

“Revisiting International Legal Frameworks on the Environment and Suggestions to Improve Environmental Governance in India”

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Abstract

The world communities sidelined environmental care and protection for the sake of industrial development, which in the end resulted into manifold consequences of socio-economic, cultural and political nature. Realizing the nature and consequences of environmental problem, initially discussion and debate to understand the environmental care and protection had started at international level. Slowly and gradually, a process of dialogue started and these discussions culminated in the Stockholm Declaration in the year 1972. Since then number of treaties and conventions came into being to address the environmental problems. Following these international initiatives, countries of the world, including India have incorporated environmental care in their domestic legal frameworks in various ways.

However, compliance of international norms on environment care varies from country to country because of differences in their socio economic needs and commitments. This paper proposes to explore international laws, policies, and make some suggestions for improving environmental governance.

Keywords: Environment care, International Law and Policy, Stockholm Conference, Rio Summit, Environmental Compliance

I. Introduction

To address the emerging challenges of the environment, international institutions and United Nations perceived the problem, initiated era of international summits and conferences, and thus began dialogue and consultation among world leaders to formulate new principles and approaches to address the issues.

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Initial phase of international efforts included to address the question-what ought to be done to prevent environmental degradation? This culminated into the United Nations Conference on Human Environment held in Stockholm, Sweden from June 5-6 in 1972. This conference was the first ever attempt by the world community to deliberate and come out with concrete principles on which development in countries should proceed. In the years following the conference, more evidences of resources degradation, depletion of Ozone layer in stratosphere, increasing concentrations of greenhouse gases in the atmosphere and their concomitant consequences in global warming, melting of ice in Northern hemisphere and rise in sea level etc. had become visible. The world community felt to again deliberate upon the emerging threats, prescribe detailed action plans, and evolve some treaties to stop global warming and loss of biodiversity. This led to the United Nations Conference on Environment and Development (UNCED) in 1992, also known as the Rio Summit or the Earth Summit.

To address issues of the environment and development, the Earth Summit adopted top-down approach. The Earth Summit endeavored to evolve universal nature of binding and non-binding instruments to address global problems. Member countries of the United Nations were to restructure their environmental policies and models of development on the recommendations of both the Stockholm Conference and the Earth Summit aimed at sustainable development. Developed countries having contributed more to global environmental problems, showed their reluctance to bear greater burden to contribute to their remediation. This led to coming into being of international politics between developed and developing countries on the environment.

Despite this friction, world community continued their initiative and intended to measure the progress in achievement of targets set in many treaties and declarations. Thus was born the World Summit on Sustainable Development (WSSD) at Johannesburg, South Africa from August 26 to September 4 2002. It focused the world's attention and direct action toward meeting difficult challenges, including improving people's lives and conserving our natural resources.

The outcome of the WSSD was not very impressive as most NGOs and other groups found dismal performance on many commitments that included conservation of biodiversity, reduction in carbon emissions under the UNFCCC regime and reduction in greenhouse gases and phasing of Ozone depleting substances and implementation of agenda of sustainable development. Other major international summit included the United Nations Sustainable Development Summit held in New York on September 25-27 2015. To address problems of climate change, the twenty-first session of the Conference of the Parties (COP) and the eleventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol took place from November 30 to

December 11 2015, in Paris, France.¹ Member nations pledged to enforce the decisions reached at these conferences and made formal communications to the United Nations to achieve the goals and targets by 2030.

India being a member of these international treaties and conventions enacted plenty of legislation and incorporated environmental care in its constitution. However, environmental problems are mounting and becoming more complex. In this contextual reality, there could be two possibilities; either, Indian initiatives in terms of compliance of international environmental laws and policies are weak. Alternatively, international environmental laws and policies themselves are weak and inefficient. This paper presents critical analysis of international environmental norms and their compliance by India in order to locate the gaps and to suggest remedial measures.

II. UN Conference on the Human Environment 1972–Paradigm Shift in Environmental Management

The real impetus for bringing about a well-developed framework came only after the UN Conference on the Human Environment held in Stockholm, Sweden from June 5-16 in 1972. The UN General Assembly in 1972 adopted it by 112 votes in favor and none against (with 10 abstentions).

