disciplinary issues relating to environment.

Under the National Green Tribunal Act, 2010 the National Green Tribunal (NGT) is established to deal with the environmental issues more effectively and expeditiously. In India, the National Green Tribunal has been performing a remarkable work and has given to deal with different issues very effectively to bring about development. For instance, on 25 April 2014, the NGT said that the health of Yamuna will be affected by the proposed recreational facilities on the river. The NGT also recommended the Government to declare a 52 km stretch of the Yamuna in Delhi and Uttar Pradesh as a conservation zone.

Likewise in 2016 also, NGT seeks data on sewage discharge, untreated wastes in Agra, NGT prohibited the use of plastic carry bags in various areas of Punjab and Haryana and sought responses on imposition of a complete ban across the two States. Further, it was seen that although NGT was restrained by the Supreme Court from dealing with the matters on air pollution in Delhi, yet NGT expanded the ambit of hearing by seeking responses on worsening air quality in metropolises like Mumbai, Kolkata and Chennai. More recently, in 2017, order was given by NGT regarding Ganga pollution and also regarding the water pollution in river Malegaon, Nashik district, Maharashtra.

The Supreme Court of India also in a bid to protect the environment played a significant role in shaping and adopting the doctrine of sustainable development. The doctrine of sustainable development was implemented by the Supreme Court in the case of Vellore Citizen Welfare Forum vs. Union of India (AIR 1996 SC 2715). In this case the Supreme Court held that the precautionary principle and polluter pays principle are a part of the environmental law in India. The remediation of the damaged environment is part of the process of the sustainable development and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.

Thereafter the Supreme Court, in a number of judgments explained and implemented the principle of sustainable development. In Narmada Bachao Andolan vs. Union of India (2000), it was held that sustainable development means what type or extent of development can take place, which can be sustained by nature or ecology with or without mitigation. The cases of T. N. Godavaraman Thirumulpad, Rural Litigation and Entitlement Kendra Dehradun vs. State of Uttar Pradesh, Indian Council of Environmental Action, Tarun Bhagat Singh vs. Union of India, and M. C. Mehta vs. Union of India etc. are some of the important cases. The Supreme Court also emphasized on the need to set up specialized environment courts for the effective and expeditious disposal of cases involving environmental issues.

CONCLUSION:

The Universe is the creation of God and from time to time men have been transforming the natural surroundings of the Mother Earth to meet his different needs. And when these needs had turned to greed, the nature is being destroyed beyond imagination. The advancements of science and technology have led to the emergence of newer and newer environmental issues which have ultimately degraded the environment globally. Thus the fight for protection of the environment does not belong only to the scientist, engineers, lawyers, and the government agencies alone. It is an issue for everybody to be concerned about – internationally, nationally and regionally. The common citizen must understand the gravity of the established problems and engage themselves wholeheartedly for the solution.

The world community having realized the gravity of the environmental degradation have come forward to deal with these issues by adopting various instruments or documents in the form of declarations, treaties, regulations, protocols so that the balance between environment and development is maintained from time to time. The major international conferences on environment had highlighted the urgent need for the extension of environmental education with objective to acquire awareness and knowledge, skills, and abilities and to participate in the effort to solve problems with a practical basis.

The initiatives undertaken by the international community are remarkable. The international instruments have been adopted to protect the environment. For the convenience of study, the present article has only focused on three important environmental issues. But there are many more issues which covers the attention under the environmental jurisprudence.

The mandates set forth by these instruments have been implemented at the national and regional level as well and India is also among one of those countries to adopt different initiatives. Whether in the case of dealing with the issue of ozone layer depletion or the issue of climate change, the organs of Indian Government have never remained backward. More and more recent steps have been also taken to bring sustainable development.

On the basis of the decision of United Nations Conference on Environmental and Development, Indian Government have decided to involve women, children and youth, indigenous people and their communities, non-government organizations, local authorities, etc. for conserving the environment.

But unfortunately there are even many places where there is a lack of awareness towards protection of the environment. So the Government, different organizations, groups and even individuals need to focus on spreading environmental awareness. Workshops, seminars, different programs need to be arranged so that each and every person becomes aware of the environmental issues. This will ultimately help each and every individual to contribute in building a people friendly environment.

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