



## **A Dispense on Global Climate Change Perspective: Is it too late to Prevent the Warmness?**

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### **Abstract**

*There is no shadow of doubt that in the instant scenario environmental issues have gained global significance and atmospheric problems is one such burning issue, bringing nations at confront. However, the solutions to environmental problems are hard to come by as they involve multiple stake holders at national and international level. Of all such issues, climate change is the most contentious. The concerned piece of scratch in the form of a paper puts light on one such issue i.e. global climate change which even though may be less relevant to a particular nation but its impact may be global. Developing countries are at the receiving end of regulations to prevent climate change. Nowadays most scholars and scientists agree that earth's temperature has been affected in a discernible manner by various pollutants, but the extent of the change or whether it would bring global or regional detrimental effects is still severely contested. Authors, through the present paper have attempted to provide an up to minute vision on the relevant legislative instruments, conventions, principles and guidelines. Moreover, this paper at the closing stages comes up with productive suggestions and active conclusion on the concerned issue.*

**Key words:** Environment, ecosystem, management, soil pollution, civil society

### **1. Introduction**

**"We have not inherited this earth from our forefathers but borrowed it from future generation"-Moses Henry Cass**

This is a wonderful expression that evokes images of the past, present and future all in one sentence. We are, I believe, stewards of the planet and its



resources. We've not seen it in that light, overall, and have lost track of the fact that it is nature's services that sustain us. Without a healthy planet, we cannot live, grow, love. The decision we are making and will make in the next 10 - 20 years is critical in determining what kind of a world will exist in the future. We exist on a planet where some of the resources are finite, yet we've not acted accordingly.

This field of international environmental law has prolonged swiftly in recent decades to encompass many issues of grave fundamental concern to law scholars and practitioners, environmental lawyers, and civil society. To serve these various audiences, this essay introduces the major international legal rules, and treaties apprehensive with protecting the environment as a whole. (Woodley, 2009) (Penner, 2008). In this growing environmental catastrophe, International Environmental Law and guidelines take on added pressure and there is evident need to place environmental problems at the core of social and economic

issues. Adding up, international institutions and civil society need to play an increasing role in developing international obligations and monitoring compliance with them. The potential for law and policy to improve the environment can be seen in some of the positive developments of recent years. (Bodansky, 2010)

Starting from how the International Environmental Law has evolved their objectives and moving to practical issues associated with the climate, then discussing the various Principles' of general international law, Treaties and their outcomes, this paper also covers a wide range of suggestions. (Kramer) It further describes and analyses the move towards integrated protection and ecosystem management, as well as efforts to include environmental considerations in other international legal regimes. In this analysis we also present first, a layout of the key issues, and recent changes (including any implications for future change).



## **2. "Environment" Vis-À-Vis "Environmental Law": The Notion with Boundaries**

Prior to 1960's, environment law did not exist as a discrete domestic and international legal category. Modern environmental protection has some roots in nineteenth century public health and resources conservation laws as well as private legal actions for pollution damage. Paradigm-breaking books and articles such as Rachel Carson's *Silent Spring* and Garrett Hardin's 'The Tragedy of the Commons' galvanized individual countries and the international community into action. A series of catastrophes added fuel to the environmental fire: thalidomide caused congenital deformations in babies, the Torrey Canyon spilled oil along France's picturesque northern coast, and Swedish scientists charged that the death of fish and other organisms in thousands of the country's lakes resulted from the long-range transport of air pollution from Western Europe. In the 1960s, environmental issues began to emerge within countries. In the United States, this new

environmental awareness led to the adoption of the first major piece of federal environmental legislation, the National Environmental Policy Act of 1969, which initiated the environmental impact statement.