The Conference concluded in the Stockholm Declaration containing twenty-six principles concerning the environment and development, an Action Plan on the Human Environment with 109 recommendations² and a resolution.³ Other resolutions adopted by the Conference included World Environment Day, Nuclear Weapon Tests, convening of a Second UN Conference on the Human Environment.⁴ The Stockholm Principles provided ideological basis to the countries to enact environmental legislation for

¹(July 26, 2021),

<https://sustainabledevelopment.un.org/index.php?page=view&type=13&nr=1359&menu=35>

² The broad types of actions that make up the plan are: The global environmental assessment programme, Environmental management activities, International measures to support the national and international actions of assessment and management. (July 24, 2021), <http://www.un-documents.net/aconf48-14r1.pdf>

³ The resolution adopted at the conference contained institutional and financial arrangements, environment secretariat, environment fund and coordination. Among other resolutions adopted by the conference included three measures, *inter alia*, as mentioned in the preceding pages. The resolution on the environment day pertained to designating June 5 as World Environment Day every year and the UN systems and Governments of the world undertake worldwide activities reaffirming their concern for the preservation and enhancement of the human environment with a view to deepening environmental awareness. The resolution on nuclear tests resolved to condemn nuclear weapon tests especially those carried out in the atmosphere and called upon those states intending to carry out nuclear weapon tests to abandon their plans to carry out such test since they may lead to further contamination of the environment. The final measure said that the new environmental machinery referred to in the recommendation of the First UN conference on the Human Environment be entrusted with the preparation for the Second UN conference on the Human Environment. (July 24, 2021), <http://www.un-documents.net/aconf48-14r1.pdf>

⁴ *Supra* note at 3.

safeguarding the environment. Principle 1⁵ and 21⁶ were particularly important. These principles had become ground norms for the architecture of environmental policy and law across all nations. They were the Magna Carta of environmental laws of India like in other nations⁷.

Lessons and Role of the Stockholm Conference

The impact of the conference is indelible and monumental. The results of the conference were highly visionary. Before the Stockholm Declaration, international environmental law did not exist as an independent branch of international law⁸. After this event, there was rise in global environmental care. This also saw passing of hundreds of bilateral and multilateral treaties and agreements mostly developed on individual subjects rather than on cross-sectoral areas like marine pollution and transportation of hazardous waste. There was a concomitant increase in the extent and magnitude of international environmental law and related principles.

III. World Conservation Strategy, 2000

The United Nations Environment Program (UNEP) together with the World Wildlife Fund (WWF) and International Union for Conservation of Nature (IUCN) commissioned the World Conservation Strategy (WCS). The WCS provided both an intellectual framework and practical guidance for conservation actions. The WCS⁹ envisaged achieving three main objectives of living resources conservation:

- To maintain essential ecological processes and life support systems.
- To preserve genetic diversity.
- To ensure the sustainable utilization of species and ecosystems.

In addition to these objectives, The WCS also called for anticipatory environmental policy, environmental assessments, review of legislation, planning and putting in place

⁵ Principle 1: Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

⁶Principle 21: 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 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.

⁷Veit Koester, "from Stockholm to Brundtland", 20 ENVTL. POL'Y &L. 14 (1990).

⁸ *Id.* at 14.

⁹ IUCN, World Conservation Strategy 2000 at 6 (May 8, 2021), <http://portals.iucn.org>

requisite trained work force and greater public participation in decision making, among others¹⁰. The WCS also initiated proposal to undertake sustainable development

However, obstacles in achieving conservation as envisaged in WCS were many. Firstly, there was a common belief that conservation is an agenda for governments' environment department alone. While there was no realization, that conservation is a process, which cuts across all sectors of development. Secondly, governments failed to integrate conservation with development. Thirdly, there was inadequate environmental planning which led to destructive methods of resource exploitation. Fourthly, there was lack of appropriate legislation and poor enforcement. Fifthly, there was no awareness generation among people and finally failure to deliver conservation based development in rural areas.

