



## Biodiversity Conservation; Global Strategies And Legal Scenarios.

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### ABSTRACT

Biodiversity which encompasses the total quantity and variety of life on this earth which is facing unprecedented threats from human activities, including habitat destruction, overexploitation, pollution, and climate change. To address these challenges and protect the planet's rich tapestry of life, a multifaceted approach combining legal frameworks and international instruments has emerged as a vital strategy. After considering and explores the role of legal mechanisms and international agreements in conserving biodiversity. Legal instruments at the national level empower governments to enact and enforce laws for the protection of species and ecosystems. They provide a framework for designating protected areas, regulating resource use, and holding violators accountable. These laws often intersect with international agreements. At the international level, the Convention on Biological Diversity (CBD) stands as a cornerstone treaty, fostering global cooperation in biodiversity preservation. The CBD sets forth objectives for conserving biodiversity, the sustainable use of its components. It establishes a platform for nations to negotiate, commit to targets, and share best practices.

Conclusively, conserving biodiversity is a global imperative, legal and international instruments provide a foundation for coordinated action. They set standards, facilitate cooperation, and offer mechanisms for enforcement. As the world suffering enhancing biodiversity loss, the synergy between legal frameworks and international cooperation remains pivotal in preserving the wonders of life on Earth for future generations. According to the perception, the judiciary and international decision-making authorities play complementary roles in preserving biodiversity. While national courts enforce environmental laws and protect local ecosystems, international organizations provide a global framework for cooperation, and facilitate the exchange of resources to address biodiversity conservation on a broader scale.

**Keywords:** Environment, British era, Policies, International conventions, Legal framework

“Billions of dollars have been spent on the exploration of the moon. We know far more about the moon than we know about the biodiversity degradation. The moon will be there for longer than these natural environment and perhaps longer than the human race. In the environment, are found most complex interacting system on earth, systems which might even hold the key to our survival and about which we know practically nothing”

### Biodiversity Conservation; Global Strategies and Legal Scenarios:

Biodiversity conservation is a critical global issue due to the rapid loss of species and ecosystems around the world. To address this challenge, various strategies and legal frameworks have been developed at both the international and national levels. Here, I'll provide an overview of global strategies and legal scenarios related to biodiversity conservation.

### **Biodiversity Protection during the British Period**

Major environmental policy in the pre-colonial British period was the resource conservation or more specifically conservation of the forest and the wildlife. The first Forest Policy was declared by the British Government as a resolution on the 19th October 1884. The following are the crucial objectives of this policy statement:

1. General well-being promotion of the citizens;
2. Climate and physical sphere conservation throughout the country; and
3. Formulating policy to satisfy the need of the people.

**Moreover, the policy of categorizing the forest from functional perspective has resulted in following four specifications:**

1. By analyzing the climatic or physical features, the forest preservation was considered very much essential;
2. Commercial viability of forests due to the supply of the valuable timber;
3. Production of inferior sorts of timber in the minor forests; and
4. Pastures received the authenticity of the forests.

The enactment of the Forest Act of 1927 can be stated as the continuation of the Forest Policy of 1884. As a comprehensive one, this Act consist every part of the key provisions and Amendments of the previously Act, including those of duty on timber. Provincial legislatures were created by the British Parliament through “the Government of India Act, 1935” to include the issue of the forest in the provincial legislative list. Further to regulate forests within the framework of the 1927 Act several provinces made their own laws. Besides the forest resource management, the British Government also enacted numerous legislations to prioritize the sectors like water & air pollution, land use and wildlife. Among these legislations enacted by the British Government, the significant ones were “the Shore Nuisance (Bombay and Kolaba ) Act of 1853, Oriental Gas Company Act 1857, the Indian Penal Code 1860, the Indian Easement Act 1862, and the Indian Fisheries Act 1897”. Within these legislations, not only regulations were made, but also the punishments were given for violation of those norms. In order to check the Air Pollution, the British Government enacted two major acts of “the Bengal Smoke Nuisance Act of 1905, and the Bombay Smoke Nuisance Act of 1912”. Besides for wildlife protection the British Government enacted explicit statutes.

