

The Legal Study of International Environmental Conventions

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Abstract : Environmental protection is not a problem of any specific country but it is a problem of the whole world. The United Nations, established after the second world war, has passed various conventions and protocols to address many international problems including environmental protection. An authority within the United Nations known as The United Nations Environment programme, is actively engaged in issues related to environmental protection. Numerous international conventions and protocols like- Ramsar Convention, Stockholm Convention 2001, CITES 1973, Convention on Biological Diversity 1992, Bonn Convention 1979, Vienna Convention 1985, Kyoto Protocol 1997, Basel Convention, Minamata Convention, Cartagena Convention, UN Convention to combat Desertification have been enacted to safeguard the environment. The present research paper describes some significant conventions and protocols. This research paper defines The International Environmental Convention and also explains the difference between Convention and protocol and briefly describes various Conventions.

What Is International Environmental Convention– An international environmental convention is a legally binding agreement negotiated among governments to take action together to combat or mitigate a global environmental threat.

Difference Between Convention And Protocol – An environmental convention is an official agreement between governments usually resulting from negotiations facilitated by an international organization. On the other hand, a protocol is a tool used to amend or modify a convention. Not all the states that ratified the original convention are obligated to abide by the changes made through protocols.

International Conventions And Protocols For Environmental Protection– A large number of conventions and protocols have been passed by the United Nations and other International Organizations and have been accepted by many countries. Some of the important conventions and protocols are as follows:

1. CITES – The full form of CITES is the convention on international trade in endangered species of wild fauna and flora. CITES is an international agreement between governments with the objective of the preservation of the planet's plants and animals by ensuring that the international trade in their specimens does not threaten their survival. It was adopted in 1963 and entered into force in 1975. It is also called "Washington Convention" because its first conference was held in Washington in march 1973. CITES is legally binding on the parties, which is obliged to adopt their domestic legislation to implement its goals. It is administered by THE UNITED NATIONS ENVIRONMENT

PROGRAMME(UNEP). Over 38700 species including roughly 5950 species of animals and 32800 species of plants are protected by CITES against over exploitation through international trade.

In India wildlife crime control Bureau works for the implementation and monitoring of CITES under the ministry of Environment, Forest and Climate Change. It performs its function by regulating the international trade of selected species. The import, export, reexport and entry procedures for the various species covered by the convention are required to be authorised by the licensing system.

2. Stockholm Convention– Stockholm convention on persistent organic pollutants is a global treaty that was adopted by the conference of plenipotentiaries in 2001 and came into force on 17th may 2004. It was introduced to protect human health and the environment from harmful POPs suspended in the air for a long time.

The convention aims to reduce or eliminate the use of POPs through the active measures of the member states. Over 152 countries ratified the convention. It is ratified by India on 13 January 2006.

3. UNFCCC– The full form of UNFCCC is the United Nations Framework Convention on Climate Change. It is multilateral environmental agreement to control greenhouse gas concentrations in the atmosphere. UNFCCC was signed in 1992 at the United Nations Conference on Environment and Development also known as the Earth Summit, the Rio Conference. The UNFCCC entered into force in 1994 and has been ratified by 197 countries. It is

the parent treaty of Kyoto protocol (1997) and Paris Agreement (2015). It is not legally binding on the parties.

Secretariat – The secretariat is located in Bonn, Germany.

4. Kyoto Protocol– It is an international treaty associated with the UNFCCC. It was adopted in Tokyo, Japan on 11 December 1997, it became operational on 16 February 2005. Currently, there are 192 parties to the Kyoto Protocol. The UNFCCC, through the Kyoto Protocol, gave industrialized nations the responsibility to limit and reduce emissions of green house gases in accordance with agreed individual targets.

The protocol is based upon the principle of ‘Common but differentiated responsibilities’-CBDR. According to this principle all states are responsible for addressing global environmental destruction but they are not equally responsible. It only binds developed countries and places a heavier burden on them under this principle because it recognizes that they are largely responsible for the current high levels of GHG emissions in the atmosphere. The protocol’s first commitment period from 2008 to 2012, aimed to reduce greenhouse gases by an average of 5%. The protocol’s second commitment period was from 1 January 2013 to 31 December 2020 aimed to reduce greenhouse gases by an average of 18%.

