

International Law, Sustainable Development & Agenda 2030

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Abstract

The Constitution of India, which stands to be the supreme law of the land, contains various provisions relating to protection of environment. However, the said provisions which were in form of directives and thus remained dormant for next few decades after independence. It was only after the international community started to take environmental protection as a mode of survival and accelerated contribution of various stake holders; the Indian legislators took the issue of Environmental protection seriously and enacted various environment protection laws. Some unfortunate events in India, like the Bhopal Gas Tragedy, also contributed towards speedy enactment of environmental legislations. Though the Indian legislators enacted subject specific legislation like the Water Act, 1974 and the Air Act, 1981, the need umbrella legislation was always felt. Finally, the Environmental Protection Act, 1986 took almost all the environmental legislations under its wings. The Central Government, along with Central Pollution Control Boards (CPCB's) and State Pollution Control Boards (SPCB's) started to play an active role in environmental protection and sustainable development. The focus of this article is to evaluate the role of international law, conventions and associations in relation to environmental protection, sustainable development and future goals. The research for this paper is based on primary as well as secondary data. The source of data includes published literature, questionnaires, interviews, judicial precedents, statutes in force and official data bases. The primary emphasis is on the studying the role of international conventions and summits. The inferences drawn are then critically evaluated in the light of our regulatory system. The product gives us an idea to create a balance between environment protection and development in compliance with international standards. The study reveals that the Indian legal system is promptly adopting international legislations relating to environment and enacting suitable laws thereto. However, the problems of effective implementation of national laws prevail and needs to be looked into.

Introduction:

The constitution of India has developed and advanced with the passage of time. In India, the status of environmental law has been shifted from the directory constitutional provisions to the status of fundamental rights. it is now a right to live with human dignity in pollution free environment. The introductory part of our constitution accommodates a socialist society which advances environmental issues. The fundamental duties again unmistakably force obligation on all citizens to uplift environment. The Directive principles are designed to build India as a welfare state. Protection of health and wealth of its subjects is one of the basic components of a government assisted welfare state. Article 47 states that the State work towards raising of the level of nourishment and the standard of living of its

subjects and the improvement of general wellbeing which incorporates the security and improvement of environment as a piece of its essential obligations.¹ Article 48-A of the constitution expresses that the state will attempt to ensure and improve environment and to shield the forest and wild life of the nation.² Part III assures fundamental rights which are basic for the development of a person. A person cannot carry on business activity, on the off chance that it is risky to the general public. Therefore, it becomes important to create a balance between environment protection and economic growth as a nation requires both for its continued existence.

Environmental Pollution - A Global Concern

Multiple causation theorists opine that there are various factors causing environmental degradation globally. Populace explosion increases the demand for natural resources with accelerated debasement on common assets. A research shows that almost 50% of the world's tropical backwoods has been utilized for human consumption. In the next few decades there might be little of these woods left. A huge number of hectares of prairies have been overgrazed, particularly in Africa and the Middle East. Now they look nothing less than deserts. Approximately 25% to 50% of the world's wet lands have been depleted, encroached, or genuinely contaminated. An expected 36,500 types of plants and creatures become extinct every year, due to various human exercises. Today, in excess of 10 million individuals worldwide have lost their homes and land due to ecological degradation. About 8.1 million square kilometers of once fertile land (agriculture land, woods, green land) have become within a short span of few centuries. Every year nearly 61,000 square kilometers of new desert are coming into existence. Fertile soil is flushed away, due to heavy rainfall, quicker than it is formed on about 35% of the world's Crop land. Yield profitability on 33% of the world's watered harvest land has been diminished by salt develop and excess use of fertilizers and pesticides in top soil. The majority of the squanders we dump into the air, water, and land ends up in the seas. Oil spills, drifting plastic flotsam and junk, dirtied beaches and sea shores and abnormal mutation in fishes and other aquatics are obvious signs that we are utilizing the seas as the world's biggest dumping ground.³

International Law and Environment

International law, also referred as public international law and law of nations, is the set of rules, norms, and standards generally accepted in relations between nations.⁴ International law thus provides a means for states to practice more stable, consistent, and organized international relations.⁵ The collaboration between a national enactments and

¹Article 47 of the Constitution of India.

