

STOCKHOLM DECLARATION 1972: A CRITICAL ANALYSIS ON THE TRIBAL SUSTAINABILITY IN THE FACE OF TRANSBOUNDARY HARM

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Abstract

The exploitation of nature is at its height in the contemporary age, having a severe influence on their environment and other states. Whether the state in question shares a border with the state of origin or not, harm caused in the territory or other places under its power or control is referred to as “transboundary harm”. In order to prevent catastrophic effects of transboundary harms on the country’s geopolitics and the sustenance of its people who are directly dependent on environmental resources, such as the people belonging to the tribal community, numerous multilateral agreements and treaties have been signed among the nations. According to the Stockholm Declaration of 1972, it was decided that to address the persistent problems people confront due to transboundary damage, new laws and regulations needed to be evaluated. The current situation is demonstrated by the declaration of these tribes’ and communities’ sustenance and livelihood as being adversely impacted by environmental problems. Even in the modern world, when a sizable portion of the population is still tribal and thus largely dependent on natural resources. One has to pursue sustainable development to adapt traditional/customary practices to safeguard the natural habitat. The denotified groups is affected by the present global innovations in a variety of ways to combat with such issues, It is critical to offer the notion of a sustainable future that is green. The authors in the current research paper will attempt to relate the problem of extra territorial environmental damages with the people who are closest to nature and whose lives are solely dependent on the natural environment, the paper will also analyze the laws related to environment as per international conventions. The second part of the paper will discuss the cooperation of the world’s most advanced countries to come out as one, against the environmental injustice towards the people belonging to remote areas, in the concluding part authors will try to analyse the environmental discrepancy with the contemporary tribal communities ending up with a conclusion.

Keywords: International Conventions, Denotified Groups, Stockholm Declaration, Transboundary Harm, Tribal Communities

Introduction

Growing industrialization and urbanization have given rise to escalator economic growth, but its shortcomings are evident in the quality of natural resources. To overcome these struggles and save the world against climate-changing factors, many efforts have been made since the past till today. One such effort was the Stockholm declaration of 1972, which was intended to establish a link between environmental issues and economic growth in developing and industrialized countries.¹ The ongoing establishment of various industries in the name of development within one's political limits has caused transboundary harm to other regions. The problem of transboundary harm is the cause of the destruction of the source of livelihood for many denotified people who depend solely on natural resources for their sustenance. The current situation is alarming as there has been an abrupt emission of greenhouse gasses which has led to an imbalance in the ecosystem and which is quite evident in the indigenous communities—referring to somewhat 20 indigenous groups from different parts of the world whose livelihood is being disturbed abruptly due to unpredictable weather in their regions which is a result of climate change which is the effect of transboundary harm. These communities are compelled to relocate from their homes as their traditional lands are not cultivable². Industrialists and blue-collar workers frequently exploit people from indigenous communities. As a result, they must have their rights protected by international law to live the life they desire. The management of the world's oceans and fisheries, the polar ice caps, and the regulation of carbon and other particulate emissions into the atmosphere are all critical domains for international regulation. The idea of a green environment should not compromise the importance of development. For that very reason, the concept of sustainable development was first proposed in the United Nations on the concern related to human rights in the stockholm declaration of 1972 was so concerned with environmental issues. ³The motive of the meeting was to emphasize that the many elements, such as overpopulation, economic development, and industrialization, all contribute to environmental degradation. It was mainly focused on safeguarding the right to live in a clean and healthy environment. The

¹ About, stockholm declaration, available at <https://www.stockholmdeclaration.org/about/> last visited october 27, 2022

² Five ways climate change harms indogenous people at <https://www.climatechangenews.com/2014/07/28/five-ways-climate-change-harms-indigenous-people/> last visited at october 27,2022

³ International environmental law- LAW TIMES JOURNAL at <https://lawtimesjournal.com/international-environmental-law/> last visited at october 27,2022

need of the current era is deviant from past times. The needs of today cannot be compromised, but with some collective and adjustable measures, the problem can be resolved to some extent. Adapting to simple habits can bring impactful changes in the climate and could advance the growth towards healthy nature.