As a part of this initiative, the Madras Government instituted the first wildlife regulation in 1873, to protect the wild elephants. So, the legislations enacted for the preservation of bio-diversity included “The Elephants Preservation Act of 1879, The Wild Birds and Animals Protection Act 1912, and the Forest Act 1927”. On the basis of the above analyses, it can be stated that the British Government adopted the necessary legislative measures for the upkeep of the natural resources and stopover of pollution. According to reviewers, the environmental protection act legislated by the British was an epitome of environmental protection and they argued the aim of revenue earning could not only benefit the local community, but also motivate them spontaneously for the conservation of natural resources. Our Indian legal system with the assistance of its legislatures has silently contributed toward its environmental protection cause.

### **Conservation of Biological Diversity in the Post-Independence Era**

Indian Constitution and Environment Protection It was assumed that while drafting the Indian Constitution, the framers did not foresee the cancerous characters of the environmental degradation. Hence the word environment not only remained unspoken in the Indian constitution, but also no specific provision was legislated to make a direct impact upon the environment. From its very inception, however, the Indian Constitution with its certain Articles and Entries in the Schedule made indirect arrangement for the improvement and safeguard of the environment. The preservation and improvement of the environment need some type of a viable plan of action, which was facilitated by the decisions taken in the Stockholm Conference, 1972 as it also provided the necessary impetus to all the nation states including India. However, in the subsequent years, by adding two specific Articles 48A & 51A (g) in the Indian Constitution on environment, India demonstrated its national commitment towards the improvement and conservation of environment by aligning their policy with the “Magna Carta of our environment” 10. By the 42nd Amendment Act of the Indian Constitution, the country had become first sovereign in the world to confer the constitutional status for its environmental protection policy.<sup>11</sup> And the environmental jurisprudence largely revolves around these two newly introduced Articles of the Indian Constitution.

The Forty Second Constitutional Amendment Act, 1976

By explicitly incorporating this amendment the movement for environmental protection and improvement has been gaining momentum since then. While including Art. 48A to the DPSP, Art. 51A (g), on the other hand, emphasized on a newer perspective of fundamental responsibility.

Article 48A declares: “The state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country”.

Article 51A (g) – According to this article “every Indian citizen is responsible to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures”.

Besides the difference in the language, the two articles majorly differ due to their form over their matters. The nation has accumulated a consensus in the environmental awareness movement which ultimately strengthens its legislations to support this cause.<sup>12</sup> Moreover, underlining the responsibilities of the state and the citizen related to ecological protection, the S.C. again emphasized in Art. 48A & Art. 51A (g) of the Indian Constitution in “Hinch Lal Tiwari v. Kamala Devi”. Apart from these, the amendments in the Seventh Schedule of the Indian Constitution also made certain changes: “Schedule Seventh: List III, Concurrent List Item No. 17A: Forest, 17B: Protection of wild animals and birds and 20A: Population Control and Family Planning”.

By transferring various entries from State List II to List III “Concurrent List” the Parliament is empowered to make legislation on the protection of flora and fauna, population control, family planning, and others. As such, it would facilitate necessary and relevant changes by developing a uniform law throughout the country.

### Legislative Powers under Constitution

Due to the significance of allocation of legislative authority, a threefold power distribution among the Union and the States was adopted by the Constitution from the Government of India Act, 1935, to regulate the various human activities with enactment of necessary provisions. In accordance with the laws, Part XI of the Indian Constitution facilitates not only the legislative governance, but also the administrative bond among the Union and the States. The distribution of the legislative areas between the Union and the States was sanctioned by the Art. 246 of the Constitution with note to the III Lists in the Seventh Schedule of the Constitution. On the basis of the themes itemized in List I “Union List”, the Article has described that Parliament can use their exclusive legislative power, on the inclusive 97 subjects for the entire country. On the other hand, the State Legislatures exclusively capacitated for the enactment of laws on List II (State List) matters, comprising the 66 subjects. Both parliament and the State Legislature, under List III “Concurrent List”, have been overlapping to share jurisdiction over 52 subject matters. However, all of the above mentioned three Lists also make the environmental legislative powers available in the relevant fields.

### Global Strategies for Biodiversity Conservation:

**A. Convention on Biological Diversity (CBD):** The CBD is the most significant international treaty dedicated to biodiversity conservation. It was adopted in 1992 during the Earth Summit in Rio de Janeiro and has been ratified by nearly all countries. The CBD sets out three primary objectives: conservation of biodiversity, sustainable use of its components, and equitable sharing of benefits arising from genetic resources.

**B. Aichi Biodiversity Targets:** In 2010, the CBD adopted a set of 20 Aichi Biodiversity Targets to be achieved by 2020. These targets aimed to address various aspects of biodiversity conservation, such as reducing habitat loss, preventing species extinctions, and promoting sustainable resource management. Although some progress was made, many targets were not met by the deadline.