²Article 48-A of the Constitution of India.

³Dr. S.R. Myneni, International Environmental Law, New Era Publication, Ed. 2020.

⁴The term was first used by Jeremy Bentham in his "Introduction to the Principles of Morals and Legislation" in 1780. See Bentham, Jeremy (1789), An Introduction to the Principles of Morals and Legislation, London: T. Payne, p. 6, retrieved 2012-12-05; "International law". Encyclopedia Britannica. Retrieved 2019-04-26; "international law". Houghton Mifflin Company. Retrieved 13 September 2011.

⁵Slomanson, William (2011). Fundamental Perspectives on International Law. Boston, USA: Wadsworth. pp. 4–5.

international law is perplexing and capricious. National law may become international law when agreements permit both the parties to refer the dispute, if any, to some international authority like International Court of Justice⁶ (ICJ). Arrangements, for example, the Geneva Conventions⁷ may require national law to fit in with bargain arrangements. National laws or constitutions may likewise accommodate the execution or incorporation of global legitimate commitments into local law.

International environmental law is the law that envelop the whole scope of international law, public and private, applicable to natural issues globally. It is one category of International law and some different, independent self-contained discipline. This, natural law is nothing more, or less, than the tender of international law to ecological issues.

International law tends to regulate and control environmental issues at multiple levels like transboundary issues of air or water contamination, or protection of migrating creatures are most recent applications of international environmental laws. As a rule, these issues are territorial in nature, and are controlled by local governances and mutual agreements especially in nations existing on the basis of agreements like USA and Europe or agreements on provincial seas, for example, the Brahmaputra, Chenab, Jhelum and Sutlej. Some ecological issues, for instance, environmental change or depletion of ozone layer, are intrinsically worldwide in character, and influence all states, not equally, however in any event to the degree that effects are worldwide for which control measures are required. Progressively, international law is additionally tending to national or local ecological issues, directly or indirectly i.e. through international human rights law, preservation of bio diversity, safeguarding of heritage sites and promotion of supportable. There is along these lines no single sense wherein a natural issue can be depicted as 'global', it could be local territorial, transboundary, or a mix of all or any of these.

Sustainable Development:

‘Development that meets the needs of the present without compromising the ability of future generations to meet their own needs’⁸

While the advanced idea of sustainable development is begotten, for the most part, from the 1987 Brundtland Report⁹, it is quite old and dates back to 20th centuries sustainable forest management and other environmental issues. As the idea developed, it moved its concentrate more towards the economic development and environment protection in the interest of future generation. It is proposed that the term ‘sustainable development’ ought to

⁶The International Court of Justice (The Hague, Netherlands) is one of the six principal organs of the United Nations. It settles disputes between states and gives advisory opinions on international legal issues referred to it by the UN. Its opinions and rulings serve as sources of international law; <https://www.icj-cij.org/en> (last visited on 22/05/2020)

⁷The Geneva Conventions comprise four treaties, and three additional protocols, that establish the standards of international law for humanitarian treatment in war; <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions> (last visited on 22/05/2020)

⁸ United Nations General Assembly, 1987, p. 43

⁹Formerly known as the World Commission on Environment and Development (WCED), the mission of the Brundtland Commission is to unite countries to pursue sustainable development together.

be seen as mankind's objective of human-nature equilibrium, while 'sustainable development' alludes to encompassing methodology and planned procedures that lead us to the end purpose of sustainability. Modern day commercial activities are attempting to accommodate economic development along with safeguarding the environments, as the two are generally observed as of clashing nature. Rather than holding awareness about environmental change and other sustainable efforts as a solution for financial development, transforming and utilizing them into new commercial openings will do more prominent good. The monetary improvement brought by such calculated standards and practices in an economy is termed as Managed Sustainable Development (MSD). Sustainable development can be achieved by planning and implementing rules for meeting human futuristic objectives while at the same time designing the regulatory frameworks conserve natural resources and eco-management on which the economy and society depend. Economic improvement can be characterized as advancement that addresses the issues of the present without bargaining the capacity of people in the future to address their own needs and desires.