IV. World Charter for Nature 1982

In 1982, the UN General Assembly with 111 votes in favour and 1 against (USA) proclaimed the World Charter for Nature. Besides containing important principles of the Stockholm Declaration, it was based on certain fundamental principles laid down in the World Conservation Strategy published in 1980. This introduced the concept of sustainable development.

The preamble to the Charter lays down its basic philosophy i.e. the goals and the principles. The principles are divided into three groups.¹¹

- General principles which should be regarded as the basis of measures to be taken (principles 1-5)
- Certain more detailed rules which can be derived from the preceding principles particularly concerning management and planning (Principles 6-13)
- Third is "Implementation" specifying a number of obligations resting on the international community as such as well as on the states, commercial enterprises, associations and individuals.¹²

The general principles included respect for nature, to safeguard the habitat for genetic variability on the earth, initiate conservation, and protect ecosystems and organisms and to secure nature against degradation caused by warfare and other hostile activities¹³. :

¹⁰*Id.* at 7.

¹¹*Id.* at 15.

¹²UN General Assembly, *World Charter for Nature.*, 28 October 1982, A/RES/37/7, (April 27, 2021), <https://www.refworld.org/docid/3b00f22a10.html>

¹³UN General Assembly, *World Charter for Nature.*, 28 October 1982, A/RES/37/7 (September 1, 2020), <https://www.refworld.org/docid/3b00f22a10.html> .

The World Charter for Nature has failed to gain due recognition and compliance. However, it is of great importance. Together with the Stockholm Declaration and the principles of environmental law laid down in the Convention on the Law of the Sea, the Charter is among the most important instruments of international environmental law so far.¹⁴ An author commented that the Stockholm Declaration and the Charter “might serve as part of an international constitution for the world environment.”¹⁵

The Charter made improvement in respect of some principles contained in the Stockholm Declaration 1972. This change occurred in respect of Principle 6 of the Stockholm Declaration, which was based on "assimilative capacity" rule. This was based on the premise that science will provide information about the possible harm to the environment from development projects and time will be available to act and assimilate the changes. However, the emphasis shifted to precautionary principle as per the Principle 11 of the UN General Assembly Resolution in World Charter for Nature 1982, which was reiterated in Principle 15 of the Rio Declaration 1992.¹⁶

V. The Brundtland Report

In 1987, the independent World Commission on Environment and Development (WCED) established in 1983 published its report on Environment and Development (WECD, 1987) also known as the “Brundtland Report¹⁷.” Shortly afterwards, the UNEP Governing Council adopted a text entitled, “Environmental perspective to the year 2000 and Beyond.”

In two resolutions from 1987 (42/187 and 42/186)¹⁸ the main guidelines of the two reports were unanimously endorsed by the UN General Assembly as a framework for future environmental cooperation. The central concept of the Brundtland Report is “Sustainable development” a concept borrowed from the IUCN World Conservation Strategy (1980) as previously mentioned.

VI. United Nations Conference on Environment and Development 1992

¹⁴Veit, *Supra* note 7, at 15.

¹⁵Cheryl L. Jamieson, “An Analysis of Municipal Wetlands Laws and Their Relationship to the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar)”, 4 Pace Envtl. L. Rev. 177 (1986).

¹⁶Harpreet Kaur, Precautionary Principle (May 17, 2021) lawctopus.com/academike/precautionary-principle

¹⁷ Report of the World Commission on Environment and Development: Our Common Future (July 25, 2021), <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>.

¹⁸Implementation of General Assembly resolutions 42/186 and 42/187: resolution / adopted by the General Assembly (July 24, 2021), <https://www.refworld.org/docid/3b00f2220.html>

The UN Conference on Environment and Development (UNCED) known as Rio Summit or Earth Summit was held in Rio de Janeiro from June 3-14 in 1992¹⁹.

In Rio, 172 Governments-108 represented heads of States or Government adopted three major agreements of non-binding nature to guide future approaches for development: Agenda 21²⁰, the Rio Declaration on Environment and Development²¹, and the Statement of Forest Principles²².