**C. Post-2020 Global Biodiversity Framework:** Building on the Aichi Targets, negotiations have been ongoing to develop a new global framework for biodiversity conservation beyond 2020. The draft framework emphasizes the need for transformative change and includes ambitious goals, such as protecting 30% of the Earth's land and oceans by 2030.

**D. Protected Areas:** Establishing and effectively managing protected areas is a crucial strategy for conserving biodiversity. The World Database on Protected Areas (WDPA) tracks the status and extent of protected areas worldwide.

### Legal Scenarios for Biodiversity Conservation:

- I. **National Legislation:** Most countries have laws and regulations aimed at conserving biodiversity. These laws can cover a wide range of issues, including the protection of endangered species, the management of national parks and reserves, and the regulation of activities such as logging and fishing.
- II. **CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora):** CITES is an international treaty that regulates the international trade in endangered species. It aims to ensure that the trade in wild animals and plants does not threaten their survival. CITES lists species in three appendices, each with different levels of protection. The CITES Convention is worried about the protection of species instead of environment. Refers to attached informative supplements of the jeopardized creatures might be secured in this convention, and applies to both the creatures and plants.
- III. **Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization:** This supplementary agreement to the CBD addresses the issue of access to genetic resources and the fair sharing of benefits derived from their use. It seeks to ensure that countries providing genetic resources are compensated fairly. <sup>7</sup> The Nagoya Protocol, 2010 This Protocol towards “Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS)” to the CBD denotes as valuable assent. It gives a sincere lawful structure to the compelling execution of the

third objective of the CBD i.e. “the reasonable and fair sharing of benefits emerging out of the use of hereditary assets”. It was taken up on 29th October 2010 in Japan at Nagoya and became powerful 90 days after the fiftieth instrument of sanction. Its aspiration is the reasonable and impartial sharing of benefits up-and coming from the utilize of hereditary assets, in this manner including to the preservation and supportable consumption of biodiversity . The Nagoya Protocol is significant in light of the fact that it make more distinguished legally recognized confidence for the customers of hereditary assets by building up situation for access to hereditary assets; and assisting with undertaking benefit-sharing. By assisting with guaranteeing benefit sharing, it makes motivators to monitor and reasonably make use of hereditary assets, and subsequently improves the biodiversity to advancement and human prosperity . The primary arrangements of the Nagoya Protocol incorporates “a meaning of the goal, utilization of terms, extension and association with other global instruments of the Nagoya Protocol; elaboration on the standards and principle prerequisites on the reasonable and even handed sharing of benefits and access to hereditary assets and conventional information; a few potential systems for execution, including a multilateral benefit sharing component and an access and benefit-sharing clearinghouse; measures to advance compliance with legitimate and administrative necessities, just as with commonly concurred terms; and measures to advance apparatuses and mindfulness raising, limit building and move of innovation exercises on access and benefit sharing”

- IV. **Bilateral and Regional Agreements:** Some regions and countries have entered into bilateral or regional agreements to promote biodiversity conservation. For example, the European Union has the Birds and Habitats Directives to protect wildlife and habitats within its member states.
- V. **Indigenous and Local Community Rights:** Recognizing the rights of indigenous peoples and local communities to their traditional knowledge and resources is a critical legal aspect of biodiversity conservation. Many countries are enacting laws and policies to support these rights.

It's important to note that the effectiveness of these legal scenarios and global strategies depends on their implementation and enforcement. Biodiversity conservation requires not only international cooperation but also local and national commitment to protecting ecosystems and species.

Biodiversity conservation is a critical global issue that addresses the protection and sustainable management of the variety of life on Earth. Biodiversity includes the diversity of species, ecosystems, and genetic resources, and it plays a crucial role in maintaining ecological balance, supporting human well-being, and providing ecosystem services such as clean air and water, pollination, and climate regulation. To address the challenges of biodiversity loss, various global strategies and legal frameworks have been developed over the years.