In the use of this meaning of sustainable development, one issue arises i.e. substitutability of capital. There are a few sorts of capital: social, common, and man-made. The meaning of feeble sustainable development clarifies that only cumulative type of capital is important e.g. man-made, or produce capital is acceptable type of natural capital. The most prominent products which demand sustainability are the ones which cannot be replaced by man-made manufactured capital like- petroleum. Most ecologists and environmentalists are advocates of the stronger sustainability definition.¹⁰ Contained within the common definition of sustainable development, intergenerational equity recognizes the long-term scale of sustainability in order to address the needs of future generations.¹¹

The concept of sustainable development not only gave birth to new knowledge of governance and balance, it also introduced some important doctrine at the later stage. The 'polluter pays principle' states that "governments should require polluting entities to bear the costs of their pollution rather than impose those costs on others or on the environment".¹² The 'precautionary principle' establishes that "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 measure to prevent environmental degradation".¹³ The key principle of sustainable development underlying all others is the integration of environmental, social, and economic concerns into all aspects of decision making.¹⁴

THE SUSTAINABLE DEVELOPMENT GOALS (SDG's): AGENDA 2030

¹⁰Stoddart, 2011; Brief for GSDR 2015, The Concept of Sustainable Development: Definition and Defining Principles, Rachel Emas, Florida International University

¹¹Dernbach J. C., 1998; Stoddart, 2011, Case Western Reserve Law Review, 1-103

¹² Dernbach J. C., 1998, p. 58. Sustainable development as a framework for national governance. Case Western Reserve Law Review, 1-103.

¹³ United Nations Conference on the Human Environment, 1992. Rio Declaration on Environment and Development. Rio de Janeiro, Brazil: United Nations.

¹⁴Dernbach J. C., 2003; Stoddart, 2011. Achieving sustainable development: The Centrality and multiple facets of integrated decision making. Indiana Journal of Global Legal Studies, 247-285.

The Sustainable Development Goals (SDGs) are a universal agenda which were recognized by nations in 2015. The nations came together with a dream of poverty eradication, protection of natural resources and providing every individual an opportunity to prosper. The 17 SDGs and 169 targets are part of what is known as the 2030 Agenda, which recognizes "that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development."¹⁵ The participating countries solemnly resolved to adopt the agenda and to take necessary steps, both primary (urgent) and secondary, to achieve the goals of sustainability. As the nation's move forward on this voyage, they promise that nobody will be left behind.

This Agenda is a strategy for public, planet and human advancement. It likewise tries to reinforce all-inclusive harmony in the world. The nations unitedly agreed that they perceive defeating poverty in its entirety, including outrageous hardship is big challenge worldwide and an essential prerequisite for reasonable turn of events. All nations and all partners, acting in community-oriented partnership, agree to execute this agenda. They are set out to liberate humankind from the oppression of poverty and need and to mend and secure our planet. They resolved to make the strong and transformative steps which are earnestly expected to move the world on a more practical and eco-friendly way. As the union set out on this aggregate excursion, they promise that nobody will be abandoned. The 17 Sustainable Development Goals and 169 targets that they announced showed the scale and aspiration of this new Agenda. They try to understand the human privileges of all and to accomplish gender equality. They are coordinated and unified and balance the three elements of Sustainable development: the economic, social and ecological. The objectives and targets are all inclusive, which means they apply to all nations around the globe, not simply poor nations. Arriving at the objectives requires activity on all fronts – governments, organizations, common society and individuals wherever all have a task to carry out.

