

CHAPTER – VI

INTERNATIONAL ORGANIZATIONS FOR ENVIRONMENTAL PROTECTION OF THE SUB-HIMALAYAN WEST BENGAL

6.1. INTRODUCTION :

Environmental Protection is not only the local and the national agenda but it is the global agenda also. The United Nations Organization (UNO) is the principal international organization which lays out the international environmental rules and regulations. The different international conferences have been convened by the UNO for the global environmental protection. In addition, other international organizations also engage to protect the global environmental protection.

The Stockholm Conference (1972) has initiated the ecological issues as global agenda in the society all over the world. The United Nations Organization (UNO) is initiating the environmental protection campaign among different governments and towards the civil society of the world. The Stockholm Conference "adopted a set of principles for the ecologically sound management."¹ This conference initiates the ecological issues as one of the global agenda and "saw the beginning of a dialogue between industrialized and developing countries concerning the link between economic growth, pollution of the global commons (air, water, oceans) and the well-being of peoples throughout the world"².

The Rio-Earth Summit (1992) is another mile-stone to protect the environment all over the globe. This Summit "reflects two major concerns that have emerged in the twenty years between these meetings, the deterioration of the environment and its ability to sustain life, and depending awareness that long-term economic progress and the need for environmental protection must be seen as mutually interdependent."³ Environment should be protected for the betterment of the human society. In the twenty-first century, environmental protection is a global concern. As the environmental issue is a global concern, the international organizations including the UN initiate the new agenda to protect the global environment along with the sovereigns and other non-governmental bodies around the world including the Sub-Himalayan West Bengal. For this reason, the Parliament

of India can enact any law for the whole or any part of India for fulfillment of the implementation of international treaties, agreements and conventions as per Article 253 of the Constitution of India.

6.2. ROLE OF INTERNATIONAL ORGANIZATIONS FOR ENVIRONMENTAL PROTECTION OF THE SUB-HIMALAYAN WEST BENGAL

Environmental Pollution is a global problem in the twenty-first century. Rapid urbanization, industrialization, population explosion are increasing environmental problems all over the globe. Indiscriminate deforestation, massive pressure on forest land affects the wildlife. The Himalaya is the 'abode of all flora and fauna'. This is the precious bio-diversity hotspots among the rests of the world. The Sub-Himalayan West Bengal has its unique attributes in ecology and culture. As for example, the Buxa Tiger Reserve (BTR) is situated in the Sub-Himalayan West Bengal. The BTR has an important significance due to Royal Bengal Tiger. The northern side of the BTR extends towards the forest of Bhutan. So animals of the BTR move towards Bhutan and from Bhutan towards the BTR. For the better management and welfare of the wildlife of Sub-Himalayan West Bengal, bilateral initiatives on ecology should be taken by the Government of India and the Royal Government of Bhutan. A Joint Working Group should be constituted incorporating the ecologists, sociologists, policy-makers, scientists, lawyers and diplomats from both sides for the environmental protection.

The United Nations (UN) is the most important world body to protect the environment and for improvement of the human beings all over the globe. This apex world body initiates its functions through itself or its different organs like UNEP, UNDP, UNESCO and co-operate with the sovereigns for the restoration of the ecological balance.

The United Nations' Charter makes the following declarations :

“1(3) To achieve international co-operation involving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human

rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and

- (4) To be a center for harmonizing the actions of nations in the attainment of the common ends.”⁴

Article 1(3) and (4) of the UN Charter.

The UN initiates the agenda of environmental issues because environmental problems are the socio-economic issues all over the globe. Environment is interrelated with the human habitat. So environmental protection is a pre-requisite condition to the habitat development around the world. The United Nations General Assembly (UNGA) initiates the issues related to ecological matters among the member states and promotes the global co-operation among them. The UNGA recommends for the aim of ‘promoting international co-operation in the economic, social, cultural, educational and health fields and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion’. (Article 13(1)(b) of the UN Charter)

The United Nations Economic and Social Council (ECOSOC) is a forum for policy formulation and implementation of socio-economic issues all over the world. Environmental issues are the most remarkable socio-economic global agenda. So ECOSOC accesses the issues related to the ecological matters. Article 62(1) of the UN Charter declares that ‘the Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and may make recommendation with respect to any such matters to the General Assembly to the members of the United Nations and to the specialized agencies concerned.’

