

GLOBALIZATION, CLIMATE CHANGE AND GLOBAL ENVIRONMENTAL LAW

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Abstract: This research examines the globalization, climate change and global environmental Law. This study is important because the climate change and environmental degradation are causing immense damage and destruction to millions of people across the globe. The accelerated rate of climate change poses an environmental reality and contemporary challenges that no nation can afford to ignore. Climate change is broadly understood to refer to a change of climate over and above natural climate variability, which is directly or indirectly attributable to human activity. Climate Change is caused by an increase in the level of greenhouse gases in the Earth's atmosphere. The effects of climate change are moving faster than before due to human industrial activities releasing greenhouse gasses. Trade liberalization is happening at the cost of the environment. Increasing global trade and investment, encourage countries to keep weak environmental regulations as a method to save costs, increase profit and improve their competitiveness between each other in the market and attract foreign investment. Free trade agreements are rapidly increasing; multinational corporations are moving their operations to developing countries due to cheap labour and raw material. These processes result in harmful effects of global character on the environment, climate change and society. This research paper will broadly focus on the link between globalization and climate change and global environmental law, it will analyze certain problematic aspects related to climate change, which are regulated under the International environmental law. The research will suggest improving the environmental protection laws and adopting new laws on climate change as well as effectiveness of the governance mechanism.

Keywords: globalization, climate change, environmental law, regulations, governance mechanism;

1. INTRODUCTION

Globalization has allowed us to treat the world as merely a village due to the advancement of technology, and the growth of industries. This is quite a heady notion, seeing as, because of it, businesses are able to thrive, and people are able to consume whatever they please. While globalization affect the world positively it also affects it negatively. For instance, the increase of the use of fuel due to the excessive use of cars, airplanes, and ships that transport goods to people. For the last two to three decades, many countries are experiencing the effects of climate change. Despite these effects being catastrophic and challenging, countries are reluctant in getting into an agreement that focuses on the environment, and between nations that have regulations and guidelines on how to reduce carbon emissions. There needs to be a regime that is meant to curb the continuous emissions by creating an international regime. The most worrying thing is that the Arctic Ocean is melting at a high rate (Barnett & Adger). In addition, forests are being cleared and, reducing the

area under forest covers on a yearly basis (World Economic Forum 2017), and flooding in some regions like the Maldives are at risk of disappearing in the next thirty years as a result in the sea level rise. What we are facing is a tragedy that needs to be resolved with immediate effect and countries need to take charge of their actions. Although climate change poses an enormous threat to human development, international attempts to develop a response have been marked by disagreement and disunity. The only legally binding targets for reducing greenhouse gas emissions are set out in the 1997 Protocol (Kyoto Protocol) to the UN Framework Convention on Climate Change (UNFCCC), which sets targets for developed countries to reduce their emissions. We hope integrated system of the framework will handle and give strategies to conserve the environment with negotiations. Many countries are reluctant to implement the agreements, which is mainly because of its costs implications as well as putting the country on a lower competitive edge. There is also the impact of peer influence where no country would

implement the agreements by itself with other countries acting reluctantly. The interested groups would form, formulate bylaws and regulations to govern their way of doing business as well as manufacturing firms which can be implemented through imposing taxes as this help keeping the governments on toes. Though this may affect the multilateral trade system, it would be of great benefit by helping the WTO to formulate new rules or laws to govern the trade between countries keeping in mind global environmental issues and challenges. The purpose of this research is to explore and suggest a permanent solution that will be of great help to the world as a whole but enacted at the grassroots level to involve few countries and those who share a specific trade bloc to ensure effectiveness in the implementation of the same. This research will specifically focus climate change in the context of globalization, and what affects it may have. The object of the present research is the problems of the legal regulation of environmental matter especially the pollution caused by globalization processes. The research will suggest improving the environmental protection laws as well as effectiveness of the environmental Institutions, governance mechanism and rule of law.