The 17 Sustainable Development Goals are:

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| ~ No Poverty | ~ Quality Education |
| ~ Zero Hunger | ~ Reducing Inequality |
| ~ Good Health and Well-being | ~ Partnerships for the Goals |
| ~ Industry, Innovation, and Infrastructure | ~ Responsible Consumption and Production |
| ~ Gender Equality | ~ Climate Action |
| ~ Clean Water and Sanitation | ~ Life Below Water |
| ~ Affordable and Clean Energy | ~ Life on Land |
| ~ Decent Work and Economic Growth | ~ Peace, Justice, and Strong Institutions |
| ~ Sustainable Cities and Communities | |

The goals have a wider scope and are interdisciplinary. These 17 goals accompany a set of targets to be achieved and checks to measure the progress. With an end goal to make the SDGs fruitful, information on the 17 objectives has been made accessible to public at large in a user-friendly manner. A large number of tools and techniques are in place to track

¹⁵International Institute of Sustainable Development, Canada; <https://iisd.org/topic/sustainable-development-goals>

and analyze the progress of SDG's. Each target has somewhere in the range of 1 and 3 markers used to quantify progress toward arriving at the objectives. There are 232 official pointers in place to monitor compliance.¹⁶ The United Nations Development Program has been asked to provide easy to understand lists of targets, facts and figures for each of the 17 SDGs.¹⁷

Though the adaptation and implementation of SDG is a challenging, it is achievable. In order to achieve these goals, three sectors i.e. monetary, politics and environmental sector, need to work together. This requires the advancement of transdisciplinary research about across various segments, which can be troublesome, especially when significant governments neglect to do so. As per the UN, the objective is to reach out the general public at large. The goals need to be advertised with an expectation that the target audience adopt righteous attitude towards economy and environment. However, numerical and non-numerical information or data must address every vulnerable groups, for example, youngsters, older people, people with disabilities, exiles, indigenous people groups, transients, and inside uprooted persons. However, numerical and non-numerical data or information must address all vulnerable groups such as children, elderly folks, persons with disabilities, refugees, indigenous peoples, migrants, and internally-displaced persons.¹⁸

Conclusion:

The SDGs have been disparaged for defining conflicting and unrealistic goals and for attempting to do everything at once, rather than concentrating on the most pressing or primary needs. The SDGs were a result from an UN meeting that was not censured by any major non-legislative association (NGO). Rather, the SDGs got expansive help from numerous NGOs.

Ecological requirements and planetary limits are underrepresented inside the SDGs. For example, the paper "Making the Sustainable Development Goals Consistent with Sustainability"¹⁹ brings up that the way the current SDGs are organized prompts a negative connection between ecological sustainability and SDGs. This implies that ecological sustainability side of the SDGs is underrepresented, the asset security for all, especially for lower-salary populaces, is put in danger. This isn't an analysis of the SDGs in essence, however an acknowledgment that their ecological conditions are still weak.²⁰ A commentary in The Economist in 2015 argued that 169 targets for the SDGs is too many, describing them

¹⁶Technical report by the Bureau of the United Nations Statistical Commission (UNSC) on the process of the development of an indicator framework for the goals and targets of the post-2015 development agenda – working draft" (PDF). March 2015. Retrieved 1 May 2015.

¹⁷United Nations General Assembly Draft outcome document of the United Nations summit for the adoption of the post-2015 development agenda". UN. Retrieved 25 September 2015.

¹⁸Leaving no one behind — SDG Indicators". unstats.un.org. Retrieved 4 February 2019.

¹⁹Wackernagel, Mathis; Hanscom, Laurel; Lin, David (2017). "Making the Sustainable Development Goals Consistent with Sustainability". *Frontiers in Energy Research*. 5. doi:10.3389/fenrg.2017.00018. ISSN 2296-598X

²⁰Hickel, Jason (15 April 2019). "The contradiction of the sustainable development goals: Growth versus ecology on a finite planet". *Sustainable Development*. Wiley. doi:10.1002/sd.1947. ISSN 0968-0802

as "sprawling, misconceived" and "a mess".²¹ The objectives are said to ignore municipal settings. About all partners involved with upliftment of SDGs concurred that the high number of 17 objectives was advocated in light of the fact that the plan they address is comprehensive.

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