**i. Convention on Biological Diversity (CBD):** The CBD is the primary international treaty dedicated to biodiversity conservation. Established in 1992 at the Earth Summit in Rio de Janeiro, it has three main objectives: conservation of biodiversity, sustainable use of its components, and the fair and equitable sharing of benefits arising from genetic resources. The CBD has given rise to several key initiatives, including the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits, and the Aichi Biodiversity Targets. The Convention recognized that considerable ventures are necessary to preserve the biological diversity so that the social advantages, monetary, and environmental could be accomplished. The convention expressed that extraordinary arrangements are necessary to address the issues as well as yearnings of the biological assets of various developing countries, involving the arrangement of a new and extra money related assets and proper access to important innovations for example biotechnologies. The Convention focused on the importance of preservation and manageable utilization of the biological diversity for gathering some of the few needs and requests of the growing human population and culture, for example, sustenance, wellbeing and different goals of the world populace for which the access to the sharing of both hereditary as well as other biological assets related innovations in this field, the Convention was a basic step which was required to fill the huge gap that was created by quickly decaying of the biological diversity. Participation in noted, will fortify a well-disposed relations among the participating nations and add to harmony of the entire humankind. The preservation along with reasonable utilization of the biological diversity is due to the basic need to serve present and who and what is to.

**ii. Aichi Biodiversity Targets:** Adopted under the CBD, the Aichi Targets were a set of 20 ambitious goals aimed at addressing biodiversity loss by 2020. While significant progress was made in some areas, not all targets were achieved. A post-2020 global biodiversity framework is currently under development to set new targets and goals.

**iii. Sustainable Development Goals (SDGs):** Biodiversity conservation is closely linked to several of the United Nations' SDGs, including Goal 14 (Life Below Water) and Goal 15 (Life on Land). These goals emphasize the importance of conserving and sustainably managing marine and terrestrial ecosystems.

**iv. Protected Areas:** Establishing and effectively managing protected areas is a crucial strategy for biodiversity conservation. The International Union for Conservation of Nature (IUCN) provides guidelines for protected area management and categorizes protected areas based on their conservation objectives.

**v. REDD+ (Reducing Emissions from Deforestation and Forest Degradation):** This UN program focuses on conserving forests as a means to mitigate climate change and protect biodiversity. It provides financial incentives for countries to reduce deforestation and promote sustainable forest management.

**vi. CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora):** CITES is an international agreement aimed at ensuring that international trade in wild animals and plants does not threaten their survival. It regulates the trade of species listed in its three appendices, with varying degrees of protection.

**vii. Regional Agreements:** Many regions have their own biodiversity conservation agreements and organizations, such as the European Union's Birds and Habitats Directives and the African Union's African Parks Network.

**viii. National Legislation:** Each country typically has its own legal framework for biodiversity conservation, which can include protected areas, wildlife protection laws, and regulations on the sustainable use of natural resources.

**ix. Indigenous and Local Community Involvement:** Engaging indigenous peoples and local communities in biodiversity conservation efforts is essential for achieving sustainable outcomes. Their traditional knowledge and practices can contribute significantly to conservation efforts.

**x. Research and Monitoring:** Scientific research and monitoring programs help track biodiversity trends, assess the impact of conservation efforts, and inform policy decisions.

Legal scenarios for biodiversity conservation vary from country to country, but international agreements like the CBD often influence national legislation. Some countries have strong environmental laws and regulatory frameworks, while others may have weak enforcement or limited resources for conservation. Efforts to combat biodiversity loss may involve strengthening legal protections, creating new regulations, or improving enforcement mechanisms.

In recent years, there has been a growing recognition of the need for more integrated and holistic approaches to biodiversity conservation that consider the interconnections between biodiversity, climate change, and sustainable development. Additionally, there is increasing emphasis on involving multiple stakeholders, including governments, civil society, indigenous peoples, and the private sector, in conservation efforts to address the complex challenges

### **Delhi Sustainable Development Summit**

The Delhi declaration held in the year 2002. This convention was considered as a land mark convention in the field of biodiversity conservation and another way to tackle environmental degradation. More than 170 nations visited the convention. The convention was additionally important for the accentuation that it offered to Russia, U.S.A. and other participating nations which confirm the policies prescribed to decrease Green House Gases (GHG) discharges in the Kyoto Protocol. One of the significant suggestions of the convention was to consider carefully with regard to what degree the methodologies, objectives as well as strategies settled in the Convention held in Johannesburg in the year 2002 was being the primary reason for Co-activity. The Delhi Declaration additionally noticed that the indications of environmental changes, including a worldwide temperature alteration, modification of precipitation are some of the few examples are a clear indication of the impending environmental shift, which could be permanent in nature. It was understood that practical advancement will be successful only if the impulses within the environmental changes are tended to. While many developed nations and the European Union at the convention demanded that the developing nations need to make efforts on their part to decrease the GHG (Green House Gas) Emissions within 2025. Currently the developing nations are driven by India who has constantly of biodiversity loss on a global scale.