Environmental Issues

Many anti-environmental behaviors have resulted in mother earth's degradation due to the world's progressive advances through industrialization and economic growth. In contrast to the flourishing of enterprises, there has been a precipitous rise in global warming, a source of concern. Climate change refers to long-term changes in temperatures and weather patterns. These shifts could be natural, such as oscillations in the solar cycle. However, human activities have been the dominant source of climate change since the 1800s, primarily due to fossil fuels such as coal, oil, and gas.⁴ Climate change is causing unpredictable weather conditions, which are disrupting our environment. To grasp the concept of climate change, one must first understand how it is the cause of many current problems in agricultural, livestock, and marine life mutation, as well as how it pollutes nature as a whole, such as air, water, and land, which are needed for life. According to current United Nations climate change assessments, global warming is anticipated to reach roughly 3.2 degrees Celsius by the end of the twenty-first century.⁵

Transboundary Harm

Transboundary harm defines an act of a state by which any other state or territory outside of its political domain or jurisdiction suffers any environmental harm. In actuality, the much-publicized Trail Smelter example exemplifies this harm. Almost all international environmental law and accountability debates begin with the Trail Smelter arbitration, one of the oldest manifestations of the notion that a state bears responsibility for environmental damage that extends beyond its borders.⁶ According to the trial smelter arbitral tribunal, when the case is of serious consequence, and the injury is established by clear and convincing evidence, no State has the right to use or permit the use of its territory in such a way as to cause injury by fumes in or to the territory of another, or the properties or

⁴ What is climate change? United nations available at <https://www.un.org/en/climatechange/what-is-climate-change> last visited on october 27,2022.

⁵ What is climate change? United nations available at <https://www.un.org/en/climatechange/what-is-climate-change> last visited on october 27,2022.

⁶ Transboundary harm in international law available at <https://blog.ipleaders.in/transboundary-harm/> last visited on october 27, 2022

persons therein.” but the several countries have violated this in the name of development which is not only a violation of the right to clean and healthy environment of its neighbouring countries or any state that may get affected due to its anti environmental activities. Apart from the accumulation of the unearthly materials on the planet which has led to pollution and its effects are creating a problem of sustenance to the people who are not in the mainstream of the society like the tribes who are dependent on forest and natural resources to lead their lives.

Stockholm Declaration 1972

The first ever effort made in order to discuss the issues related to environment which was held to discuss the issues such as global warming and the conditions in the world due to heavy industrialization by the many countries . in this conference there was the involvement of almost 114 countries worldwode with the goal of coming up something as effective that could make the world free from any sort of pollutants. It was united nations conference on the human environment. Its been 50 years since the first ever international conference on environment was held but still the question is still how and to what extent laws can be made in order to save the environment as the compromise with the growth and development is not the solution, but one of the main thing that came out of the stockholm declaration was the concept of transboundary which was stated as a violation of right of other countries to lead a healthy and clean environment.

The conference proposed four main ideas, the first of which was to implement the right to a healthy environment, because living a life free of pollutants is everyone’s right. The second goal was to recognize, restore, and protect the global commons. The third goal was to create a regenerative economy. Fourth, governance and institutional solutions were prioritized.⁷

With regard to the provisions of the declaration 26 principles were taken into consideration out of which the management of natural resources is something that could help in achieving the idea of sustainable development as in the various drawbacks that are caused due to uneven usage of the resources from nature and the management of these resources could be helpful in forming the ideal environment and living conditions for the tribal people who are closest to the gifts of nature and whose lives are predominantly affected by the

⁷ Stockholm declaration 1972 available at <https://www.stockholmdeclaration.org/about/> last visited on october 27, 2022

mismangement of these resources. The goal to brought a positive change in the lives of the idegenous people from all over the world the world has to come together the cooperation of every country on a equal level towards the law for protecting our environment and to safeguard the rights of people to life of a healthy and clean environment.⁸

Environmental Concerns

The phrase “environmental injustice” describes a series of deeds that endanger the environment while also alienating certain populations and groups. A frequent illustration of this situation is a business that contaminates nearby water supplies, which leads to tainted drinking water and public health issues.