In addition, two legally binding instruments were opened for signature at the Summit: the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). Moreover, negotiations began on the Convention to Combat Desertification²³, which was opened for signature in October 1994 and entered into force in December 1996.²⁴

Agenda 21

Agenda 21 is the only instrument signed in the UNCED, which fully captures both the themes of conference namely, environment and development²⁵. Agenda 21 contains political commitment of member nations to strive to achieve the goals. It also prescribes details of the program and cost estimates. It addressed most contentious issues like atmosphere, biodiversity and biotechnology, finance, forests, freshwater resources, institutions, legal institutions, legal instruments, and technology transfer and recommended solutions for sound management environmental degradation.²⁶

Rio Declaration on Environment and Development

This instrument was adopted with the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among states, key sectors of

¹⁹ (July 24, 2021),

https://apps.who.int/iris/bitstream/handle/10665/171232/EB91_Inf.Doc-5_eng.pdf?sequence=1

²⁰ Fact Sheet: Agenda 21, 3 Department of State Dispatch 28 (1992).

²¹ (July 24, 2021),

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

²² *supra* note at 16.

²³ (May 2, 2021), <https://www.unccd.int/convention/about-convention>

²⁴ Outcomes on Sustainable Development, (April 26, 2021), un.org

²⁵ Agenda 21 has a preamble and four sections. Section I deals with social and economic dimensions, Section II with conservation and management of resources for development, Section III with strengthening the role of major groups and finally section IV deals with means of implementation. These four sections contains 40 chapters and 800. The entire instrument captures the imperative of resources conservation, sustainable development and abatement and prevention of all causes of environmental pollution. Edward A. Parson, Peter M. Haas, "A Summary of the Major Documents signed at the Earth Summit and the Global Forum" 34 *Environment* 12 (1992).

²⁶ UNCED 1992, Agenda 21 (July 24, 2021),

<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>,

cooperation among states, key sectors of societies and people. This envisages protecting the integrity of the global environmental and developmental systems. Its 27 principles include key elements of political agenda of developed and developing countries²⁷.

Forest Principles

At the Earth Summit 1992, a statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests (forest instrument)²⁸ was issued and formulated 17 legally non-binding principles. Principle 1 envisaged that states have sovereign right to exploit their own resources with the responsibility not to cause damage to other states or other jurisdictions. Principle 3 envisaged that national policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programs for the management, conservation and sustainable development of forest and forestlands.

The purposes of the forest instrument included political commitments to manage forests sustainably, to contribute to sustainable development goals, and to promote international cooperation²⁹.

The forest instrument, voluntary and non-legally binding in nature, aims to achieve sustainable development, major groups as identified in Agenda 21 to contribute to sustainable management of forests³⁰.

Member states in the meeting at the Earth Summit reaffirmed the five-shared global objectives to reverse the loss of forest cover, improve livelihood of forest dependent communities' etc. and their commitment to work globally, regionally and nationally to achieve progress towards their achievement by 2030.

United Nations Framework Convention on Climate Change (UNFCCC)

The UNFCCC entered into force on 21 March 1994. The 197 countries ratified the convention and are called Parties to the Convention. Preventing dangerous human interference with the climate system is the ultimate aim of the UNFCCC.

Initially, when UNFCCC began its work there was no adequate evidence about climate change. It applied the precautionary principle borrowing from the Montreal Protocol 1987³¹. It envisaged stabilizing the greenhouse gas concentrations at a level, which

²⁷*Id.* at 23.

²⁸ (April 27, 2021), <https://sustainabledevelopment.un.org/milestones/unced>

²⁹ (April 27, 2021), https://www.un.org/esa/forests/wp-content/uploads/2018/08/UN_Forest_Instrument.pdf

³⁰*Id.*

³¹Precautionary Principle: Member states are bound to act in the interest of human safety even in the case of scientific uncertainty.

prevents dangerous anthropogenic interference with the climate. It also puts responsibility on 12 industrialized countries to reduce emissions. They are part of Annex I countries.

Industrialized countries (Annex I) have to report regularly on their climate change policies and measures, including issues governed by the Kyoto Protocol (for countries which have ratified it³²). Kyoto Protocol was signed and 192 countries ratified it. Kyoto protocol is the legal arm to put into effect measures to reduce emission of Carbon Dioxide as per the UNFCCC. United States is one of the main countries, which emits higher quantity of carbon dioxide. According to information available, United States emitted 5.41. GT during 2018 followed by India, which emitted 2.65 GT during the same year³³. Refusal by the US to ratify the Protocol amounts to breach of a UN mandated instruments despite the fact that United States was in fore front of establishment of UNFCCC.