Environmental Right is one of the human rights all over the world. Right to Clean Environment incorporates ecology and environment in the list of Economic, Social and Cultural Rights. This right is recognized as ‘Right to Social Security’ (Article 22)^{4a} and ‘Right to a standard of living adequate for the health of oneself and of own family’ (Article 25)^{4b} of the Universal Declaration of Human Rights (1948).

Environmental Right as a fundamental right is recognized in the Constitution of India, 1950. In the Constitution of India, Article 21 declares that-

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”⁵

Environmental Right means right to access to clean environment. The author is of the view that there is an intimate relationship between clean environment and human right in our social life. “Clean environment is essential for healthy life. It is the pre-requisite to human society. Right is a weapon to access environmental information. It is recognized by the civil society. Right to Clean Environment as a human right is incorporated as a birth right of the individual.”⁶

Environmental Right as a human right is recognized by the Supreme Court of India in the Subhash Kumar Vs. State of Bihar, 1991 Case.

“The Right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full-enjoyment of life.”⁷

Environmental Right is incorporated as a social right having been recognized by the UN Charter. The UN is the apex global body to make the policy-formulation for the whole world.

Under the aegis of the UN, a conference named the United Nations Conference on the Human Environment was organized in Stockholm in 1972. The Conference adopted a set of principles to protect the environment around the world. This set of principles is known as the “Stockholm Declaration”. This Declaration is the harbinger of the global environmental protection under the stewardship of the United Nations. This Conference has stepped to establish the United Nations Environment Programme (1972) for holistic approach to enhance the environmental protection all over the globe. In the ‘Foreword’ to ‘Education for Environment Planning and Conservation’, Prof. M.S. Swaminathan wrote the following –

“The United Nations Conference on the Human Environment held at Stockholm in 1972 helped to focus world attention on the dangers to

human survival and quality of life posed by the continuous degradation of basic ecological assets. It is now widely realized that ecological security is the only foundation on which enduring national and global food security systems can be built. In spite of this awareness man-made causes are accelerating and spreading eco-catastrophes.”⁸

After the Stockholm Conference (1972), the United Nations Conference on Environment and Development (UNCED) known as the Earth Summit was held at Rio de Janeiro, Brazil in 1992. The Earth Summit declared a set of principles, known as ‘Rio Declaration’ to set up ‘a new and equitable global partnership through the creation of new levels of co-operation among the states, key sectors of societies and people.’⁹

The Earth Summit has initiated a policy of sustainable development and Agenda 21 is incorporated to promote eco-friendly development. The Rio Declaration envisions the following–

“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.”¹⁰

In 2002 Johannesburg Conference was held to review the Rio Declaration. Johannesburg Declaration was adopted to protect the ecology and for sustainable development in the needs of the new millennium.

In 2007 the United Nations Climate Change Conference was held in Bali, Indonesia. This Conference is known as the United Nations Framework Convention on Climate Change. This Convention negotiates ‘a new international climate change agreement.’¹¹

The above different conferences and conventions are the most significant events to protect the ecology and for sustainable development under the aegis of the United Nations.

The United Nations Environment Programme (UNEP), 1972, Nairobi (Kenya) is established 'to protect and conserve the natural environment and to prevent air pollution, soil degradation, desertification etc. It is also developing a Global Environment Monitoring System.' The UNEP works to protect the Himalayan ecology along with the remaining parts of the globe. This body organizes conferences and conventions to protect the Himalaya and develop the mountain ecology along with other segments of the environment. This body negotiates to the sovereigns and other organizations for environmental protection. The Himalaya is in the South Asian region constituting Pakistan, India, Nepal, Bhutan, Tibet (China) and Myanmar. So the UNEP initiates the negotiation with the South Asian Nations to protect the South Asian environment and ecology. "A Joint ELI/PAC-ROAD-South Asian Co-operative Environment Programme (SACEP) – Jawaharlal Nehru University (JNU) Workshop focusing on the efficiency of the existing national environmental legislation and institutional frameworks in countries in the South Pacific region to meet the new challenges of sustainable development"¹² was held at JNU, New Delhi on 11 to 15 December, 1995.

