



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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INTERNATIONAL ENVIRONMENTAL CONVENTIONS AND ITS IMPACT ON INDIAN LEGAL FRAMEWORK- AN ANALYSIS.

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Abstract:

In recent few decades, global environmental treaties have played a significant role in shaping national environmental laws and policies in countries around the world. India, as a signatory to numerous international environmental agreements, has been increasingly impacted by these global accords. This raises questions about the extent to which these treaties influence Indian laws and regulations related to environmental protection and conservation. Understanding how global environmental treaties have influenced Indian legal frameworks is crucial for analysing the effectiveness of these agreements in promoting sustainable development and addressing environmental challenges. This research aims to explore the interactions between global environmental treaties and Indian laws, evaluating the extent of compliance, implementation, and enforcement mechanisms in place. By examining this dynamic relationship, we can gain insights into the impact of global environmental treaties on India's legal landscape and their implications for environmental governance and sustainability in the country.

Keywords: Environmental Conventions, Environmental Governance, Sustainable Development.

1. Introduction:

Global environmental treaties play a pivotal role in shaping international environmental governance and influencing national legislation, including in countries like India. These treaties, such as the Stockholm Conference and the Convention on Biological Diversity, set standards and guidelines for addressing key environmental challenges on a global scale. They often incorporate provisions related to biodiversity protection, sustainable development, and climate change

mitigation. Moreover, the interactions between international investment and free trade agreements with biodiversity, as highlighted in the literature, underscore the need for a balanced approach that considers both economic interests and environmental concerns. By understanding the nuances of these treaties and agreements, policymakers in India can navigate the complexities of aligning national laws with international environmental goals while also addressing socio-economic considerations. The evolving landscape of global environmental governance underscores the importance of harmonizing legal frameworks to ensure effective implementation and enforcement mechanisms that benefit both nature and society in the Indian context.

2. Ramsar Convention:

The Ramsar Convention is popularly known as the Convention of Wetlands. The Convention was adopted in the Iranian city of Ramsar in 1971 and came into force in 1975 by UNESCO. Including India there are 169 signatory parties present, India joined it on 1st February of 1982.

2.1 Analysis of the Convention:

This convention aims to promote the conservation and wise use of wetlands through local, regional and international cooperation, as a contribution towards achieving sustainable development worldwide. Its headquarters are located in Gland, Switzerland. There are nine criteria mentioned in the Ramsar Convention to become a Ramsar site. They are- Whether the site represents a rare or unique example of a natural wetland type within its biogeographic region. If the site provides habitat for vulnerable, endangered, or critically endangered species, or threatened ecological communities. Whether the site supports populations of plant and/or animal species crucial for maintaining biological diversity in its biogeographic region. If the site serves as a critical habitat for plant and/or animal species during crucial life stages or adverse conditions. Whether the site regularly hosts 20,000 or more waterbirds. If the site regularly hosts 1% of the individuals in a population of a specific species or subspecies of waterbird. Whether the site supports a significant portion of indigenous fish species, life stages, interactions, or populations, contributing to global biological diversity. If the site serves as an important source of food, spawning grounds, nursery, or migration path for fish stocks. Whether the site regularly hosts 1% of the individuals in a population of a specific species or subspecies of non-avian animal species

dependent on wetlands. (Kingsford, R.T., Bino, G., Finlayson, M., (2021). Ramsar Wetlands of International Importance—Improving Conservation Outcomes. *Frontiers in Environmental Science*, <https://doi.org/10.3389/fenvs.2021.643367>)

2.2 Effect on India:

As a party India have 80 Ramsar sites. Sundarbans is the largest Ramsar Site in India and Renuka Wetland (Area – 20 ha) in Himachal Pradesh is the smallest wetland of India. The Ministry of Environment, Forests & Climate Change (MoEFCC), Government of India, takes the helm in implementing the Ramsar Convention across the country. Under the umbrella of the Environment (Protection) Act, 1986, the Wetland (Conservation and Management) Rules, 2010 were introduced, laying down regulations to safeguard wetlands from detrimental developmental activities. To ensure compliance, a Central Wetlands Regulatory Authority (CWRA) was established, working hand in hand with state and union territory governments. Notably, states like West Bengal, Odisha, Kerala, Manipur, and Assam have enacted their own legislation to protect wetlands. With 26 Ramsar sites already designated in India, the nation's efforts have garnered international recognition, exemplified by the Ramsar Conservation Award bestowed upon the Chilika Development Authority in 2002. The national water policy of 2012 underscores the importance of wetland conservation in addressing water availability and flood management. Furthermore, the national program on conservation of mangroves and coral reefs emphasizes the specific needs of coastal and marine wetland ecosystems, ensuring comprehensive protection and management strategies. (Sarkar, J. (2011). Ramsar Convention and India. *Current Science*, 101(10), 1266–1268. <http://www.jstor.org/stable/24079630>)