Developing countries (Non- Annex I Parties) report in more general terms on their actions both to address climate change and to adapt to its impacts but less regularly than Annex-I Parties and in case of least developing countries it is contingent on getting funding for preparation of reports.

Kyoto Protocol

By 1995, countries launched negotiations to strengthen the global response to climate change, and two years later adopted the Kyoto Protocol.

The Kyoto Protocol legally binds developed country parties to emission reduction targets. The Protocol has first commitment period started in 2008 and ended in 2012. The second commitment period began on 1 January 2013 and ended in 2020. There are now 197 parties to the convention and 192 parties to the Kyoto Protocol.

Paris Agreement

At the 21st COP meeting in 2015, Parties to the UNFCCC reached a landmark agreement to combat climate change and to accelerate and intensify the actions and investment needed for a sustainable low carbon future. The Paris Agreement builds upon the convention and for the first time brings all nations into a common cause to undertake ambitious efforts to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate change.

³² (May 5, 2021), https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-a&chapter=27&clang=_en

³³ (May 5, 2021), <https://www.ucsusa.org/resources/each-country-s-share-co2-emissions>

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping the global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C.

Convention on Biodiversity (CBD)

The treaty on biodiversity has three goals: the conservation and sustainable use of biological diversity and fair sharing of products made from gene stocks. To advance these goals, the signatories must develop plans for protecting habitat and species; provide funds and technology to help developing countries provide protection; ensure commercial access to biological resources for development and share revenues fairly among source countries and developers; and accept safety regulations and accept liability for risks associated with biotechnology development. The CBD functions through three instruments namely the Nagoya Protocol, the Cartagena Protocol and the Aichi Targets.

Efficacy of compliance of agreements and soft laws reached at the Rio Earth Summit 1992

The Earth Summit has helped narrow-not close the gap between the concepts of environment and development and has led to the empowerment of non-state actors (individuals, NGOs etc.). Likewise, few attempts to arrive at consensus on issues like Convention to Combat Desertification and UN Conference on High-sea Fisheries etc. were in tune with the principles of the Earth Summit.

These developments are prima facie evidence of the fact that the mandate of the Rio Conference is being carried forward. However, at the same time there are data that substantiated that climate change

“convention held in 1995 brought no substantial progress neither on strengthening commitments under the Climate Change Convention nor on the operations of the convention's financial mechanisms, criteria for joint implementation³⁴” or the capping of greenhouse gases. The first session on the UN Conference on Straddling Stocks and Highly Migratory Fish Stocks in 1993 produced, “more polarization than consensus on the tough issues”.³⁵ Likewise, no consensus could arrive on the forest principles to make them binding. “Serious problems arose on compliance of the UNCED commitments into

³⁴ Gunther Handl, “Controlling Implementation of and Compliance with international Environmental Commitments: The Rocky Road from Rio”, 5Colo.J. INT'L Env'tl&Pol'y 305 (1994).

³⁵ *Id.* at 307.

corresponding domestic policy and adoption of the regulatory measures. Follow up to the Agenda 21 was also described in the meeting on CSD in 1993 as ‘depressingly low’.³⁶

Another area of disappointment is the unwillingness of developed countries to support developing countries with financial resources and technology to start such activities that reduce carbon emissions and lead to carbon sequestrations.

Many developed countries have even reduced their mandated foreign aid target of 0.7% of GDP. Only countries as Norway, Denmark, Holland and Sweden exceeded this target arrived at the Rio Summit. Countries like USA & Japan, which were at the top in foreign aid, now figure at the bottom of the list of donating countries.

Monitoring and enforcement of the UNCED commitments have always figured in later UN summits like the Johannesburg Meet etc. However, not much has been done to ensure their compliance. Many countries with their unique civic traditions are not well poised to facilitate any monitoring of international commitments. Therefore, robust mechanism and processes for concurrent monitoring of the commitments arrived at the Earth summit are conditions precedent for bringing improvement through legal reforms.