The UNEP initiates the policy towards environmental protection and sustainable development. The body is the principal nodal body to formulate the international legal framework. It co-operates with the nations for policy making and programme implementation towards saving the ecology. The UNEP also co-operates with the UNDP initiating the developmental efforts towards the Himalaya including the Sub-Himalayan West Bengal.

The International Union for Conservation of Nature and Natural Resources (IUCN) is one of the international organizations to devote towards wildlife conservation all over the globe. The IUCN prepared the Red Data Book for endangered, threatened and extinct species of wildlife of the world. This body declares the places of natural importance as the 'Natural Heritage Site' along with the UNESCO. The IUCN takes an initiative to enhance the wildlife conservation efforts in the Sub-Himalayan West Bengal.

The WWF–International was created in 1961 by His Royal Highness Prince Bernhard of the Netherlands. The WWF devotes to conserve and protect the natural

world. The WWF–International functions through its India Office in New Delhi named WWF-India. In the Sub-Himalayan West Bengal WWF-India initiates its functions by the West Bengal chapter of the body. The WWF devotes towards wildlife conservation. So, it co-ordinates with the Government of West Bengal for technical exchange, policy making, programme implementation and ecological management. A workshop was organized jointly by the West Bengal Pollution Control Board and the WWF in 2004. The workshop is 'on nature for school teachers'¹³ about the importance of medicinal plants and their conservation.

The WWF takes the programmes for social development and sustainable livelihood in the Sikkim and Darjeeling Himalayas. These programmes usher a new beam of rays of holistic development in the Eastern Himalayan Region.

The Intemation Centre for Mountain Development (ICIMOD) is created in Kathmandu of Nepal to enhance the efforts of sustainable development in the Himalayas along with the Sub-Himalayan Region. The main functions of the ICIMOD are given herein.

- a) Conservation of the mountain ecology.
- b) Sustainable mountain development.
- c) Proverty alleviation and sustainable livelihood.
- d) Co-operation with the nations of the Himalayan Region.

In the Sub-Himalayan West Bengal the ICIMOD is taking a new initiative to all round development of the region along with Darjeeling and Sikkim Himalayas. The ICIMOD takes the programme relating to sustainable development in Darjeeling and Sikkim region. The ICIMOD should take special care to the developmental efforts in the entire Sub-Himalayan West Bengal along with Kumargramduar Block of the Buxa Tiger Reserve (BTR).

6.3. CONCLUSION

To conclude, the author studies the role of the international organizations in the Sub-Himalayan West Bengal along with Kumargramduar Block of the Buxa

Tiger Reserve (BTR). The BTR is one of the Tiger Reserves in India. It is famous for the Royal Bengal Tiger.

Tiger is one of the secondary consumers of the forest ecosystem. The habitat of tiger is dependent upon the different components of the ecosystem. The existence of tiger population is safe and protected if the primary consumers like deer, frog are not to be in danger. The following shows the above relationship :

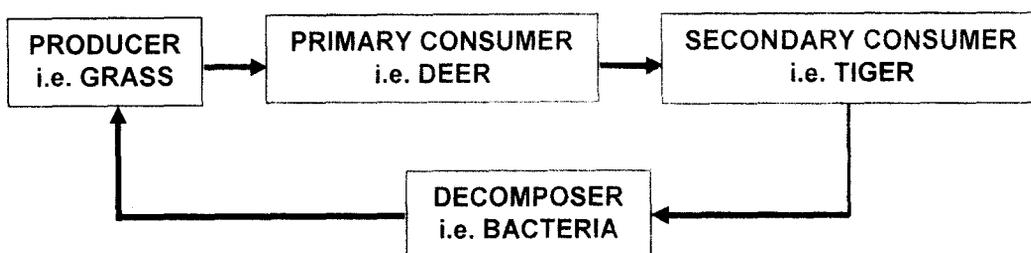


Diagram-12 : Food-web in the Forest Eco-System of Buxa Tiger Reserve

This food-web is the pre-condition for the existence of the human population.

