

# Role of International Convention in Environment Protection

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## Abstract

It studies how environmental conventions and agreements interact with general or customary international laws. The protection of the environment is the goal of several agreements. In an effort to solve major environmental issues including ozone depletion, climate change, species extinction, and desertification, international environmental law is becoming more and more crucial. International environmental law might never advance beyond its present structure if the present trend keeps up. States must ratify the current agreements if decisions made in this area are to have a significant impact on how international law is created. This article discusses a number of international conventions and contracts.

**Keywords: - International Conventions and Agreements, Protecting Nature.**

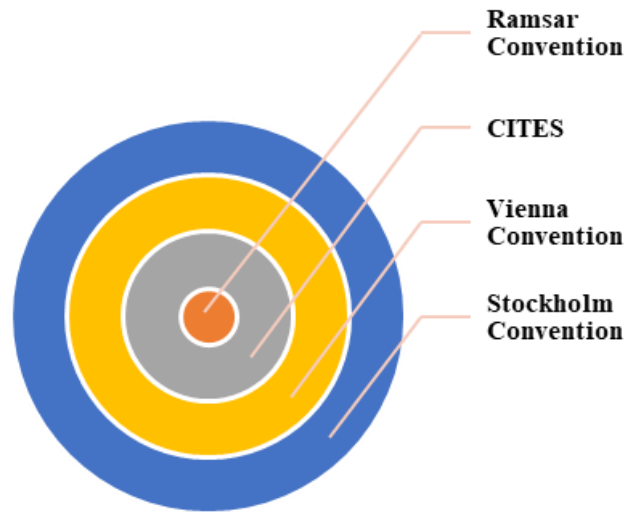
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## 1. INTRODUCTION

International conventions are treaties sign between two or more nation that act as an international agreement pledged their support to save the environment through it. It is crucial to understand that environmental protection and conservation has a great effect on human-induced processes or actions. The environment can be evaluated and transacted by assessing processes, practices, and policies. All these should be in an adequate nature. All the international conventions and agreements' main objective and goal is regulation and management of our approach to the natural environment.

### 1.1 Definition

The legal definition of the environment explains the interaction between the natural world and human actions or processes. The human race does not understand the ways nature works or the ecological process. Governmental agreements to take appropriate action to mitigate environmental concerns are known as environmental conventions. Recent years have seen a number of governments make commitments to protect the environment through environmental treaties and protocols. These gatherings are typically held on a global scale. Environmental conventions facilitate group action against dangers to the environment on a worldwide scale. Following International Conventions to Protect Environment:



**Fig.1.1 International Conventions to Protect Environment**

## **1.2 Conservation of the Environment from a Global Perspective**

Conservation from the global perspective means the meeting of the minds of a large group of individuals from all around the world. The main agenda of these individuals should be the conservation of the environment.

## **1.3 International Environmental Law**

International environmental law is a branch of public international law, which is a body of law created by states to resolve disputes between them. It is concerned with efforts to reduce pollution. The multilateral environmental agreement is the subset of international convention by Article 38 of the Statute of the International Court of Justice, which specifically focuses on environmental matters.

## **1.4 Multilateral Environmental Agreement**

It refers to a set of legally binding international instruments that states employ to commit to achieving specified environmental objectives. They can be conventions, treaties, declarations, agreements, or protocols. As per the principle of international treaties, multilateral treaties are the treaties that bind only those states who have agreed to be bound by them.

## **1.5 International environmental law governance**

The UN Environment Assembly is the highest-level UN body convened on the environment, which opened on 23 June 2014 at its headquarters, Nairobi. United Nations Environmental Assembly (UNEA) feeds directly into the General Assembly and has universal membership of 193, all members of UN and other stakeholders groups.

