

International Conventions and Protocols to Protect the Environment

Environmental Science

International Conventions and Protocols to Protect the Environment:

- An international convention is intended to build an international consensus that a particular ecological, wildlife or pollution problem exists.
- Usually a convention sets up a Secretariat to manage the overall process.
- The Conventions could include agreement to negotiate protocols on specific control or other management actions needed to resolve the problem being addressed.

Implementation of Conventions:

- **First, when a Country signs the Convention, often at the Ministerial level, agreeing to the contents in principle. This signature does not impose a legal obligation on the signing country to ratify at a later stage.**
- **The national Government then ratifies that countries commitment to participating in the Convention activities. The idea of ratification developed because it was thought reasonable that, after a convention had been signed, countries should have a further opportunity to consider the often complex and important issues involved before finally being legally bound by them.**
- **The Convention activities enter into force when a specified number of countries sign and ratify their involvement. The number of countries needed to trigger entry into force is established during the negotiation process and varies from Convention to Convention**



Protocols for Specific Control Actions:

- Once a Convention has been established, countries can then begin to negotiate specific control actions. The protocol mechanisms allow large problems to be broken down into more achievable steps.

Ramsar Convention (Convention on Wetlands of International Importance especially as Waterfowl Habitat)

- International cooperation to preserve the marsh lands has been regarded as necessary in order to protect these migratory birds. In 1971 in Ramsar, Iran, "the International Conference on Preservation of Marshes and Waterfowl" was held, the objectives of which were to recognise the importance of marshes for animals and plants and the ecological system as a whole and to promote the conservation of marshes. In this conference, this convention was produced.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)

- **CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention was finally agreed at a meeting of representatives of 80 countries in Washington DC., United States of America, on 3 March 1973, and on 1 July 1975 CITES entered in force.**
- **CITES works by subjecting international trade in specimens of selected species to certain controls. These require that all import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through a licensing system.**

Vienna Convention for the Protection of the Ozone Layer

- The ozone layer around the globe absorbs most of the ultra violet rays (UV-B) that harm creatures, but CFCs and some other substances destroy the ozone layer. If the ozone layer is depleted, the amount of UV rays which reaches the ground will increase and in effect human body or ecological balance will be damaged. People became keenly aware of this mechanism and Vienna Convention for the Protection of the Ozone Layer in 1985, and Montreal Protocol on Substances that Deplete the Ozone Layer in 1987 were adopted.

Basel Convention (Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal)

- In 1980s, some African States suffered from environmental pollution caused by wastes moved from developed European States. To deal with these problems, the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal, which aims to properly administer the transboundary movements of wastes, was adopted in Basel, Switzerland in March 1989.

Earth summit - Conventions on Climate Change and Biological Diversity

- In 1992, more than 100 heads of state met in Rio de Janeiro, Brazil for the first international Earth Summit convened to address urgent problems of environmental protection and socio-economic development. The assembled leaders signed the Convention on Climate Change and the Convention on Biological Diversity, endorsed the Rio Declaration and the Forest Principles, and adopted **Agenda 21** for achieving sustainable development in the 21st century.

Environment and Development Agenda under the Agenda 21 encompasses the following issues.

- Combating Poverty
- Changing Consumption Patterns
- Demographic Dynamics and Sustainability
- Protection and Promotion of Human Health
- Promoting Sustainable Human Settlement Development
- Integrating Environment and Development in Decision-Making
- Protection of the Atmosphere
- Integrated Approach to the Planning and Management of Land Resources
- Combating Deforestation
- Managing Fragile Ecosystems: Combating Desertification and Drought
- Managing Fragile Ecosystems: Sustainable Mountain Development
- Promoting Sustainable Agriculture and Rural Development
- Conservation of Biological Diversity

- **Environmentally Sound Management of Biotechnology**
- **Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas and coastal areas and the protection rational use and development of their living resources**
- **Protection of the quality and supply of freshwater resources: application of integrated approaches to the development, management and use of water resources**
- **Environmentally sound management of toxic chemicals including prevention of illegal international traffic in toxic and dangerous products**
- **Environmentally sound management of hazardous wastes including prevention of illegal international traffic in hazardous wastes**
- **Environmentally sound management of solid wastes and sewage-related issues**
- **Safe and environmentally sound management of radioactive wastes**
- **Global action for women towards sustainable and equitable development**
- **Children and youth in sustainable development**
- **Recognizing and strengthening the role of indigenous people and their communities**
- **Strengthening the role of non-governmental organizations: partners for sustainable development**
- **Local authorities' initiatives in support of agenda 21**
- **Strengthening the role of workers and their trade unions**
- **Strengthening the role of business and industry**
- **Scientific and technological community**

- Strengthening the role of farmers
- Financial resources and mechanisms
- Transfer of environmentally sound technology, cooperation and capacity-building
- Science for sustainable development
- Promoting education, public awareness and training
- National mechanisms and international cooperation for capacity-building
- International institutional arrangements
- International legal instruments and mechanisms
- Information for decision-making

Major principles agreed upon in the Rio declaration.

