



THE IMPACT OF GLOBALISATION ON THE ENVIRONMENT- BOON OR BANE TO THE EARTH- THE WAY FORWARD.

By Shivappa Umesh Goddemmi

Student, school of law,

Christ University, Bengaluru, India.

ABSTRACT

Those were the days when people were digging to get the sweet potato to fulfill their daily meals, they were leading a happy and healthy life. But when the person was started digging for gold, all environmental destructions started. The days are going, in the contemporary era, it reached the peak, unless and until if we the people not started to care for the earth and environment, we the people will be getting curse from upcoming generation. The research paper aims to identify the problems and effects from the problems to the earth from globalization and possibly legal and policy reforms. Because the study of environmental law and the cause of environmental pollution is much needed to save the earth from human destruction behavior. The ultimate measure of a person's humanity may be his readiness to give up something now for succeeding generations who would not be able to express their gratitude. This research paper addresses the issues like what are the problems we are facing and what are the possible solutions.

Keywords- Globalization, Environment Laws, Problems from globalization, Globalization problems to the earth environment, Solutions

1. INTRODUCTION

“The Earth is one but the world is not. We all depend on one biosphere for sustaining our lives. Yet each community, each country, strives for survival and prosperity with little regard for its impact on others...”¹

1.1 The quote reads “the rent you pay for land is your obligation to protect and preserve its fertility”.² This statement conveys the message that the land under cultivation should be put to use in such a manner that it should not impair quality. **If economic growth is good for the environment, policies that stimulate growth should also be good for the environment.** The earth’s capacity has certain limits (The China-built dam which can impair the earth’s

¹ David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* 204 (Cambridge University Press, 2009).

² Scott Vaughan & H. Nordstrom, (ed.), *World Trade Organization’s Special Study Report on Trade and Environment* 4 (WTO Publications, 1999)

rotation)³ The trade-led economic development has induced the nations to over-exploit natural resources, release toxic gases, and wastes, into the environment in large quantities. These are significantly contributed to the deterioration of the environment. These activities are taking place beyond the capacity of the earth. As such the trade is causing environmental pollution at a greater rate. On this basis, the environmentalist argues that trade should be regulated to protect the environment.

1.2 The phenomena such as climate change, acid rain, global warming, ozone layer depletion, etc. stand as testimony to the fact that trade-induced economic development has caused severe damage to the environment. We must remember the **facets of the earth's environment** the sacredness of the land, the freshness of the air, the sparkle of the water, the midst of dark woods, the music of the minds, the songs of humming insects, and the fragrance of the flowers are closely-knit with the lives of human.

1.3 This research paper seeks to address what is globalization? Linkages between environment and globalization vis-à-vis, Recognition of environmental rights as global human rights. issues are what are the problems we are facing? and the way forward.

2. BACKGROUND

2.1 Every person came to the earth to lead a meaningful life. Lead the meaningful life environment of the earth plays an unquestionable role. We are all dependent on the environment and Earth is worshipped as a goddess. So, the protection of the environment and earth is the fundamental duty⁴ cast upon every person. But we the person always lead a life for want not for need. This inspires me to work on this topic and find solutions.

2.2 The next important change is the volume of trade to gross domestic product (GDP), which increased substantially from a little over 10% in the 1990s to almost 50% in recent times. It led to massive transportation, heavy use of fuels, emission of CO₂, and Greenhouse gases. But now it's necessary to change the way of life.

3. GLOBALISATION IMPACT ON ENVIRONMENT-BOON OR BANE

3.1. What is Globalisation?

3.1.i According to WHO, globalization can be defined as “the increased interconnectedness and interdependence of peoples and countries. It is generally understood to include two interrelated elements: the opening of international borders to increasingly fast flows of goods, services, finance, people, and ideas; and the changes in institutions and policies at national and international levels that facilitate or promote such flows.”

3.1.ii Globalization is an increase in the interconnectedness and interdependence of people and countries. It enables the business of one nation can access to another nation. If we look in terms of the environment Greenhouse gas emissions have the same impact on the atmosphere whether they originate in Washington, London, or Beijing. Consequently, action by one country to reduce emissions will do little to reduce global warming unless other countries act as well.⁵

3.2. Recognition of Environmental rights as global human rights.

3.2.i. Nature and mankind are inseparable parts of the environment.⁶ Man has a responsibility towards future generations. Kautilya Jurisprudence and Smritis provided rules for the protection of forests and wildlife. Identification right to a wholesome-environment under the Right to Life⁷ is one of the greatest developments by the Judiciary.

³ Jo Kwong, *Globalization Globalization's Effects on the Environment – Boon or Bane?* ISEE, 1, 13 (2004).

⁴ INDIA CONST. art. 51A(g).

⁵ Sugata Marjit and Eden Yu, *GLOBALIZATION AND ENVIRONMENT IN INDIA*, ADBI Working Paper 873. Tokyo: 14 (2018).

⁶ P. Iswar Bhat, *Law & Social Transformation*, 804, (Eastern Book Company, Lucknow, 2012).

⁷ Constitution of India, 1950, Art.21.