The isolation and segregation of particular groups within communities is a root cause of environmental injustice. These groupings often correspond to socioeconomic, racial, and other distinctions. Even though there are ongoing initiatives to address it, environmental injustice still exists.⁹

Many people believe that one of the biggest issues of our day is the environment. Environmental change brought on by humans is severe and pervasive on a national, regional, and international scale. Border-crossing air and water pollution, the effects of resource extraction, decreased freshwater quality and quantity, nuclear accidents, and international commerce in hazardous waste and toxic chemicals are only a few examples of regional environmental concerns, or issues affecting many nations. Environmental issues include ozone depletion, species extinction, ocean pollution, loss of biodiversity, diminishing food supply and reduced fish stocks, deforestation, and anthropogenic climate change are all issues that affect us on a global scale.¹⁰

Environmental hazards and pollution sometimes have a transboundary component, posing challenges for and causing harm to nations other than the source state as well as to

⁸ Major provisions in the stockholm declaration- ipleaders available at <https://blog.ipleaders.in/major-provisions-in-the-stockholm-declaration/#:~:text=The%20main%20purpose%20of%20the%20Stockholm%20Declaration%20was,and%20to%20protect%20from%20several%20other%20environmental%20issues.> Last visited on october 27,2022.

⁹ *What causes environmental injustice?: Ben Crump Law, PLLC (2022) Ben Crump.* Available at: <https://bencrump.com/environmental-justice-lawyer/what-causes-environmental-injustice/> (Accessed: October 22, 2022).

¹⁰ *The prohibition of transboundary environmental harm - duo* (no date). Available at: <https://www.duo.uio.no/bitstream/handle/10852/41416/213.pdf> (Accessed: October 22, 2022).

international commons. A well-known illustration is when an upstream state pollutes a river, resulting in harm to a downstream state.

Only by cooperation and collaboration between nations can issues of border-crossing injury and pollution be effectively handled, and in this regard, international law and institutions are crucial in creating a framework within which the members of the international community may interact. The conventional reaction of international law to transboundary issues has been to hold the responsible state accountable and thus demand that the state desist from the activity that is causing damage, as well as to provide proper recompense to the wounded state.

States are becoming more aware of the need to find global solutions to environmental problems and the need for rules for the protection of natural resources and the environment as a shared resource for all states as instances of cross-border environmental damage have significantly increased as a result of industrial development, new technology, and population growth. International environmental law is a result of this insight. International environmental law is the area of international law that deals with the rights and responsibilities associated with the management of the environment and natural resources. It encompasses both a body of evolving environmental-specific norms and general international law norms that are applied to environmental issues.

Environmental injustice and violations of human rights are intricately linked. For instance, research has found a substantial correlation between environmental degradation and human rights abuses, indicating that many instances of environmental degradation also involve human rights abuse (Dias 1999; Johnston 1994). Environmental injustice and violations of human rights are implied by the seizure of community lands, the eviction of indigenous populations, the exploitation of natural resources, and the disposal of hazardous waste.¹¹

Negotiation of an international convention has been sparked by the rising concerns over the transboundary shipments of hazardous waste and the worldwide knowledge of the real and prospective consequences of hazardous waste on the environment and public health in importing nations. Although thoughtful initiatives have been made to address environmental justice concerns in the United States, comparable initiatives to stop the

¹¹ Adeola, F.O. (2017) "Environmental injustice and human rights abuse: The States, mnacs, and repression of minority groups in the world system," *Environmental Rights*, Vol. 8, pp. 3–23. Available at: <https://doi.org/10.4324/9781315094427-1>.

export of hazardous materials from core countries to peripheral countries are woefully insufficient

The Basel Convention, which controls the transboundary transport and disposal of hazardous wastes, was created in response to poor nations' requests that the international community limit or restrict the trade in hazardous wastes. There have been a number of agreements to limit the transboundary flow of garbage at the regional and international levels. Examples include the Lome Convention, which the European Union (EU) and 69 African, Caribbean, and Pacific countries signed, and the Bamako Convention, which was ratified by the Organization of African Unity (OAU) members.