strategy and Action Plan (NBSAP) adopted in 1999 by the Ministry of Environment and Forest, Government of India, is not enough cope with this gigantic problem. Therefore, more consolidated

### **STEPS TAKEN ADMINISTRATIVE AUTHORITY**

#### **A. National Biodiversity Strategy and Action Plan**

A comprehensive project with the financial support was launched for producing a series of planning documents relating to ecological security and livelihood of people, dependent on natural resources. The ultimate aim is to develop a national plan for conservation of biodiversity and its sustainable use. A consultative and participatory approach was adopted by all the executing agencies. A meeting of the Steering Committee under the Chairmanship of Secretary (E&F) was held on January 29, 2004 in which the submission of the draft NAP

report to the Ministry was recommended. This National Strategy and Action Plan is to be executed in the interest of protecting and conserving biological diversity in India.

### **B. Assistance to Botanical Gardens**

In 2002, the Botanic Garden of Indian Republic was established at Noida as part of the Botanical Survey of India to address the long felt need for a conservation-oriented botanic garden specifically meant for the threatened plants of the country. It had received full support from the Planning Commission and other relevant Ministries and Departments including the Department of Biotechnology, Ministry of Science and Technology, Finance Ministry, etc. Some steps have already been taken for the improvement and maintenance of that botanical garden. But a lot of works are still pending. Some Government botanical gardens have also been established. The conservation of rare and threatened animals has to be made and for this all sorts of technical and financial assistance are required to be provided to botanical gardens.

### **C. Forest Conservation**

With the object for conservation of forest, the Regional Offices of the Ministry have been established with the object to monitor and evaluate the ongoing forest projects and schemes on conservation of forests and follow up action on the implementation of conditions and safeguards laid down by the Ministry under the Forest Conservation Act, 1980 and Environment (Protection) Act, 1986. The Regional Chief Conservator of Forests are empowered to decide cases for diversion of forest land for non-forestry purposes upto the extent of 40 ha. except mining and regularization of encroachment. The Ministry has six Regional Offices located at Bangalore, Bhopal, Bhubaneswar, Lucknow, Shillong and Chandigarh with its headquarter in the Ministry at New Delhi.

## **ROLE OF JUDICIARY AND INTERNATIONAL MAKING AUTHORITIES IN PRESERVING BIO-DIVERSITY: -**

The judiciary and international governing bodies play crucial roles in preserving biodiversity by interpreting and enforcing environmental laws, regulations, and international agreements. Here's an overview of the roles these entities play:

### **I. Judiciary:**

**a. Interpretation and Enforcement of Environmental Laws:** The judiciary interprets and enforces national and regional environmental laws and regulations. Judges have the authority to hold individuals, corporations, and governments accountable for actions that harm biodiversity or violate conservation laws. The Forty-Second Amendment to the Indian Constitution in 1976 introduced principles of environmental protection in an explicit manner into the Constitution through Articles 48A and 51A(g). Article 48A laid down in the Chapter of the Directive Principles of State Policy of Constitution of India, obligates the State to protect and improve the environment. On the other hand, Article 51A (g) obligates citizens to undertake the same responsibilities. As far as legislative power is concerned, the said Amendment has also moved the subjects of "forests" and Pressures Response Driving force States Impacts Chapter-I 15 "protection of wild animals and birds" from the State List to the Concurrent List. The Stockholm conference is honoured by references in the Air Act and the Environment Act – a result of effective applications of Article 253 of the Constitution, which gives the Parliament the power to make laws implementing India's International obligations, as well as any decision made at an International Conference, association or other body. In addition to the Constitutional mandate, India has a number of national policies governing environmental management, including the National Policy on Pollution Abatement (NPPA, 1992) and the National Conservation Strategy and Policy Statement on Environment and Development (NCS/PSED, 1992).

**b. Adjudicating Environmental Disputes:** When disputes related to biodiversity conservation arise, the judiciary provides a forum for resolution. This includes cases involving habitat destruction, pollution, land use changes, and the protection of endangered species.

**c. Judicial Review:** Courts can conduct judicial reviews to assess the legality and constitutionality of government policies, projects, and regulations related to biodiversity conservation. This ensures that governments are acting within the bounds of environmental law.