5. Convention On Biological Diversity(Cbd)–The convention is focuses on the conservation of biodiversity. It was adopted in 1992 and came into force on 29 December 1993. It is a legally binding convention.

It has 3 main objectives:

- i. The conservation of biological diversity.
- ii. The sustainable use of its components.
- iii. Fair and equitable sharing of benefits arising out of the utilization of genetic resources.

The CBD secretariat is based in Montreal, Canada, and it operates under the UNITED NATIONS ENVIRONMENT PROGRAMME. It is ratified by India in 1994. India enacted the Biological Diversity Act in 2002 for giving effect to the provisions of the CBD.

6. UNCCD–UNCCD stands for United Nations convention to combat Desertification aims to combat desertification and ill effects of drought. It is a legally binding convention. UNCCD was established in 1994 to protect and restore our land a safer, just and more sustainable future. It came into force in 1996. There are 197 parties and the European Union (EU) to the convention. The UNCCD is one of the three Rio Conventions, the other two being:

1. Convention on Biological Diversity (UNCBD)
2. United Nations Framework Convention on Climate Change (UNFCCC)

India ratified this convention in December 1996. The Nodal Ministry for the convention in India is the Ministry of Environment, Forest and Climate Change.

7. Convention Of Migratory Species Of Wild Animals(CMS) – The convention is also known as CMS or “Bonn Convention” named after the city Bonn (West

Germany) where it was signed. The convention entered into force on 1 November 1983.

It is only global convention specialising in the conservation of migratory species, their habitats and migration routes.

Aim – The aim of the Bonn convention is to protect the Migratory species of wild animals and their habitats. The states and range states from where the migratory species pass are brought together under CMS to enable measures for their conservation and protection. India has been a party to the convention since 1983. Some of the important migratory species in India are:

- i. Amur Falcons
- ii. Bar-headed Geese
- iii. Black-necked Cranes
- iv. Marine turtles
- v. Dugongs

8. Vienna Convention– Vienna Convention is the convention for the protection of the ozone layer. It came into force in 1998 and was universally ratified by 2009.

Purpose – The purpose of the Vienna convention is to protect the ozone layer from depletion. The convention aimed to promote cooperation among nations by exchanging information on the effects of human activities on the ozone layer.

28 countries originally signed the convention on 22nd march 1985. On 16th September 2009 the convention along with the Montreal Protocol was universally ratified and thus became the first treaties in the history of the United Nations to achieve universal ratification.

Members – There are 198 members under the Vienna convention.

9. Montreal Protocol – The protocol was signed in 1987 and entered into force in January 1989. The protocol gives provisions to reduce the production and consumption of ODSs (Ozone Depleting Substances) to protect the ozone layer. It is the landmark multilateral environmental agreement that regulates the production and consumption of nearly 100 manmade chemicals referred to as ozone depleting substances (ODS). It phases down the use of ODSs in step wise, Time-bound manner. It was agreed on 26 August 1987 in Montreal, Canada and entered into force on 26 August 1989. The protocol was signed by 197 parties to control the use of ozone depleting substances, mainly chlorofluoro carbons (CFCs).

What is the Ozone layer?

It is a layer in the earth’s stratosphere that contains high levels of ozone. This layer protects the earth from the sun’s harmful radiation.

What is ozone layer Depletion?

It refers to the thinning of the ozone layer in the atmosphere. This happens when certain chemicals came into contact with the ozone and destroy it. Chemical compounds that cause ozone layer depletion are called Ozone Depleting Substances (ODSs) such that CFCs, HCFCs.

10. Basel Convention– The Basel convention on the

control of transboundary movements of hazardous wastes and their disposal was adopted on 22 march 1989 by the conference of plenipotentiaries in Basel Switzerland. It came into force in 1992. The Basel convention secretariat is situated in Geneva, Switzerland. There are 188 members to the convention. India ratified the Basel convention in June 1992.

What is the waste under the Basel convention?

Basel convention defines waste as something that needs to be disposed of by the provisions of the National law. Annex 1st defines hazardous waste while Annex 2nd defines the other waste in the convention.