The science based idea that the biosphere was a fragile system vulnerable to human-induced impairment only became widely accepted world war II. When the idea gained wide acceptance in late 1960s, legal protection of air, water, soil, and ecosystems, such as wetlands and forests, quickly followed, particularly in USA, Europe, Australia and New Zealand. Since then, environmental protection has become an important element of the domestic legal systems of all developed countries and many developing ones. Since 1980s, environmental law has also become an important and evolving component of international law. Environmental law is not well integrated into either domestic legal systems or in international law because it is a modern, parasitic field of law with minimal roots in either common law, the western constitutional



tradition, civil law, Asian or customary law. If environmental law is said to be an emerging permanent body of law with a core of universal principles, then there needs to be a permanent paradigm shift. (Leelakrishnan, 2008) People should perceive that Earth is more than a globe and it needs to be protected from threats to its well being both human and natural. People should recognize a commitment to care for it in perpetuity. (Gilbert F. White, 1994)

There is considerable evidence that core principles on environmental law have been widely adopted by a broad range of countries. As one surveys the laws of all countries of the world that they have made environmental protection a political priority, there is considerable uniformity in objectives, policy instruments and basic legal principles. Reason is simple, the core problem that give rise to environmental degradation, pollution and the loss of biodiversity are basically similar throughout the world and variations in response come more at the enforcement rather than

legislative level. International environmental law has developed predominantly through the establishment and evolution of highly dynamic environmental treaty systems. Such treaty systems are issue-specific institutional structures that are purposively established, and maintained, by their member states to govern specific area of environmental relations. Typically, they address collective action problems with a strong transnational, in some case even global, dimension. Environmental law is ultimately the product of environmentalism which can be roughly defined as a value system that seems to redefine humankind's relationship to nature. (Newton, 2009) Specifically, environmentalism seeks to induce human to act as stewards of nature, rather her exploiters, and therefore to respect the functioning of natural systems by limiting activities which disturb these systems.

Humans have long speculated about natural systems and their relationship to them but two attitudes, fatalism or domination,



prevented the development of an environmental ethics and thus environmental law until well after the European Enlightenment. For centuries human beings were dependent on nature for survival and thus developed theories of their relationship to it. People were, to varying degrees, conscious that the choices that they make about the use of nature could have an impact on society. However, by late antiquity the idea that humans could adapt, nature on their own purposes by knowledge and technology had begun to take root, although modern domination of nature is a product of the enlightenment and the industrial revolution that it produced because these two developments produced both the knowledge and the technology to modify natural systems on a previously unprecedented scale. The ultimate objective of environmental law is to change the system of resource use incentives from those that induce unsustainable development to those that induce environmentally sustainable development. (Singh, 2011) Environmental law is thus

fundamentally a new concept with more discontinuity than continuity with past legal and intellectual traditions. Most of the values advanced by the environmental regulation are not tied to enhancement of human dignity, human welfare, the protection of property or the maintenance of social order, rather environmentalism seeks to radically redefine the relationship between humans and nature by partially subordinating initiative to benefit two communities-ecosystem and future generation. Like all emerging areas of law, environmental law is therefore an unsystematic, synthetic and unstable mix of rules from other areas, recently enacted positive laws, and new but contested normative principle. Because environmental law is a by-product of rise of environmentalism as a political force throughout the world since the 1960s, it has three highly linked universal primary objectives:

1. The remediation and prevention of air, water and soil pollution that causes both demonstrable damage and



- involuntarily exposes persons to socially unacceptable risk levels. (Stanley, 2011)
2. The conservation of biodiversity, landscape, heritage for present and future generation.
  3. The promotion of environmentally sustainable development.

#### **4. Climate Change**

Climate change refers to any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer. Earth's average temperature has risen by 1.4°F over the past century, and is projected to rise another 2 to 11.5°F over the next hundred years. Small changes in the average temperature of the planet can translate to large and potentially dangerous shifts in climate and weather.

Rising global temperatures have been accompanied by changes in weather and climate. Many places have seen changes in rainfall, resulting in more floods, droughts, or intense rain, as well as more frequent and severe heat waves. The planet's oceans and glaciers have also experienced some big changes - oceans are warming and becoming more acidic, ice caps are melting, and sea levels are rising. As these and other changes become more pronounced in the coming decades, they will likely present challenges to our society and our environment. Over the past century, human activities have released large amounts of carbon dioxide and other greenhouse gases into the atmosphere. The majority of greenhouse gases come from burning fossil fuels to produce energy, although deforestation, industrial processes, and some agricultural practices also emit gases into the atmosphere. Greenhouse gases act like a blanket around Earth, trapping energy in the atmosphere and causing it to warm. This phenomenon is called the greenhouse effect and is



natural and necessary to support life on Earth. However, the build up of greenhouse gases can change Earth's climate and result in dangerous effects to human health and welfare and to ecosystems. The choices we make today will affect the amount of greenhouse gases we put in the atmosphere in the near future and for years to come.