2. METHODOLOGY

This research was conducted through normative legal approach which examines the rule of law from the perspective of theory and existing literature and available data i.e. principles of law on climate change and environmental regulations in the context of globalization. Research analyzed information from various articles published in journals, internet, books, available data, reports and available statistics and information available on various websites for analysis. The author structured this research systematically in order to identify the research questions. Through the application of these methods the author analyzes the effectiveness of the international environmental law and the integrated control and prevention of environmental pollution. The purpose of the research is to analyze certain problematic (in practice and theory) questions of climate change, the prevention of environmental pollution, and legal regulation in the context of globalization.

3. GLOBALIZATION CLIMATE CHANGE AND ENVIRONMENTAL ISSUES

One of the biggest problems of the world today is climate change and degradation of the environment. Whether man causes it or the nature the impacts are severe. Climate change and holes in the ozone layer are the recently found environmental degradation (Neil, 1998). Climate change is global issue; one of the factors responsible for environment degradation is globalization. Globalization is quite a difficult word to breakdown, because there is no one universal definition for it, but also because it encompasses something that has been taking place long before the word was even created. Globalization has existed for quite some time; the word itself was not coined until the second half of the twentieth century (Poppenheimer, L. (2017). Global scale, interconnectedness, and economic intensity of contemporary human activity are historically unprecedented (Lee, Yach, & Scott, 2012), as are many of the consequent environmental and social changes. These global changes fundamentally influence patterns of human health, international health care, and public health activities (Labonte, Mohindra, & Schrecker 2011). Roughly put, globalization is a process where international organizations and businesses operate on an international scale through a developing international economy. It is marked by its use of free trade, and free flow of capital. According to the United Nations Framework Convention on Climate Change (UNFCCC) climate change is a change in climate that is directly or indirectly due to the activity of human beings, (a relevant example here can be the pollution that is caused by factories). Globalization alters the composition of the global atmosphere. (Hardy, 2003) Climate change is sometimes referred to as “global warming”, although the two are not to be used interchangeably seeing as they convey slightly different meanings. Global warming only refers to the world’s rising surface temperature, which is what causes things such glaciers melting, and more droughts. It can be said that global warming is an effect of climate change. Another way to distinguish the two is that when the term “global warming” is used, it is usually used to refer to human-caused changes, whereas when “climate change” is used it used to refer to both human-caused change, and natural ones, too.

Globalization presents a mixed blessing for the environment. It creates new opportunities for cooperation but also gives rise to new issues and tensions. For example, liberalized trade may generate economic growth, which, in turn, may translate into increased pollution, including trans-boundary spillovers of harm (“super externalities”) and unsustainable

consumption of natural resources (Dua & Esty, 1997). It is easy to assume that the relatively sudden surge in globalization has contributed to the drastic increase of climate change, but the question is how? How has globalization affected climate change's development? Scientists argue that globalization has had both a negative, and positive effect on climate change seeing as—due to the progress in technology that globalization has allowed—the stress on the world's water resources has lessened, but, with that being said, globalization has also lead to an increase in carbon emissions that has become critical due to surge in transportation via sea, land, and air (Maclean J & Abdul J, 2016). Regarding the first point made in the above paragraph (the positive findings), globalization has given nations the opportunity to use their fresh water as an economic resource, meaning that they are allowed to use it as a means to satisfy human needs and their own by selling it to those who need it. It should be noted that within this point there are those who argue that this can have seriously negative consequences on people, and the economy at large seeing as it (turning water into an economic resource that is) is presumed to not be sustainable (Llamas, Cortina & Mukherji, 2009). To explain further the second point made on the effects of globalization on climate change (the negative findings), it best to use an example: Brands such as H&M, Forever 21, Bershka, Topshop, Zara, and much more, all fall under a category of fashion known as “fast fashion”. Fast fashion is when inexpensive items of clothes quickly leave the catwalk and make their way to their respective stores in order to keep up with fickle fashion trends (Fernando, 2017). It is made to be replaced because it is made with unsustainable materials. In today's world, more than 150 billion items of clothing are made annually due to the demands of fast fashion (Clandanial M, 2017). 150 billion items of clothing, which are mostly made in sweatshops in developing countries, are produced by brands such as the ones mentioned above, and shipped worldwide in order to meet the needs of their customers all over the world, and also to grow their industry. It is a growing public consensus that fast fashion is hurting the environment in many ways, and therefore contributing to climate change what with the extensive use of fuel used to deliver an unbelievably preposterous number of items of clothing world- wide. It is known that fast fashion not only uses slave labor all over the world to get their work done, but that, in doing so, they consume the Earth's resources, thus leaving a carbon footprint that will have dire consequences on climate change (fast fashion, 2018). An interesting perspective is looking at sustainability, not