**d. Compensation and Remedies:** In cases of environmental harm, the judiciary can order compensation to affected parties and require the responsible parties to take corrective actions or implement remediation measures.

**e. Setting Legal Precedents:** Court decisions can establish legal precedents that guide future actions and policies related to biodiversity conservation. Landmark cases can significantly influence the direction of conservation efforts.

### **The National Green Tribunal ACT, 2010**

It has been felt for long time by the Government of India to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution. India, being one of the participating countries in the United Nations

Conference on the Human Environment held at Stockholm in June, 1972 and the United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, aims to set up specialized environmental courts in the country namely 'National Green Tribunal' for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. Accordingly, the Indian Legislature enacted the National Green Tribunal Act, 2010. The basic features of the Act are as follows :

- (a) The Act aims to set up specialized environmental courts in the country;
- (b) it replaces the existing National Environmental Appellate Authority (NEAA) and has wider jurisdiction than the NEAA. It would hear initial complaints as well as appeals from decisions of authorities under various environmental laws;
- (c) the Tribunal would consist of both judicial and expert members. Judicial members must have been judges of the Supreme Court or High Courts. Expert members have to possess technical qualifications and expertise and also practical experience;
- (d) the Tribunal would hear only 'substantial question relating to the environment'. Substantial questions are those which (a) affect the community at large and not just individuals or groups of individuals, or (b) cause significant damage to the environment and property, or (c) cause harm to public health which is broadly measurable;
- (e) the criteria to determine what a 'substantial question related to the environment' are open to interpretation;
- (f) the Act may reduce access to justice in environmental matters by taking away the jurisdiction of civil courts. All cases under laws mentioned in the Bill would now be handled by the Tribunal which would initially have benches at only five locations;
- (g) the Act does not give the jurisdiction of a Tribunal over some laws related to the environment;
- (h) The qualifications of judicial members of the Tribunal are similar to that of the NEAA.

## II. International Governing Bodies:

**a. Development of International Agreements:** International bodies, such as the United Nations and its specialized agencies (e.g., the Convention on Biological Diversity, CITES, and the Ramsar Convention), develop and negotiate international agreements and treaties to address global biodiversity issues. These agreements set standards and guidelines for biodiversity conservation.

**b. Monitoring and Reporting:** International authorities oversee the implementation of international agreements by member countries. They collect data, monitor progress, and report on the status of biodiversity conservation efforts worldwide.

**c. Enforcement and Compliance Mechanisms:** International agreements often include mechanisms for enforcing compliance with conservation obligations. These mechanisms may involve dispute resolution, penalties for non-compliance, and measures to address illegal wildlife trade.

**d. Capacity Building:** International organizations often provide technical assistance, capacity-building programs, and funding to help member countries enhance their biodiversity conservation efforts.

**e. Knowledge Sharing:** These bodies facilitate the sharing of scientific knowledge, best practices, and conservation strategies among nations. They encourage cooperation and collaboration to tackle global biodiversity challenges.

**f. Policy Advocacy:** International governing bodies often advocate for biodiversity conservation at the global level, influencing policies and actions taken by member states and the international community.

In summary, the judiciary and international governing bodies play critical roles in preserving biodiversity by upholding and enforcing laws, treaties, and agreements related to environmental conservation. Their actions contribute to the protection of ecosystems, species, and genetic diversity on a global scale. These entities serve as essential safeguards against biodiversity loss and environmental degradation for example

### Paris Agreement on Climate Change, 2015 (Global Warming)

In the year 2015, more than 190 members of the U. N. took part in the "Convention on Climate Change" adhered in Paris with a motto to lawfully restrict the structure for a universally organized framework to control environmental change. The adopted agreement at Paris speaks about culmination of past 6 years of global environmental change arrangements governed under the protection of the UNFCCC; moreover this falls under the serious universal burden in a bid to keep away from recurrent shortcomings of the declaration of Copenhagen in 2009. The convention was keen to set up an Earth-wide temperature boost objective of restricting the growth under 2°C. It is expected from member nations to detail logically progressively eager to set achievable targets which are relevant with this objective. In a bid to achieve this objective, all the attending countries should look forward to rolling out significant improvements to their economies. The Paris Agreement characterizes an all-inclusive, legitimate framework to 'reinforce the worldwide efforts towards reducing the risk of environmental change'. It builds up the commitment of all the participating nations to contribute effectively to environmental change moderation as well as adjustment. Just because, all nations will create anticipates on how to contribute towards stabilizing the environmental change, and will convey their 'broadly decided commitments' to the Secretariat of the Convention. The Paris Agreement puts accentuation on

procedures as opposed to on characterized alleviation objectives. In contrast to the Kyoto Protocol, this convention does not provide nation specific emanations targets. Rather, the Paris Agreement relies upon intentional alleviation commitments and a progression of procedures that try to guarantee group and individual advancement in gathering the underlying and continuously progressively driven relief commitments. This convention can be termed as a significant yet just an initial move towards the powerful strategy of reaction, making the system that is individual nations should look into converting their intentions into actual initiate.