In comparison to earlier times, when the idea of state sovereignty was used as a veto power to remove all international commitments, it may be said that the international community has advanced significantly. Today, international standards and concerns take precedence over national interests. In actuality, environmental issues are not limited to a single state or set of states. Due to its natural and physical characteristics, every incident, experiment, or event occurring within a national jurisdiction will inevitably influence, disrupt, or produce a worldwide environmental situation. As a result, the issue is valid and well-founded.¹²

Three types of transboundary environmental harm are most frequently present: air pollution, contamination of a transboundary watercourse, and transboundary waste shipping or dumping. The regulation pertaining to the contamination of transboundary watercourses is likely the most established of these and offers the most beneficial examples. A state could also affect the global commons or the environment on a larger scale.

The fact that nations around the world have prioritised their sovereign and economic interests over their obligation to uphold environmental standards and, as a result, have not strictly complied with international law is one of the main reasons why there are no standardised rules regarding environmental harm. As a result, efforts to establish a rigorous liability system and the conventional notion of a norm of due diligence have not succeeded as international customary law.¹³

Tribal Concerns

¹² Tarun, J. (2008) "Trans-Boundary Harm: An Environmental Principle in International Context," *The Icfai University Journal of Environmental Law*, Vol. 7(No. 4), pp. 10–22. Available at: https://doi.org/https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1087596.

¹³ Rishabh, R. (2021) "Responsibility V. Sovereignty: Transboundary Environmental Harm," *IJLMH*, pp. 598–606. Available at: <https://doi.org/http://doi.one/10.1732/IJLMH.26106>.

The Stockholm Conference and the Declaration on the Human Environment, which took place in 1972, officially acknowledged environmental concerns as a distinct class of global challenges and ushered in the modern age of international environmental law. Since then, the transboundary aspect of pollution has become more light due to the global nature of trade and consumption. However, like other types of pollution, transboundary contamination is frequently incidental or locality-specific and does not necessarily call for the international community's continued attention. In the context of tribes that cross international borders, the truth of the isolation and remoteness of the environmental concerns rings true. For instance, major issues like pollution that affect vast swaths of land and are transboundary in nature receive a lot of attention. The United Nations Conference on Environment and Development, often known as the Rio Conference, was where the worldwide community gathered in 1992 to renew its commitment to environmental issues that were of considerable international importance.

With the US, Canada, or Mexico, more than 40 indigenous groups share a border. Threats to the ecological integrity of many tribal communities near international borders have recently been of little concern. However, ecological issues brought on by pollution and other contaminants undermine tribal health and cultural integrity as part of the overall problems that tribes confront.¹⁴

Through the signing of several bilateral and multilateral agreements, the resultant document strengthened the international community's ongoing commitment to the global nature of protecting and conserving the Earth's environment. For the first time, provisions addressed the increasing concern over transboundary contamination. Native populations downstream and upwind have limited ability to defend their members from transboundary contamination outside of persuasion, persistent application of the theory of comity, or the pendulum-like goodness of their respective spatially coextensive sovereign.

Given this backdrop, it stands to reason that upwind and upstream international nations have little motivation to utilise their political clout to impose regulations on polluters that are located close to their borders and whose waste streams have little to no discernible impact on their own population. Therefore, individuals and nongovernmental groups must

¹⁴ Lepsch, P.D. (2003) "Ecological Effects Know No Boundaries: Little Remedy for Native American Tribes Pursuing Transboundary Pollution under International Law," *Buffalo Environmental Law Journal*, Vol. 11(1). Available at: <https://doi.org/https://digitalcommons.law.buffalo.edu/belj/vol11/iss1/3>.

exert consistent and growing pressure to encourage national governments to regulate and intervene more in border regions.

Tribes living on the frontiers must not only devise inventive ways to get through the minefield of domestic and international legislation, but also put in place structures to maintain or maybe achieve levels of self-determination not seen in many generations. Tribes that live on both sides of international borders must consider a variety of domestic and legal remedies to address challenges to their culture and ecology.

Indigenous peoples are especially susceptible to having their rights violated by environmental degradation because of their intimate connection to the environment. “The implementation of natural resource extraction and other development projects on or near indigenous territories has become one of the foremost concerns of indigenous peoples worldwide, and possibly also the most pervasive source of the challenges to the full exercise of their rights,” the Special Rapporteur on the rights of indigenous peoples has stated (A/HRC/18/35, para. 57).