- **Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.**
- **States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**
- **The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.**

- **In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.**
- **All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.**
- **The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.**

- **States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.**
- **To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.**
- **States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.**

- **Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.**
- **States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.**

- **States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.**
- **States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.**

- States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.
- In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

- **Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.**
- **States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.**
- **States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.**

- Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.
- The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.
- Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

- The environment and natural resources of people under oppression, domination and occupation shall be protected.
- Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.
- Peace, development and environmental protection are interdependent and indivisible.
- States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.
- States and people shall cooperate in good faith and in a spirit of partnership in the fulfillment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

UNFCCC (United Nations Framework Convention on Climate Change)

- CO₂ increase in the air brings about global warming, and it has caused grave concern in recent years. The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in May 1992 in the earth summit in Rio de Janeiro. The objectives of this convention were to stabilize the density of greenhouse gases, and to reduce or limit the emissions of these gases.

CBD (Convention on Biological Diversity)

- Convention on Biological Diversity adopted in 1992 in the earth summit in Rio de Janeiro, aims for the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

UNCCD (United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa)

- The Convention to Combat Desertification provides that developing country Parties affected by desertification undertake to prepare and implement national and regional action programmes as appropriate and that developed country Parties undertake to support such efforts.

Aarhus Convention

- The UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, being adopted on 25th June 1998 in the Danish city of Aarhus, is a new form of environmental agreement. The Aarhus Convention grants the public access to Information, public participation in decision-making and access to justice in environmental matters.

The International Plant Protection Convention (IPPC)

- The International Plant Protection Convention is a treaty deposited with the Director-General of the FAO (Food and Agriculture Organization) of the United Nations. It has basically been designed to control pests, with the more specific purpose of securing common and effective action to prevent the spread and introduction of pests of plants and plant products and promoting measures for their control.

Convention on the Law of the Sea

- This convention, establishing the rules governing all uses of the oceans and their resources, lays out a comprehensive regime of law and order in the world's oceans and seas. The United Nations convention entered into force in 1994, however the U.S. did not access it at that time.