### **5. The Truth: Climate Change Affects Everyone**

**Our lives are connected to the climate.** Human societies have adapted to the relatively stable climate we have enjoyed since the last ice age which ended several thousand years ago. A warming climate will bring changes that can affect our water supplies, agriculture, power and transportation systems, the natural environment, and even our own health and safety. **Some changes to the climate are unavoidable.** Carbon dioxide can stay in the atmosphere for nearly a century, so Earth will continue to warm in the coming decades. (Louka, 2006) The warmer it gets, the greater the risk for more severe

changes to the climate and Earth's system. Although it's difficult to predict the exact impacts of climate change, what's clear is that the climate we are accustomed to be no longer a reliable guide for what to expect in the future. **We can reduce the risks we will face from climate change.** By making choices that reduce greenhouse gas pollution, and preparing for the changes that are already underway, we can reduce risks from climate change. Our decisions today will shape the world our children and grandchildren will live in.

### **6. Key to Crisis: Sustainable Development**

The term "Sustainable Development" emerged from the Brundtland Commission entitled ***Our Common Future***. The World Commission on Environment and Development was initiated by the General Assembly of the United Nations in 1982, and its report, ***Our Common Future***, was published in 1987. It was chaired by then-Prime Minister of Norway Gro Harlem Brundtland,



thus earning the name the "Brundtland Commission."

### **7. Economic Development**

Sustainable development and Economic growth could be mutually exclusive if we measured both concepts with a new one that is work or human activity. Paid work, such as we know it, speeds up economic growth but does very little to contribute to sustainable development. The idea is to revalue human activity, to find the meaning of it, to point the goals and concrete solutions realised by human work that would support sustainability. (Bosselmann, 2008) After all, human activity is something that cannot be left out of the debate on growth and development. But instead of viewing the field of work as a consequence of a possibly changed concept of development, work could be the driving force behind choosing sustainable development over catastrophic consequences of praising economic growth.

Economic growth, measured in productivity and consumption, is actually rising with the rate of

Pollution. And again, we are caught in a circle in which we emphasise sustainable development as a solution to avoid destruction, but we see the solution in unchanged economic growth. The suggestion here is to step out of this circle by reviewing it from a distance, to recognise the core of the problem and to give a (or part of the) solution, which favours sustainable development over economic growth.

### **Environmental Protection**

There is much debate over how to define the term environmentally sustainable development with many definitions emphasising some, or many, of the economic, political, social and ecological dimensions associated with the term. In recent years there has been a marked shift from an emphasis on the notion of the 'sustainability' of socio-ecological systems to a focus on the notion of the 'resilience' of the ecosystem, and people's capacity to diversify their livelihoods to facilitate the ecosystem's recovery from shocks and stresses. ESD, or environmentally sustainable development, is becoming





increasingly important in our everyday life. It is our responsibility towards future generations to ensure what we enjoy today can be protected for them to enjoy in the future. **'Environmental sustainability'** refers to the maintenance of the ecosystem and the natural resource base. Environmental degradation signifies failure in this regard. It takes three forms: depletion of resources; pollution, or overuse of the waste-absorbing capacity of the environment; and reduction in biodiversity - a loss of some types of resources.

### **Social Development**

'Social Sustainability' is the term used to refer to the social conditions necessary to support environmental sustainability (Hardoy et al. 1992). This stresses the fact that natural resources are used within a social context and that it is the rules and values associated with this context that determine the distribution of resources within the present generation and the next.