The rights of indigenous peoples are intended to be protected by the International Labour Organization convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, but human rights organisations have also interpreted other human rights conventions to safeguard those rights. The interpretations have come to largely agreeable findings about the responsibilities of States to defend indigenous peoples’ rights against environmental harm. The Special Rapporteur on the rights of indigenous peoples has provided detailed explanations of the obligations on States to uphold such rights in his reports. Therefore, just a few key elements are covered in this section.¹⁵

First and foremost, States must acknowledge the rights of indigenous peoples with regard to the land they have long occupied and the natural resources they rely on. Second, States must make it easier for indigenous peoples to participate in choices that affect them. According to the Special Rapporteur, there are only a few clearly defined exceptions to the general rule that “extractive operations should not take place inside the territory of indigenous peoples without their free, prior, and informed agreement” (A/HRC/24/41, para. 27). Thirdly, States must provide for an evaluation of the effects of development operations

¹⁵ Knox, J.H. (2013) A/HRC/25/53, Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox. A/HRC/25/53. rep.

on indigenous lands before allowing them to proceed. Fourth, States are required to ensure that any impacted indigenous population receives a fair benefit from any such development. Finally, States are required to make remedies, such as compensation, available to anyone harmed by the actions.

Fundamentally speaking, environmental contamination poses major risks to the cultural and political existence of border tribes. States must do more than simply acknowledge the hazardous situation in which tribes find themselves. Additionally, the international community must establish legal frameworks that will enable native people to seek adjudicatory relief in addition to non-binding international instruments that designate the universal rights possessed by indigenous peoples.

Sustainable Development in tribal areas

In 2015, the United Nations introduced the Sustainable Development Goals¹⁶, also known as the Worldwide Goals, as a global call to action to end poverty, safeguard the environment, and promote peace and prosperity by 2030.

The 17 SDGs¹⁷ are interrelated, recognising that actions in one area have an impact on outcomes in others, and that progress should balance social, economic, and environmental sustainability.

Thus, despite constitutional safeguards and specific welfare programmes, schemes, dedicated economic measures, and institutions, indigenous persons remain substantially behind the mainstream populace in the Human Development Index¹⁸ (HDI). The herbal resource base of the panorama acts as a source of inspiration for tribal subsistence as well as a tool for increasing their HDI. Each rural tribal institution's crucial requirement for life and prolonged human development demands the safety and enhanced control of herbal supplies and the forest, water, livestock, and soil as integrated ecosystem components. This demands the use of built-in panorama control. In contrast to the topic-based approach to

¹⁶ Sustainable development goals: United Nations Development Programme (no date) UNDP. Available at: <https://www.undp.org/sustainable-development-goals> (Accessed: October 30, 2022)

¹⁷ *ibid*

¹⁸ Nations, U. (2022) *Human development index, Human Development Reports*. Available at: https://hdr.undp.org/data-center/human-development-index?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=Cj0KCQjwnvOaBhDTARIsAJf8eVMbWvde1W_YMi9swtSDrhODBuJ8z-8qHnQWDWWo6ouahYZ3pG6eBZgaAiucEALw_wcB#/indicies/HDI (Accessed: October 30, 2022).

tribal development, IBRAD¹⁹ is developing a strategy for sustainable tribal development within the context of the SDGs²⁰ (Sustainable Development Goals). IBRAD's²¹ approach to sustainable tribal development focuses on strengthening tribal communities ability, with a special emphasis on women and youth, natural resource conservation, community empowerment, and conservation-based community development. Develop sustainable living development by establishing adequate social norms and structures for community-led social conduct.

Facilitating tribal peoples' development closer to the SDGs presents specific challenges exacerbated by climate change, increasing the tribal community's vulnerability. The Sustainable Tribal Development strategy makes it possible to achieve the goals of "No Poverty (SDG 1) and Zero Hunger (SDG 2)." In a constructive sense, it needs activity to alleviate poverty, improve fitness and livelihoods, and strengthen the resilience of vulnerable groups. We feel it is more than just a loss of money or wealth; poverty is regarded as multi-dimensional. Poverty can also include a lack of access to basic essentials such as health, well-being (SDG-3), nutrition, and food safety.