Sub-Himalayan West Bengal is a region having a strategic importance. This region connects the North Eastern Region with the remaining parts of India. This is the most remarkable area in geo-politics of the Himalayas. Important historical dooars are situated in this region which could be termed as the 'Gateway of Bhutan' After the partition on 15th August, 1947 this area is pressured by the massive population from the then East Pakistan (now Bangladesh) as refugees. During the Bangladesh Liberation War in 1971, population pressure was also in full swing. So the population pressure falls on the ecology of the region. This lush green region is severely affected. Most of the people depend on agriculture. So the pressure on land is tremendous now-a-days. Forest is affected as evident from the Buxa Tiger Reserve (BTR) on the east to the Mahananda Wildlife Sanctuary on the west. Wildlife is hampered. Man-animal conflicts are happening frequently in this region. Wild animals come frequently to the buffer area of the BTR. Other wildlife sanctuaries of the entire Sub-Himalayan West Bengal also have the same scenario. So man-animal conflicts inhibit the sustainable development of the region. As a result loss of biodiversity affects the ecology of the Sub-Himalayan West Bengal.

The international organizations are working a formulate the policy, programme implementation and transfer of technology to the sovereigns of the

Himalayan Region. In the Sub-Himalayan West Bengal, the UN and its organs along with IUCN, WWF, ICIMOD are initiating different programmes to protect the environment and for sustainable development. These international organizations are functioning with the Ministry of Environment and Forests, Government of India to protect India's ecology along with the Sub-Himalayan West Bengal. The State Departments of Environment and Forest also work with these international organizations through the authorization of the Ministry of External Affairs, Government of India. These international organizations help to enforce the national environmental laws to protect the environment of the Sub-Himalayan West Bengal along with the technical co-operation for the environmental policy-making and programme implementation in the entire region.

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- ¹ Sinha, P.C. : Encyclopaedia of Environmental Guideline, Policies and Action Plans, Vol. 7, Anmol Publications Pvt. Ltd. New Delhi, 2005, Page- 1.
- ² Ibid, Page- 1
- ³ Ibid, Page- 1
- ⁴ UN Charter- Article 1(3) and (4)
- ^{4a} Agarwal, Dr. H.O.- International Law and Human Rights, 13th Edition, 2006, Page 733, Central Law Publications, Allahabad.
- ^{4b} Ibid
- ⁵ Pandey, Dr. J.N. Constitutional Law of India, 44th Edition, 2007, Page 224, Central Law Agency Allahabad.
- ⁶ Basak, Pabitra Unpublished UGC National Seminar Paper 'Right to Clean Environment in the Sub-Himalayan West Bengal - Issues and Challenges', 2008, organized at Shaheed Kshudiram Mahavidyalaya, Kamakhyaguri, Jalpaiguri.
- ⁷ A.I.R. 1991 S.C. 420
- ⁸ Swaminathan, M.S. 'Foreword' to Dr. Desh Bandhu and Ramanathan, N.L. (eds.) – "Environmental Planning and Conservation", Page- V, Indian Environmental Society, New Delhi, 1982
- ⁹ Sinha, Dr. P.C. Encyclopaedia of Environmental Guidelines, Policies and Action Plans, Vol.-7, 2005, page-2, Anmol Publications Pvt. Ltd. New Delhi.
- ¹⁰ Ibid
- ¹¹ www.un.org/climatechange/
- ¹² Sinha, Dr. P.C. Encyclopaedia of Environmental Guidelines, Policies and Action Plans, Vol.-8, 2005, page-14, Anmol Publications Pvt. Ltd. New Delhi.
- ¹³ "Medicinal Plants" in WWF Journal 'Panda' Deceember, 2004, page- 17.