Apart from the waste, the Basel convention also handles some topical issues like:

- i. Electronic and electrical waste such as mobile phones and computers.
- ii. Ships destined for dismantling.
- iii. Mercury and asbestos wastes.
- iv. Illegal dumping of hazardous wastes.

11. Ramsar Convention– Ramsar convention on wetlands is an intergovernmental treaty for “the conservation and sustainable use of wetlands”. The convention was signed on the 2nd February 1971 in the Iranian city of Ramsar located on the southern shore of the Caspian Sea. It came into force for India in 1982.

Ramsar Sites– Those wetlands which are of international importance are declared as Ramsar Sites.

The convention mission is the conservation and wise use of all wetlands through local and national actions and international cooperation.

Montreux Record- ‘The Montreux Record’ is a register of wetland sites on the list of wetlands of international importance where changes in ecological character have occurred, are occurring or likely to occur due to technological developments, pollution, or the human interference. At present two wetlands of India are in Montreux Record:

- i. Keoladeo National Park (Rajasthan)
- ii. Loktak lake (Manipur)

12. Rotterdam Convention– the Rotterdam convention is a multilateral treaty to promote shared responsibilities regarding the importation of hazardous chemicals. It was adopted on 10 September 1998 by a conference of plenipotentiaries in Rotterdam, Netherlands’. It came into force on 24 February 2004. The convention emphasizes the open exchange of information and requires exporters of hazardous chemicals to use proper labelling, include directions on safe handling, and inform purchasers of any known restrictions or bans.

Objective:

1. To promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals that harm human health and the environment
2. To exchange information related to the hazardous

chemicals which are traded.

India is a member of Rotterdam convention from 24th May 2005.

13. Minamata Convention – The Minamata convention is a global treaty to protect human health and the environment from the adverse effects of mercury and its compounds. The Minamata convention is named after the Japanese city of Minamata. This city experienced a severe, decades-long incidence of mercury poisoning. The convention came into force in 2007 and India ratified it in 2018.

Objective – The objective of the convention is to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds and it sets out a range of measures to meet that objective.

The convention covers all the aspects of the life cycle of mercury, controlling and reducing mercury across a range of products, processes and industries. This includes controls on –

- i. Mercury mining
- ii. The manufacture and trade of mercury and products containing mercury
- iii. Disposal of mercury waste

Conclusion – After studying the above conventions and protocols, it can undoubtedly said that the provisions and goals of these conventions and protocols, if implemented with sincerity, would have been able to tackle the global environmental crisis to a great extent, but most of the developed countries have failed to fulfil the obligations imposed on them by these conventions. Due to which the whole world is facing terrible environmental problems like climate change, increasing global temperature, rising sea level, ozone depletion. Climate change is a serious challenge for humanity as a whole and if it is still not addressed, human life could be in danger in the near future. According to the 33rd Annual State of the climate report the three dominant greenhouse gases carbon dioxide, methane and nitrous oxide reached record high concentrations in 2022, and the global sea level and ocean heat content reached record highs in 2022. According to the IPCC 2023 report in 2023 global temperature rised by 1.1^oC as a result of human activities. According to the world bank global warming could push an additional 130 million people worldwide below the poverty line. In the last 12 months (April 2023- March 2024) the global average temperature has been recorded 0.70^oC above the 1991-2020 average. Climate change and global warming also have negative effects on a country’s economy. According to the world Meteorological Organization of the United Nations, India lost 4.2 billion \$ in 2022 due to global warming. According to ILO India is projected to lose 5.8% of working hours by 2030 due to rising temperature, which could reduce its GDP by 2.50%. As a result of climate change, problems such as reduced agriculture yields, starvation, famine, inflation etc.

can be faced by the developing countries, while developed countries are more responsible for emitting greenhouse gases. These countries have also failed to deliver on promises to provide green climate funds and clean technology transfers to poorer countries. To emerge from this global environmental crisis, we need to change our lifestyles, reduce greenhouse gas emissions, use renewable sources of energy, emphasize coordination between economic development and environmental protection, and climate change literacy, and for this, developed and developing countries must work together in a spirit of mutual cooperation and coordination.

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