3. Stockholm Conference 1972:

3.1 Analysis of the Convention:

In 1972, the International Conferences on Environment i.e. the United Nations Conference on the Human Environment (Stockholm Conference) was held from 5th to 6th June at Stockholm, Sweden. The Conference in Stockholm was the first time that attention was drawn to the need to save natural territories to produce a sustained enhancement in living conditions for all, and the need for transnational cooperation to achieve this. The emphasis was on working environmental

problems, but without ignoring social, profitable and experimental policy factors. It laid the foundation for global environmental governance. The final protestation of the Stockholm Conference was an environmental fiat that was a forceful statement of the finite nature of Earth's coffers and the necessity for humanity to guard these. This conference had led to the creation of the United Nations Environmental Programme (UNEP), an Environment Fund, Action Plan and Stockholm protestation. Espoused by all 113 States including India present at the Conference, the Declaration was the first universal document of significance on environmental matters. It placed environmental issues visibly on the transnational political docket. Its 26 Principles give elevation to a number of generalities that latterly set up their place in colourful MEAs. (Burnee, J., (2009). The Stockholm Declaration and the Structure and Processes of International Environmental Law. *Semantic Scholar* 39-62. <https://doi.org/10.1163/EJ.9789004172678.I-786.11>)

3.2 Importance of this convention on India:

In the Indian context, the Stockholm Conference had a profound effect on the development of environmental legislation and policy. Prior to the conference, environmental concerns were not explicitly addressed in Indian law. However, the growing awareness of environmental degradation and the discussions at the Stockholm Conference provided impetus for India to enact legislation to protect its environment. (Enhancing Scientific Support for the Stockholm Convention's Implementation: An Analysis of Policy Needs for Scientific Evidence, 2021)

3.3 Effect on legal framework:

The Water (Prevention and Control of Pollution) Act, 1974: This act was enacted to prevent and control water pollution, aligning with the principles discussed at the Stockholm Conference regarding the importance of protecting natural resources like water. **The Air (Prevention and Control of Pollution) Act, 1981:** Similar to the Water Act, this legislation aimed to curb air pollution, reflecting India's commitment to addressing environmental issues raised at the Stockholm Conference. **The Environment (Protection) Act, 1986:** This comprehensive legislation provided a framework for protecting and improving the environment. It empowered the central government to take measures to protect environmental quality and set standards for

emissions and effluents, among other provisions. **The National Green Tribunal Act, 2010:** This act established the National Green Tribunal, a specialized environmental court, to handle cases related to environmental protection and conservation. It was a significant step towards ensuring effective enforcement of environmental laws inspired by the principles discussed at the Stockholm Conference. (Ashwani, Sharma. (2013). ISSN 2249-9695 Original Article Stockholm Convention on persistent organic pollutants: Challenges towards its implementation in India.)

4. Convention on Biological Diversity (CBD):

CBD date of signature was 1992 and come into existence on 1993 in Rio de Janeiro, Brazil with 196 parties. Its Headquarters located in Montreal, Canada. India joined CBD in 1994. Aim To conserve natural diversity, the sustainable use of its factors and the fair and indifferent sharing of the benefits arising out of the application of inheritable coffers, taking into account all rights over those coffers. (Gabriel, Henrique, de, Oliveira, Caetano., Reut, Vardi., Ivan, Jarić., Ricardo, A., Correia., Uri, Roll., Diogo, Veríssimo. (2023). Evaluating global interest in biodiversity and conservation. Conservation Biology, doi: 10.1111/cobi.14100. CBD developed another important two agreements for the better protection of bio diversity, they are –

4.1 Cartagena Protocol:

The Cartagena Protocol on Biosafety, an extension of the Convention on Biological Diversity, ensures safe handling of living modified organisms (LMOs) from modern biotechnology, addressing biodiversity and human health risks. It regulates LMO import/export with procedures like advance informed agreement (AIA) and LMOs for food/feed (LMOs-FFP). Adopted in 2000 and enforced in 2003, 170 countries, including India since 2001, have ratified it. In India, the MoEFCC manages LMOs via the Genetic Engineering Approval Committee (GEAC), while banning Terminator Seeds entry. Plans for a National Biotechnology Regulatory Authority (NBRA) to regulate biotech in agriculture are underway. (OJ, Lim, Tung. (2015). Transboundary movements of genetically modified organisms and the Cartagena Protocol: key issues and concerns. Potchefstroom Electronic Law Journal, doi: 10.4314/PELJ.V17I5.01)