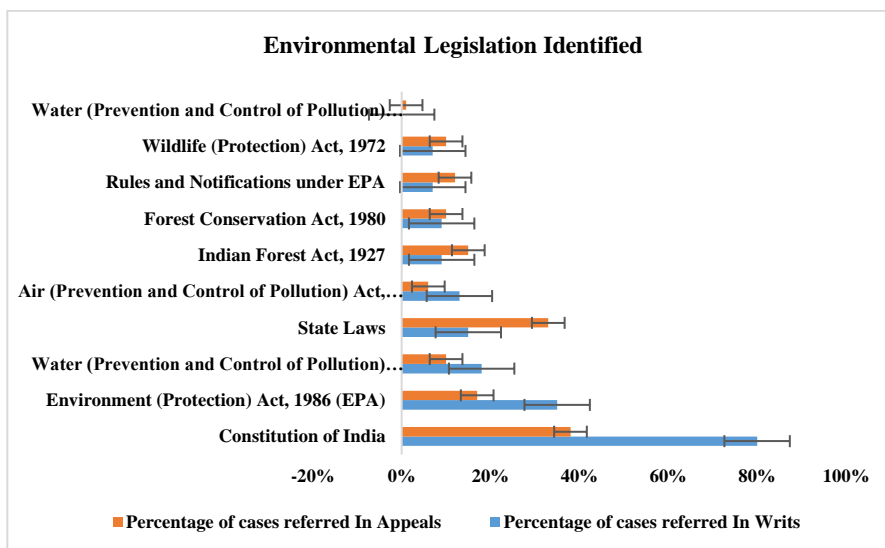
- **Identification of environmental legislation by the court**

In 80% of the writ and 38% of the appeals, the court referred to the Constitution of India while disposing matters. A detailed analysis of the different laws referred to by the court while deciding matters is provided below. The analysis shows that the majority of environmental cases are related to the Environment (Protection) Act 1986, the Water (Prevention and Control of Pollution) Act 1974 and various state laws.

**Table 1.5 Identification of environmental legislation by the court**

Environmental legislation identified	Percentage of cases referred In	
	Writs	Appeals
Constitution of India	80%	38%
Environment (Protection) Act, 1986 (EPA)	35%	17%
Water (Prevention and Control of Pollution) Act, 1974	18%	10%
State Laws	15%	33%
Air (Prevention and Control of Pollution) Act, 1981	13%	6%
Indian Forest Act, 1927	9%	15%
Forest Conservation Act, 1980	9%	10%
Rules and Notifications under EPA	7%	12%
Wildlife (Protection) Act, 1972	7%	10%
Water (Prevention and Control of Pollution) Cess, 1977	0%	1%

Sources: [vidhilegalpolicy.in](http://vidhilegalpolicy.in)



**Fig. 1.5 Environmental legislation identified**

### 1.6 Role of the Supreme Court in environmental protection

In lieu of the wide range of cases dealt by supreme court with regard to environmental protection, a plethora of judgements have been passed which have laid down various principles to be taken care of before indulging in any activity which might pose a threat to the environment<sup>1</sup>. Also, different aspects of the environment have been highlighted by giving them immense importance like natural resources. Air and water have been given the status of the gift of nature and inalienable part of life.

#### ❖ Why Is There A Need For This Convention?

Rapid increase in global warming, deforestation, air, water and other forms of pollution is posing a great threat to the environment and its living beings. The degradation of the environment through a plethora of

<sup>1</sup> <https://blog.ipleaders.in/constitution-environment-provisions/>

activities carried on by individuals is detrimental to the health of all the living beings, including human beings, plants and animals. Fundamental status has been given to the concept of protecting the environment as it is essential to promote human health to have a healthy environment and affords a right to a healthy environment to all. Preserving the environment protects the health of every individual and a healthy individual promotes the development of the environment which is the need of the hour. For many Parties, rectification and implementation of the Convention and its Protocols will lessen health and environmental effects more affordably than taken unilateral action. Additionally, it has economic advantages since it ensures a level playing field for business across borders and stops Parties from competing with one another at the expense of the environment and human health.