IBRAD has launched various programmes to expand nutrition natural kitchen gardens, establish fruit trees to end hunger (SDG-2) and ensure tribal people, particularly the poor and those in vulnerable situations, including newborns, have access to safe, nutritious, and sufficient meals all year round. Health awareness camps will assist in connecting the network with the Public Health Centre (PHC) or the sub-middle to manipulate unnecessary deaths of newborns and children under the age of five, to lower neonatal mortality and improve network well-being (SDG-3).

Long-term livelihoods benefit from conservation of biodiversity, soil, and water. Furthermore, biodiversity and fruit trees are seen to be especially significant for the impoverished because they provide low-cost insurance against food insecurity hazards for tribes who lack alternative risk management measures (SDG-4). IBRAD built 'Prashikshan Shivir'²² and created a harvest calendar-based course structured after 'Farmers Field School'²³ to promote inclusive and equitable education. Capacity development, transfer of

¹⁹ Admin, I.B.R.A.D. (2022) *Sustainable tribal development, Indian Institute of Bio - Social Research And Development*. Available at: <https://www.ibradindia.org/sustainable-tribal-development/> (Accessed: October 30, 2022).

²⁰ Supra note 1

²¹ Supra note 4

²² ibid

²³ ibid

appropriate technologies, promotion and implementation of possibilities for lifelong learning (SDG-4). The Women Empowerment Project, in accordance with the Joint Forest Administration Policy, has assisted the family in understanding proper gender roles and providing women (SDG-5) with economic resources and access to ownership and administration of natural resources and financial services.

Organic farming has improved water quality by reducing pollution and minimising the release of hazardous chemicals and materials. Drip irrigation and rainwater collecting boost water-use efficiency and enable sustainable freshwater consumption in village-like Jhargram (SDG-6). Sustainable forest resource harvesting to make certain sustainable consumption and production patterns (SDG -12) has been implemented in partnership with the state Forest Department through the Joint Forest Management Program. A strategy plan has been prepared as part of the battle against climate change and its repercussions to promote education, raise awareness, and build institutional capacity on climate change early warning, adaptation, impact reduction, and mitigation for sustainable agriculture (SDG-13).

The link between agrobiodiversity and agricultural productivity, variability, and yield shocks has received much attention in ecology and agronomy literature. Diverse crop species, for example, have been shown to adapt better to environmental changes due to their bigger pool of diverse metabolic characteristics and metabolic pathways, which allows them to use resources like water and soil nutrients more effectively over a wide range of climatic situations. The preservation of agro-biodiversity as a seed bank can safeguard tribal populations from negative environmental consequences and strengthen the system's resilience in the face of unfavourable weather patterns caused by climate change. Consideringly, there is an urgent need to maintain, restore, and promote the long-term use of terrestrial ecosystems and long-term forest management to reverse land degradation and prevent biodiversity loss 15.

On September 25, 2015, the United Nations Department of Economic and Social Affairs²⁴ adopted the 2030 Agenda for Sustainable Development, titled "Transforming Our World: the 2030 Agenda for Sustainable Development." The Agenda went into effect on January 1, 2016 and will last for the next 15 years. It is a broad and universal policy objective

²⁴ UNDP (no date) *Indigenous peoples and the 2030 Agenda for Indigenous Peoples, United Nations*. United Nations. Available at: <https://www.un.org/development/desa/indigenouspeoples/focus-areas/post-2015-agenda/the-sustainable-development-goals-sdgs-and-indigenous.html> (Accessed: October 30, 2022).

comprised of 17 SDGs and 169 related targets that are considered interconnected and indivisible. The agenda word of honor to leave no one behind and to arrive first in the most isolated locations.