The concept of "**socially sustainable development**" has received less attention than the concept of "**environmentally sustainable development**". What would constitute socially sustainable development? I would argue that it is development that it:

- meets basic needs for food, shelter, education, work, income and safe living and working conditions;
- is equitable, ensuring that the benefits of development are distributed fairly across society; (McIntyre, 2007)
- enhances, or at least does not impair, the physical, mental and social well-being of the population;
- promotes education, creativity and the development of human potential for the whole population;
- preserves our cultural and biological heritage, thus strengthening our sense of connectedness to our history and environment; (Gillespie, 2007)



- promotes conviviality, with people living together harmoniously and in mutual support of each other;
- is democratic, promoting citizen participation and involvement, and
- Is liveable, linking "the form of the city's public places and city dwellers' social, emotional and physical well-being". (Lenard)

Considering that the concept of sustainable development is now enshrined on the masthead of Environment magazine, featured on 8,720,000 Web pages, and enmeshed in the aspirations of countless programs, places, and institutions, it should be easy to complete the sentence, but the most widely accepted definition is creatively ambiguous:

*"Humanity has the ability to make development sustainable—to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs."*

As with previous efforts, the report was followed by major international

meetings. The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 (the so-called "Earth Summit") issued a declaration of principles, a detailed Agenda 21 of desired actions, international agreements on climate change and biodiversity, and a statement of principles on forests. (E. A. Parson and P. M. Haas, 1992). In the interim, sustainable development as a concept, as a goal, and as a movement spread rapidly and is now central to the mission of countless international organizations, national institutions, corporate enterprises, "sustainable cities," and locales.

***"The concept of sustainable development does imply restrictions—not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities".***

Sustainable development can be viewed as a social movement—

***together to achieve certain general goals”***

***“A group of people with a common ideology trying***

Table 1. Broad Community Sustainability Goals by Layer

Layer	Systems	Sustainability Goals
Natural	Flora, Fauna, Water Sheds, Air , Mineral And Other Natural Resources	Protecting, Preserving And Restoring The Adaptive Capacity Of Bio- Regional Systems
Economic	Firms, Market, Economies, Currency Labour Market, Technology	Designing Built Environments that Reduces the Consumption of Natural Resources
Social	Governance, Media, Neighbourhood Organizations, Informal Associations, Politics , Government, Education, Social Services, Art	Creating Opportunities and Capacity For Citizens to Participate in the Shaping of Their Future; And Creating Educational, Health, Human Services, Spiritual and Other System to Support Human Growth and Renewal

**8. Legislative Instruments- Convention On Climate**

The Climate Change Convention is a framework convention. Its purpose is to set the general tone

for the future climate change discussions and to compromise in a single text the often irreconcilable interests and ideologies of state parties. Because of this reality – a reality for every framework



convention – the convention straddles the world of firm commitments and vague hortatory articulations (Jones, 1995). Provisions include the obligation of parties to formulate, implement, and publish national and regional programs designed to mitigate climate change and climate change effects, to promote transfer of technology, and to promote the development of sinks. The convention also provides that developed countries must report on national policies and measure to limit emissions and to increase the number of sinks within six months after the entry into force of the convention. (Sullivan, 2011)

Some have characterized convention as a comprehensive convention, in that it attempts to regulate all greenhouse gases and not just carbon dioxide. The convention is also comprehensive because it focuses on net emissions—that are total emissions by sources minus the removal by sinks.

### **9. Policy Implications**

- An all out shift to a broad range of adaptive response policies is

urgently needed. Climate change will force re evaluations of present day governance agreements on trade, finance, food supply, security, development, environment, and similar sectors.

- Easy to understand scientific data driven visualizations and culturally appropriate interpretations of probable future conditions are needed to facilitate realistic adaptive policy responses from all levels of governance.
- Harmonization of international, national, sub national, and local policies for the orderly resettlement of coastal populations should begin now. This will become a chronic condition involving very large numbers of people. Improved and coordinated policies are needed for refugee services and related issues of migration and integration as well as planning for land use change and infrastructure development.



## 10. Conclusion

In many countries irrespective of rich and poor it can be noticed that there is perception that sustainability is expensive to implement and ultimately a brake on development. Poor countries for their part usually lack the physical infrastructure, ideas and human capacity to integrate sustainability into their development planning. Besides, they are often quite sceptical about rich countries' real commitment to sustainable development and demand a more equitable sharing of environmental costs and responsibilities. Many people also believe that environmental problems can wait until developing countries are richer.

It is sad that even ten years on, there is still no widely shared vision of what sustainable development might mean in practice. India sees the idea of a light ecological footprint as part of its cultural heritage. Japan, on the other hand, is debating whether the emphasis should be on the "sustainable" or on the "development" half of the equation. (Summit, 2002)

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