Factors that have a negative impact on human health, threaten food security, impede economic growth, accelerate climate change, and deteriorate the ecosystem that supports our very existence. The convention offers a forum for discussing these links and takes steps to mitigate their harmful effects.

## 2. PROVISION IN INDIAN CONSTITUTION

The people of India solemnly decide to establish India as a socialist nation, according to the Preamble of the Indian Constitution. This shows that our Constitution gives us access to a socialist social structure. Attempting to address and address society problems first, rather than focusing on personal issues. What is best for the general population is crucial in this situation. This is expressly mentioned in Article 51(c) of the Indian Constitution, which states that the state will promote adherence to treaty obligations and international law.

Article 253 of the Constitution, which gives the Parliament of our nation the power to pass laws that can be applied to the entire or any territory of the country for implementing any agreement or convention signed with the other country or countries, is another crucial provision that deals with protecting the environment.

Parliament may also pass laws to carry out decisions made at international conferences. No provision established in connection with environmental protection pursuant to Article 253 read with Articles 13 and 14 may be challenged in court on the grounds that it was not authorized by legislation<sup>2</sup>.

*“Article 51A (g) places a duty on the citizens of India to protect and improve the natural environment and have compassion for all living creatures”.*

## 3. IMPORTANT CASES

Many cases in our country related to environmental protection. A few be discussed here below -:

□ The Supreme Court issued a ruling in 1996 that would make the state more accountable for protecting natural resources. In the case of Subhash Kumar v. State of Bihar and Others (1991), the right to a pollution-free environment was determined to be a component of the right to life under article 21 of the Indian constitution.

□ M.C. Mehta v. Union of India- Ganga Pollution Case; Supreme Court of India Judgment- In 1985, M.C. Mehta filed a writ petition in the nature of mandamus to prevent these leather tanneries from disposing of the domestic and industrial waste and effluents in the Ganga River.

## 4. IMPORTANT ORGNISATIONS TO PROTECT ENVIRONMENT:

- Earth system governance project.

<sup>2</sup> <https://blog.ipleaders.in/important-international-conventions-conservation-environment/>

- Global Environment Facility.
- Global Green Growth Institute.
- Intergovernmental Panel on Climate Change.
- International union for Conservation of Nature.
- United Nations Environment Programme.
- World Nature Organization.
- World Food Programmed.

## 5. ENVIRONMENT PROTECTION LAWS

- The Environment (Protection) Act was enacted in the year 1986. It was enacted with the main objective to provide the protection and improvement of the environment and for matters connected therewith<sup>3</sup>.
- Forest (Conservation) Act, 1980
- Wildlife (Protection) Act, 1972
- The Water (Prevention and Control of Pollution) Act, 1974
- The Air (Prevention and Control of Pollution) Act, 1981.

## CONCLUSION

This article begins with laying down emphasis on why environmental protection is necessary, why did a need arise to protect the environment followed by the causes of ecological degradation in the introductory part. Various reasons have been considered to be a major factor in polluting the environment and affecting the lives of the people and posing a great threat to other living beings of the country.

The current situation calls on people, the government to address environmental degradation, which is getting worse every day as a result of peoples' disregard for the environment. The environment has been put under a lot of government and non-governmental organization (NGOs) protection, but it can only be protected when the people who understand and care about the environment do the same.

Examples of how the climate is changing as a result of global warming include the 2019 Kerala floods in India, which devastated nearly all of Kerala's districts, Bushfire in Australia Numerous species have perished, the ecosystem has been completely ruined, pollution has increased in that nation, and many other problems are still there in 2019 and 2020.

The Argentinian research station thermometer claims that on February 7, 2020, Antarctica experienced its highest temperature to date, which was 65 degrees Fahrenheit (18.27 degrees Celsius). However, the WMO has not yet formally confirmed this claim because it will first need to be reviewed by a panel of international experts in atmospheric science.

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