### **International and National Precedent on Biodiversity:**

Biodiversity-related legal precedents can vary significantly depending on the jurisdiction and specific cases, but here are a few notable examples of legal precedents related to biodiversity conservation:

1. A landmark case is *Tennessee Valley Authority v. Hill (1978)*, where the U.S. Supreme Court ruled in favor of protecting the endangered snail darter fish, establishing that the ESA's provisions must be strictly enforced, even if they conflict with development projects.
2. *Pulp Mills on the River Uruguay (Argentina v. Uruguay) - International Court of Justice:* This case involved a dispute between Argentina and Uruguay over the environmental impacts of pulp mills on the Uruguay River. The International Court of Justice (ICJ) issued a judgment in 2010, which emphasized the importance of conducting environmental impact assessments and respecting transboundary environmental obligations.
3. *MC Mehta v. Union of India - Indian Supreme Court:* - This series of cases in India, led by environmental lawyer MC Mehta, has resulted in numerous legal precedents related to the protection of forests, rivers, and biodiversity. One notable case is the Taj Trapezium Case (2001), where the Supreme Court ordered measures to protect the Taj Mahal from pollution.
4. *Convention on Biological Diversity (CBD):* The CBD, an international treaty adopted in 1992, serves as a precedent in international environmental law. It establishes principles and goals for the conservation of biological diversity and the sustainable use of its components, setting the stage for global cooperation in biodiversity conservation.
5. *Walden v. Fiore (2014):* While not an environmental case, this U.S. Supreme Court case clarified the jurisdictional scope of the Endangered Species Act. The ruling affirmed that the ESA can be used to protect species and their habitats not only within the United States but also in other countries when U.S. citizens or entities are involved in activities that harm endangered species abroad.

### **Supreme Court of India on Biodiversity:**

The Supreme Court of India has played a significant role in addressing issues related to biodiversity and environmental conservation as follows:

6. *Vellore Citizens Welfare Forum v. Union of India (1996):* In this case, the Supreme Court issued a landmark judgment that laid down important principles for environmental protection. It emphasized the "polluter pays" principle and held that industries that cause environmental pollution should bear the cost of remediation and restoration. This judgment had implications for biodiversity conservation by discouraging activities that harm the environment.
7. *T.N. GodavarmanThirumulpad v. Union of India &Ors. (1997):* Often referred to as the Godavarman case, this case involved the protection of forests and biodiversity in India. The Supreme Court issued various orders to regulate forest activities and protect forests and wildlife. It also appointed various committees to oversee compliance with its orders, including measures to protect biodiversity.
8. *Centre for Environmental Law WWF-I v. Union of India (2013):* In this case, the Supreme Court addressed the issue of sand mining in various states, which had a significant impact on river ecosystems and biodiversity. The court imposed restrictions on sand mining activities and directed state governments to formulate comprehensive guidelines to protect riverbeds and ecosystems.
9. *Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011)* This case dealt with limestone mining in Meghalaya, which posed a threat to biodiversity and the environment. The Supreme Court imposed conditions on the mining operation, emphasizing the need for environmental impact assessments and ecological restoration.
10. *In Re: T.N. GodavarmanThirumulpad (2018):* In this ongoing case, the Supreme Court continues to address various issues related to forest conservation and biodiversity protection. The court has issued orders related to forest diversion for non-forest purposes, conservation of wildlife corridors, and the rehabilitation of forest-dwelling communities.
11. *CITIZEN FOR GREEN DOON & ORS. v. UNION OF INDIA & ORS. (2019):* This case involved the Char Dham highway project in Uttarakhand, which raised concerns about its potential impact on biodiversity and the fragile Himalayan ecosystem. The Supreme Court directed the government to follow strict environmental guidelines and consider the concerns of environmental conservation in the project's implementation.