Conservation, as imposed through the establishment of protected areas and enforced by anti-poaching squads, is causing eviction and abuse of large numbers of people, particularly indigenous peoples, while failing to halt the escalating environmental crisis. For thousands of years, tribal peoples in South Asia have coexisted with tigers, but they are now facing eviction in order to protect the species. According to evidence from Nepal's Chitwan national park, tiger populations may be higher in areas where humans live than in areas where they have been expelled²⁵. People provide a variety of habitats, as well as eyes and ears, to identify and prevent poachers. Instead of recognising indigenous peoples' rights to their land, the Indian government has created additional parks, increased evictions, and pushed to attract more visitors. "There is a simple reason for this: for millennia, indigenous peoples have managed, preserved, nourished, and transformed their land, and they have more knowledge and motivation to defend their area than anybody else."

Some of the important provisions in the perspective of India

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)²⁶, sanctioned by India in 2007, recognises indigenous peoples' rights to self-determination, autonomy, or self-governance, as well as their right to free, prior, and informed consent before being forcibly relocated or relocated from their lands or territories. Aside from the UNDRIP, the 1989 International Labour Organization (ILO) Convention Concerning Indigenous and Tribal Peoples acknowledge indigenous peoples' "right to land and natural resources"²⁷, as well as the ability to set their own development goals." India is not a signatory to this, although it is a signatory to the International Labour Organization's 1957

²⁵ Guardian, T. (2015) *Conservation and the rights of tribal people must go hand in hand* | Jo Woodman, *The Guardian*. Guardian News and Media. Available at: <https://www.theguardian.com/environment/2015/apr/23/conservation-and-the-rights-of-tribal-people-must-go-hand-in-hand> (Accessed: October 30, 2022).

²⁶ UNDP *Observations on the State of Indigenous Human Rights in India* Available at <https://www.culturalsurvival.org/sites/default/files/INDIAUPR2016final.pdf> (Accessed: October 30, 2022)

²⁷ *C169 - indigenous and tribal peoples convention, 1989 (no. 169)* (no date) *Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC169#:~:text=Indigenous%20and%20tribal%20peoples%20shall,female%20members%20of%20these%20peoples. (Accessed: October 30, 2022).

Convention on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, which is no longer in force and cannot be ratified.

Domestically, the Fifth Schedule²⁸ and Sixth Schedules²⁹ of the Constitution grant tribal areas autonomy in governance, which is reinforced by the *Samatha V. State of Andhra Pradesh & Ors*³⁰ decision, in which the Supreme Court stated that the shift of tribal land to private parties for mining was null and void under the Fifth Schedule. The Recognized Forest Rights Act reinforces the framework for protecting tribal and indigenous peoples' protections in forest areas by protecting tribal peoples' individual and community rights, as well as their right to free and prior affirmative decision in the event of displacement and resettlement.

Conclusion

The world's collaborative attempts to safeguard Mother Earth from various environmental damages have been going on for decades. The first ever concern conference that was raised on an international level was the Stockholm Declaration in 1972. This has awoken every person on the planet to the dire situation and that quick action is required if we are to conserve the priceless gifts of nature that are being depleted due to expanding industrialization. The consequences of such conduct not only harm one location, but can be seen worldwide, constituting a violation of people's rights to a healthy and clean environment. The meeting held over 50 years ago was a spectacular act, and the reason for this is that we have an entire international law on environmental protection, violations of which can result in terrible consequences. People from all over the world who belong to an indigeneous group are mostly affected by the actions of industries because they pollute the environment so badly that it affects the lives of these people, whose lives are solely dependent on nature, or we can say that they are basically interconnected. The devastation done to environment has a direct impact on the tribal people. The concept of sustainable development does not compromise development to conserve the environment, but rather maintains a healthy balance between industrial needs and environmental safety. The

²⁸ *Constitution of India* (no date) CAD. Available at: https://www.constitutionofindia.net/constitution_of_india/article_244_1_/articles (Accessed: October 30, 2022).

²⁹ *Constitution of India* (no date) CAD. Available at: <https://www.mea.gov.in/Images/pdf1/S6.pdf> (Accessed: October 30, 2022).

³⁰ MANU/SC/1325/1997

objective of having a pollutant-free environment can only be achieved with the participation of each and every human on this planet, and little and wise changes/adaptation can bring about a huge improvement in the planet's condition.