VII. Suggestions to improve environmental governance:

1. Necessity to enact a new age Forest Act:

The Indian Forest Act, 1927 was enacted in the colonial era to address wanton destruction forest so that sustained supply of timber to Britain may be ensured besides revenue generation. The National Forest policy 1988 revered the previous policy of 1952, which was based on using forest-land for commercial production of wood. This was a welcome change but it had no matching Forest Act. Therefore, most of the precepts of the forest policy 1988 remained on paper. The Forest Act should act as vehicle of forest policy because the role of a robust forest law in environmental governance can hardly be over emphasized. It is suggested to enact a new age forest act combing features of forest policy and forest law.

2. Need to correct the focus of the national environment policy, 2006

The national Environment policy 2006 has tried to incorporate global perspectives and principles on forest protection and management but its provisions on legal framework is little confusing.

“Accordingly, a judicious mix of civil and criminal processes and sanctions will be employed in the legal regime for enforcement, through a review of the existing legislation. Civil liability law, civil sanctions, and processes, would govern most situations of non-compliance. Criminal processes and sanctions would be available for serious, and potentially provable, infringements of environmental

³⁶*Id.* at 307.

law, and their initiation would be vested in responsible authorities. Recourse may also be had to the relevant provisions in the Indian Penal Code, and the Criminal Procedure Code”.³⁷

The text quoted from the policy 2006 needs to be revised as it lacks clarity with regard to using the terms criminal processes and Cr.P.C both. It is a common knowledge that criminal processes are undertaken in the courts under Criminal Procedure Code only. This is required as any confusion in environment policy will impact making of a new age forest act.

3. Need to Enact a Law on Climate Change:

India has joined most of the international treaties on climate change. It has also given an impressive NDC to UNFCCC. However, the responsibility to comply with climate obligation is required to be made mandatory by the businesses. Therefore, there is need to enact a law on climate change adaptation and mitigation on the lines of UK Climate Change Act, 2008.³⁸

4. Need for a special law to protect ecologically sensitive areas in the country:

The government of India has issued delegated legislation on protection of ecologically sensitive and vulnerable areas on case-to-case basis. However, in the interest of economic development these delegated legislations are diluted or bypassed. This also occurs sometimes due to bureaucratic collusion. Therefore, there is a need to bring a law to protect ecologically sensitive and fragile areas so as to protect India’s national heritage for future generations.

5. Need to converge goals of environmental laws with climate change mitigation and adaptation:

Strategy documents on planning stress importance on converging development with protection of the environment and climate change mitigation. However, efforts should be made to incorporate imperatives of environment protection and reduction in greenhouse gasses as part of every law connected in some way with the environment.

VIII. Conclusion

International institutions have drawn the attention of all the countries towards environmental concerns for the first time and the Stockholm Declaration on environment emerged as a Magna Carta on environment protection. These international initiatives and its continuation in the form of various treaties and conventions have started a new era of environmental governance all around the world. The major contribution of international

³⁷ National Environment Policy, 2006 p. 23 available at https://ibkp.dbtindia.gov.in/DBT_Content_Test/CMS/Guidelines/20190411103521431_National%20Environment%20Policy,%202006.pdf

³⁸ https://www.legislation.gov.uk/ukpga/2008/27/pdfs/ukpga_20080027_en.pdf

initiatives is an understanding and acknowledgement of the fact that all, with common goals and reasonability, ought to protect this planet.

However, economic divide between developed and developing countries have resulted into international environmental politics, leading to non-compliance of international norms on the environment by developed and developing countries for their own reasons. Therefore, international initiatives to protect environment although good in principles but to some extent failed to ensure compliance on the principle of common but differentiated responsibility.

India has always shown respect and commitment towards international treaties and conventions on the environment. However, India being a developing country was always at a disadvantageous position considering the global environmental politics. In addition to this, weak implementation mechanisms have always come in the way of achieving environmental goals by India despite having environmental care in its constitution and plenty of legislations and policies on environment. Therefore, in order to strengthen environmental governance, reformative measures are required at both the levels.