## CONCLUSION

Several developed and developing countries have contrasting attitude towards preserving their environmental assets, as far as focus and amount of money invested in concerned. Many legal framework , Governmental bodies, Semi- Governmental bodies took action to protect the Biodiversity. The sustainable Development has always been a goal of every Organisation. All the administrative functioning bodies while framing their Plan and Policies, always keep the National and International attribute of their laws. In perspective on this, no single arrangement works wherever to ensure the balance of nature. The environmental disbalances on the earth can be paralleled by ones which are monetary in nature, which are significant hindrances to realize the fundamental needs of the growing population, particularly in the developing nations, and an obstruction to agreeable advancement of humankind both socially and financially. The financial advancement can currently be appreciated in accordance to the developed nations was to be accomplished without giving much focus to the safeguarding of the worlds environment, and today this are generally considered as the flag bearer of the defenders of human rights. Nonetheless, it was properly brought to the attention that general principles and remedies provided by global ruling are appropriate to the issues of worldwide pollution and environmental corruption. Along these lines, the worldwide environment has almost been secured through International, national, territorial, and local Laws, arrangements, Conventions and Treaties and kept up the biological parity especially in a developing nation like India.

### Footnotes for precedents:

1. List I, Inter Alia, Includes Industries Declared By Parliament To Be Necessary For Defense Purposes (Entry 7), Industries Controlled By The Union In Public Interest (Entry 52), Regulation And Development Of Oil Fields (Entry 53), Mines And Mineral Development (Entry 54), Regulation Of Safety And Labour In Mines And Oil Fields (Entry 55), Regulation And Development Of Interstate Rivers (Entry 56) And Fisheries Beyond Territorial Waters (Entry 57).
2. List Ii, Inter Alia, Includes Public Health And Sanitation, Hospitals And Dispensaries (Entry 6), Agriculture (Entry 14), Water (Entry 17), Fisheries (Entry 21), Industries Other Than Those Covered Under List I (Entry 24), And Gas And Gas Work (Entry 25).
3. List Iii, Inter Alia, Includes Forests (Entry 17a), Protection For Wild Life And Birds (Entry 17b), Population Control And Family Planning (Entry 20a), Minor Ports (Entry 31), Factories (Entry 36),
4. Tennessee Valley Auth. V. Hill, 437 U.S. 153 (1978) <https://www.justice.gov/enrd/Tennessee-Valley-Authority-V-Hill>
5. Pulp Mills On The River Uruguay (Arg. V. Uru.) (Int'l Ct. Justice Apr. 20, 2010) <https://www.icj-cij.org/case/135>
6. M.C. Mehta V. Union Of India (Uoi) And Ors. (Air 1987 965), [https://en.wikipedia.org/wiki/M.\\_C.\\_Mehta\\_v.\\_Union\\_of\\_India](https://en.wikipedia.org/wiki/M._C._Mehta_v._Union_of_India)
7. Convention On Biological Diversity (Cbd), <https://www.cbd.int/>
8. Walden V. Fiore, 571 U.S. 277 (2014), <https://supreme.justia.com/cases/federal/us/571/277/>
9. Vellore Citizen Welfare Forum V/S Union Of India, Air 1996(5), <https://lawfaculty.in/Vellore-Citizens-Welfare-Forum-V-Union-Of-India-And-Others/>
10. T.N. Godavarmanthirumulpad V. Union Of India &Ors., (1997) 2 Sc 267, <https://indiankanoon.org/doc/372706/>
11. Centre For Environment Law, Wwf-I Vs Union Of India (Uoi), Jt 2013 (7) Sc 450, <https://leap.unep.org/countries/in/national-case-law/centre-environmental-law-v-union-india>
12. Lafarge Umiam Mining Pvt. Ltd. Vs Union Of India (Uoi) And Ors, Jt 2011 (7) Sc 346 <https://vlex.in/vid/Lafarge-Umiam-Mining-Pvt-571918302>,
13. T.N. Godavarmanthirumulpad V. Union Of India &Ors., (1997) 2 Sc 267, <https://indiankanoon.org/doc/372706/>
14. Citizen For Green Doon & Ors. V. Union Of India & Ors. (2019), [https://www.livelaw.in/pdf\\_upload/Citizens-For-Green-Doon-And-Others-Versus-Union-Of-India-And-Others-405939.Pdf](https://www.livelaw.in/pdf_upload/Citizens-For-Green-Doon-And-Others-Versus-Union-Of-India-And-Others-405939.Pdf)
15. Article 1 Of Convention On Biological Diversity (Cbd)