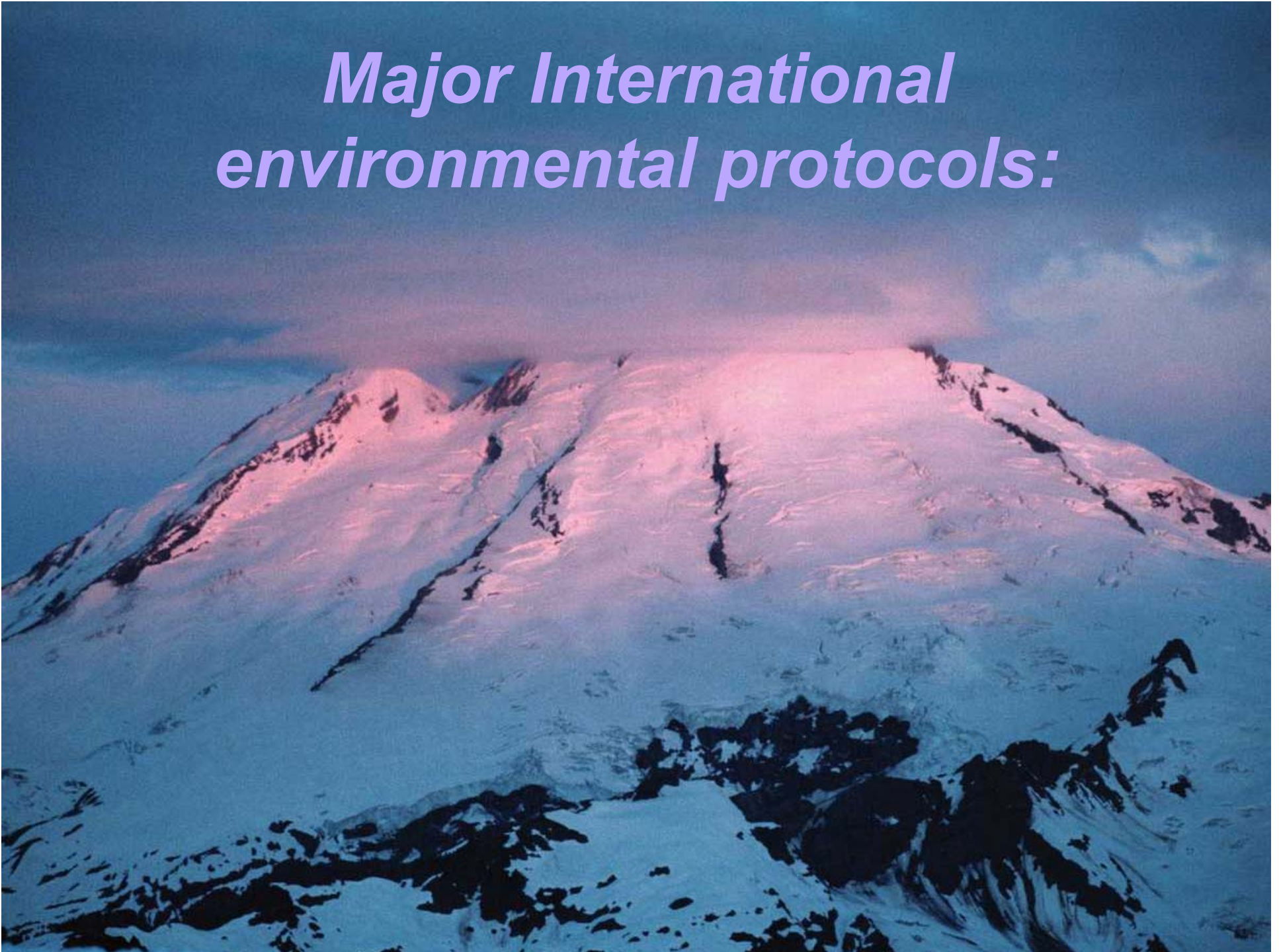
Stockholm Convention on POPs (Persistent organic pollutants)

- **The Stockholm Convention aims to reduce and eliminate 12 POPs (Persistent Organic Pollutants) that can possibly affect the next generation, such as Dioxin, Furan, and DDT. POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. POPs circulate globally and can cause damage wherever they travel. In implementing the Convention, Governments will take measures to eliminate or reduce the release of POPs into the environment. It is a relatively new convention, and was completed, from 1998 to 2000, through five intergovernmental meetings.**

Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

- **Toxic pesticides and other hazardous chemicals kill or seriously sicken thousands of people every year. They also poison the natural environment and damage many wild animal species. Governments started to address this problem in the 1980s by establishing a voluntary Prior Informed Consent procedure. PIC required exporters trading in a list of hazardous substances to obtain the prior informed consent of importers before proceeding with the trade.**
- **In 1998, governments decided to strengthen the procedure by adopting the Rotterdam Convention, which makes PIC legally binding. The Convention establishes a first line of defense by giving importing countries the tools and information they need to identify potential hazards and exclude chemicals they cannot manage safely.**

*Major International
environmental protocols:*



The Montreal Protocol on Substances That Deplete the Ozone Layer

- The Vienna Convention for the Protection of the Ozone Layer (1985), which outlines a country's responsibilities for protecting human health and the environment against the adverse effects of ozone depletion, established the framework under which the Montreal Protocol was negotiated.

- The Montreal Protocol on Substances that Deplete the Ozone Layer is a landmark international agreement designed to protect the stratospheric ozone layer. The treaty was originally signed in 1987 and substantially amended in 1990 and 1992. The Montreal Protocol stipulates that the production and consumption of compounds that deplete ozone in the stratosphere viz. chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform are to be phased out by 2000 (2005 for methyl chloroform).

- In India an Ozone Cell in Ministry of Environment & Forests came into existence with effect from 01.04.1993. It deals with all works relating to the Vienna Convention for the Protection of Ozone Layer and the Montreal Protocol for phasing out Ozone Depleting Substances (ODS). The use of ODS is to be phased out by the year 2010 as per the schedule prescribed in the Protocol.

Kyoto Protocol

- A protocol to the United Nations Framework Convention on Climate Change. The Convention entered into force on 21 March 1994. Its purpose is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous human-induced interference with the climate system.

Cartagena Protocol on Biosafety

- Under the Convention on Biodiversity (CBD), this Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. It establishes procedures for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development.