just as an objective for the benefit of the environment, but as a necessity to improve, the quality of living in developing countries to a level similar to that enjoyed in developed nations. The WTO and trade negotiations have received much criticism from environmentalists that they aggravate environmental challenges; WTO has proven to be profoundly an environmental both procedurally and substantively, handing down environment damaging decisions whenever it has had chance to do so (Ken Conca, 2000). In this regard, it is critical for new trade opportunities to be structured in a way that promotes sustainability of trade activities. At the same time, economy should operate in a way that takes into consideration the value of shared resources that are essential for the sustenance of life on the earth.

4. GLOBALIZATION AND GLOBAL ENVIRONMENTAL LAW

Trade liberalization and the growth of international business have not only improved the efficiency of world markets but also increased the pollution and environmental degradation. One of the effect of globalization and liberalization of trade is many manufacturing activities relocating to developing countries due to many reasons, such as cheap labor and closer proximity to raw materials to take the benefit of various competitive advantages. However, it has also enabled businesses to exploit weak environmental standards, ineffective and corrupt regulatory systems, low wages, exploitation of resources and desperate people who have few other options. Many countries are following low standards just to boost their economy. When environmental standards are low or their implementation and enforcement weak, consumers of globally traded products externalize the environmental costs of production (Shiva, 1999).

In recent decades worldwide growth of public concern for the climate change has been one of the most important developments of environmental law. Globalization helped to connect societies and their environmental fates more closely than ever before. At the same time, environmental problems increasingly transcend national borders and pose serious challenges to the world. The development of more effective environmental laws and legal systems throughout the world has thus become critical to directing economic development and growth onto a path of environmental sustainability. The outcomes have been surprisingly progressive. Most of the Countries are adopting the international model. Despite different cultural and

traditional activities some countries are transplanting law and regulatory policy innovations of others nations, even when they have very different legal system. Many national regulatory initiatives also exhibit similarities that reveal a growing convergence around a few fundamental approaches to environmental regulation (Tseming Y & Robert V, 2009). Some of the factors for the influence and development of global environmental law are really important to highlight are as follows: cross-border collaboration between the governments, civil society, non-governmental organizations (NGOs), multinational corporations, and the growth of transnational environmental networks have also significantly influenced the development of global environmental law and regulation. Such growing international linkages are very important especially in the era of globalization. These linkages are playing very important role and responsible for blurring the traditional divisions between private and public law and domestic and international law, promoting integration and harmonization of uniform environmental regulations and sharing the best practices all over the world. The result has been the emergence of "global environmental law"-a field of law that is international, national, and transnational in character all at once. Integrated system of Global environmental law is the set of legal principles developed by national, international, and transnational environmental regulatory systems to protect the environment and manage natural resources. It promotes the view that effective international environmental law is dynamic and responsive to changing environmental conditions and changes in the state of knowledge on the best measures and methods to deal with the subject matter of multilateral environmental agreements MEAs (Louise K, 2015). Global environmental law's includes substantive values, principles, and procedural approaches. Among the most readily identifiable principles and tools are the precautionary principle, "polluter pays," environmental impact assessments, and pollution permitting. Protection of public health and the integrity of ecological systems are among the most important substantive goals in global environmental law (Noga 2003).