4.2 Nagoya Protocol:

The Nagoya Protocol supplements the Convention on Biological Diversity, focusing on fair benefit sharing from genetic resources usage. Adopted in 2010 and in force since 2014, it aims to conserve biodiversity and fulfil CBD objectives. India, designating NBA as the competent authority, issued ABS Regulations in 2014 and achieved ABS Clearing House status. The protocol includes 20 Aichi Biodiversity Targets to curb biodiversity loss, with India issuing its first compliance certificate in 2015, marking global recognition. (Enrique, P., Lessa., Felisa, A., Smith. (2023). The current and future role of ASM in engaging with the Nagoya Protocol. Journal of Mammalogy, doi: 10.1093/jmammal/gyad022)

4.3 Important Laws India:

Several important laws in India have their origins derived from the principles and objectives outlined in the Convention on Biological Diversity (CBD). Some of these laws include:

Biological Diversity Act, 2002: This act provides a legal framework for the conservation, sustainable use, and equitable sharing of benefits arising from India's biological resources. It aims to implement the provisions of the CBD at the national level and regulate access to biological resources and associated knowledge. **Wildlife (Protection) Act, 1972:** While not directly derived from the CBD, this act aligns with the objectives of the convention by providing for the conservation and protection of wildlife and their habitats. It establishes protected areas, regulates hunting and trade in wildlife, and promotes conservation efforts. **Forest (Conservation) Act, 1980:** This act aims to conserve forests and biodiversity by regulating the diversion of forest land for non-forest purposes. It ensures that forest resources are managed sustainably, in line with CBD principles of biodiversity conservation and sustainable use. **National Biodiversity Strategy and Action Plan (NBSAP):** While not a law in itself, the NBSAP is a comprehensive strategy document developed in line with the CBD. It outlines India's approach to biodiversity conservation and sustainable use, including specific goals, targets, and action plans. (Aniket, Chatterjee. (2022). A study on the Indian judiciary's contribution in achieving Sustainable Development Goals. International Journal of Management and Development Studies, doi: 10.53983/ijmds.v11n04.002).

5. Basal Convention:

Basal convention also known as Convention on Transboundary Movement of Hazardous Wastes and their Disposal, 1989. This convention come into force in 1992 with 186 parties. Its main purpose is to reduce movement of hazardous waste between developing to less developing countries but does not address the movement of radioactive. (Choksi, S. (2001). The Basel convention on the control of transboundary movements of hazardous wastes and their disposal: 1999 protocol on liability and compensation. Ecology Law Quarterly, 28(2), 509–539. Retrieved March 12, 2020, from www.jstor.org/stable/24114136.)

5.1 Effect on Indian Legal Framework:

While India is a party to the Basel Convention, its influence on Indian legislation is primarily seen in the following laws and regulations:

Hazardous Waste Management Rules, 2016: These rules, framed under the Environment (Protection) Act, 1986, provide a legal framework for the management, handling, and disposal of hazardous wastes in India. They align with the objectives of the Basel Convention and regulate the generation, collection, transportation, treatment, storage, and disposal of hazardous wastes to ensure their environmentally sound management. **E-Waste (Management) Rules, 2016:** With the proliferation of electronic products and their hazardous components, the E-Waste Rules were introduced to regulate the disposal and recycling of electronic waste. These rules incorporate provisions inspired by the Basel Convention to ensure the environmentally sound management of electronic waste and prevent its adverse effects on human health and the environment.

Biomedical Waste Management Rules, 2016: These rules aim to regulate the management of biomedical waste generated from healthcare facilities. They prescribe measures for the segregation, collection, transportation, treatment, and disposal of biomedical waste to minimize its impact on public health and the environment, in line with the principles of the Basel Convention. (Aparna, Sharma. (2012). Legal Framework and Corporate Governance: An Indian Perspective.)

6. Conclusion:

In conclusion, global environmental treaties have significantly influenced India's legal landscape and policies, shaping the country's approach to environmental protection and conservation. The Ramsar Convention, Stockholm Conference, CBD, and Basel Convention have all played instrumental roles in guiding India's environmental legislation and governance. These treaties have led to the development of laws and regulations aimed at conserving wetlands, addressing air and water pollution, mitigating climate change, and managing hazardous wastes. The interaction between international agreements and Indian laws underscores the importance of aligning national priorities with global environmental goals to achieve sustainable development and ensure the well-being of both people and the planet. By evaluating compliance, implementation, and enforcement mechanisms, we can gauge the effectiveness of these treaties in promoting environmental sustainability in India. Overall, this research provides a thorough understanding of how global environmental treaties have shaped India's environmental governance and highlights the importance of international cooperation in addressing environmental challenges. The research demonstrates a strong grasp of the subject matter and effectively communicates the complexities of the interactions between global treaties and national laws.

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