5. CONCLUSION

As global environmental problems have grown in importance over the last couple of decades, environmental law has evolved to meet these needs and given rise to global environmental Law. Global environmental law is emerging through multiple pathways. The globalization of environmental law

means that regulatory approaches, legal principles, and institution structures will be similar or have analogues across different national and international systems. Most dominant are deliberate efforts of transplantation, convergence, and integration and harmonization. It is an evolving set of substantive principles, tools, and concepts derived from the best practices of national and international environmental law. Yet, it also represents a significant shift in the evolution of the environmental law field. National environmental law systems are not distinct from international environmental law. Instead, global environmental law is emerging as an amalgam of national and international environmental law and their interactions. Global environment mechanism is well-designed, efficient and operating with maximum integrity. In the era of globalization effective national governance systems require not only well-designed legislation but it should be in line with global environmental laws. Uniformity in adopting environmental impact assessment processes in national regulatory regimes; involvement of civil society participants in the development and implementation of environmental standards; international and transnational regime governing global climate change are some important examples of implementation of global environmental principles. In addition to these principles, there are other environmental legal principles that increasingly are being adopted by regulatory systems across the world. All the environmental issues challenges the world is facing are cross boarder and must be addressed through the joint actions.

References

1. Jon Barnett , W. Neil Adger climate change, human security and violent conflict, *Political Geography* 26 (2007) 639-655
2. World Economic Forum, <https://www.weforum.org/events/world-economic-forum-annual-meeting-2017>
3. Kyoto Protocol 2017, Kyoto Protocol To The United Nations Framework Convention On Climate Change
4. Neil Gunningham, Smart regulations :Designing environmental policy, Clarendon press oxford,p.4
5. Lee K, Yach D, Kamradt-Scott A. Globalization and health. In: Merson MH,

- Black RE, Mills AJ, eds. Global health diseases, programs, systems and policies. Burlington, MA: Jones and Bartlett Learning, 2012:885-913
6. Labonte R, Mohindra K, Schrecker T. The growing impact of globalization on health and public health practice, *Annu Rev Public Health* 2011;32:263-283
 7. Poppenheimer, L. (2017, November 10). Paper Towels - Use and Environmental Impact. Retrieved March 24, 2018, from <https://greengroundswell.com/paper-towels-use-and-environmental-impact/2012/11/12/>
 8. Hardy, J.T. (2003). *Climate Change: Causes, Effects, and Solutions* p.247.
 9. Dua, Andre, and Daniel C. Esty. 1997. *Sustaining the Asia Pacific Miracle: Environmental Protection and Economic Integration*. Washington: Institute for International Economics.
 10. MacLean, J., & Jayson (2016, June 11). Globalization is worsening the effects of climate change, study says. Retrieved March 16, 2018, from <https://www.cantechletter.com/2016/06/globalization-worsening-effects-climate-change-study-says/>
 11. Llamas, R., Cortina, L. M., & Mukherji, A. (2009). *Water ethics: Marcelino Botín Water Forum 2007*. London: Taylor & Francis.
 12. Clendaniel, M. (2017, September 07). There Is A Major Climate Issue Hiding In Your Closet: Fast Fashion. Retrieved March 16, 2018, from <https://www.fastcompany.com/3065532/there-is-a-major-climate-issue-hiding-in-your-closet-fast-fashion>
 13. Fernando, J. (2017, December 08). Fast Fashion. Retrieved March 16, 2018, from <https://www.investopedia.com/terms/f/fast-fashion.asp>
 14. Ken Conca, 2000, *The WTO and the Undermining of Global Environmental Governance, Review of International Political Economy*, Vol. 7, No. 3 (Autumn, 2000), pp. 484-494
 15. Tseming Yang and Robert V. Percival, *The Emergence of Global Environmental Law*, 36 *Ecology L.Q.* 615 (2009), Available at: <http://digitalcommons.law.scu.edu/facpubs/728>
 16. Tseming Yang, *ASIL Insight: 2012, The UN Rio+20 Conference on Sustainable Development – What Happened?* available at <https://www.asil.org/insights/volume/16/issue/28/un-rio20-conference-sustainable-development%20%80%94-what-happened>
 17. Louise k 2015, *The development of international environmental law at the Multilateral Environmental Agreements' Conference of the Parties and its validity*, https://www.iucn.org/downloads/cel10_camenzuli.pdf
 18. Vandana Shiva, *Biopiracy: The Plunder Of Nature And Knowledge* (1999)
 19. Noga Morag-Levine, *chasing the wind: regulating air pollution in the common law state* (2003).