3.2. ii. In the 1980s, the legal system underwent a sea change in terms of discarding its moribund approach and, instead, charting out new horizons of social justice. This is called the activism of administrative, legislative, and judicial.⁸

3.2.iii. If we look from a global perspective, the Stockholm declaration declared that the right to a quality environment is a fundamental right of every person, and men and states must protect it. In 1992 Rio De Janeiro Agenda 21 gives a global action plan that enlists the support of a variety of entities, including governments, to promote sustainable development around the world. The World Commission on Environment and Development “Sustainable development is the kind of development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”⁹ I hereby conclude that protection earth for future generation also.

3.2.iv. In a modern global welfare state, environmental justice has to address social realities and meet the demands of time. The need for the protection of the environment throws up innumerable challenges for a developing nation. In *KM Chinnappa v. UOI*¹⁰, the Right to life includes protection and preservation of the environment, ecological balance free from pollution of air and water, and sanitation without which life cannot be enjoyed. Administrative and legislative strategies to bring about harmony between environmental values and development needs are imperative.

4. THE LINK BETWEEN GLOBALIZATION AND THE ENVIRONMENT

4.1 Environmental concerns are born out of the ecological process and these are beyond the national boundaries. This connected world is able the human to think and act on a global scale to prevent environmental threats globally and come up with ideas that will help to protect the environment by using available resources.

4.2 How does globalization affect the environment? It can be answered in three ways

- **Economy-** Income, the composition of economic activity, research, and development lead to increases consumption patterns, dispersed externalities, ability to extract more natural resources, and also helped to clean the environment (Electric vehicles).
- **Knowledge-** it facilitates the exchange of best environmental practices, increased global environmental consciousness (civil society movements), replacing existing technologies with more extractive alternatives (greener technologies).
- **Governance-** makes it difficult for states to rely only on national regulations to ensure the well-being of citizens and their environment. Global regulations build upon their synergies to improve environmental performance. It facilitates growing diversity of participants and their coalitions in addressing the environmental threats.

4.3 How does the environment affect globalization? It can be answered in three ways

- **Economy-** scarcity of natural resources and abundance of globalization incite demand and supply in global markets (Petroleum, valuable medicinal products).
- **Knowledge-** unsustainable locations become marginalized from trade and investment, environmental stress can trigger alternative technological paths (energy, dematerialization).
- **Governance-** environmental challenges require the incorporation of environmental governance into other areas (health, labor, trade, investment, etc. NGOs and civil society participation in global environmental governance have become role models to other global governance.

⁸ P Leelakrishnan, *Environmental law in India*, 201, (LexisNexis, 5th ed.,) (2019).

⁹ Udaya Raghavan, GLOBALISATION AND INTERNATIONAL ENVIRONMENTAL LAW, 4 IJLMH 2433, 2438-2439 (2021).

¹⁰ AIR 2003 SC 724.

This is the **authenticated exploration** of the linkages between the environment and globalization.

5. THE POSITIVE SIDE OF GLOBALIZATION ON THE ENVIRONMENT.

1. The prosperity generated from the economic activity will lead to more investments and higher standards of living that enable still greater investments in cleaner and newer technologies and processes.
2. When a certain level of per capita income is reached, economic growth helps to undo the damage done in earlier years.
3. As free trade expands, each 1 percent increase in per capita income tends to drive pollution concentrations down by 1.25 to 1.5 percent because of the movement to cleaner techniques of production.¹¹
4. Individuals become richer they are willing to spend more on non-material goods, such as a cleaner environment.
5. Society [initially] places a much higher priority on acquiring basic public health and other services such as sewage treatment, water supply, and electricity than on environmental quality, which initially worsens.
6. Environmental degradation is arrested and then reversed.
7. Countries' diplomats, representatives meet and bring reforms in environmental laws and policies, by that we can endeavor to the environmental human rights developed globally so that

6. PROBLEMS WE ARE FACING.

6.1. If you look into the past **500 million** years of earth's history, 5 major incidents happened.

- 445 million years ago due to intense ice age, 60-70% of marine life was wiped out it is called as Ordovician period.
- 375-360 million years ago due to a drastic drop in oxygen levels because of global anoxia 75% of life went out.
- Later 252 million years ago due to asteroid impacts dinosaurs' family wiped out (The Permian period).
- 200 million years ago due to massive volcanic eruptions families of brachiopods, gastropods, bivalves, and marine reptiles became extinct (Triassic period).
- 66 million years ago very active volcanism was associated with unusually high rates of seafloor spreading because the atmosphere contained 3-6 times more carbon dioxide than the current era,¹² all dinosaurs, pterosaurs, pelycosaurs, and ammonites—perished¹³.
- **Homo sapiens may be the 6th target.** So, we need to prevent climate change and pollution and we have to become multi-planetary.

6.2 We are using **3 types** of fossil fuels coal, natural gas, and crude oil, and facing 2 major problems. It will end because it needed 300 million years to become fossil fuels. ii. led to an increase in CO₂. It is directly proportional to the increase in temperature.

6.3 If the earth's temperature reached 58% it will lead to the extinction of many lives. In straight forward it is the starting period of life extinction.

6.4 Sometimes globalization has de-linked from the environmental context. Transportation has several impacts on the environment leading to increased emissions, habitat destruction, and invasive species. In the name of economic specialization led to serious environmental issues like illegal deforestation in Brazil, overfishing in coastal areas (Southeast Asia), and overdependence on cash crops (coffee, cacao).¹⁴ So, this link needs to be re-examined.

¹¹ Benjamin, Daniel K., "Tangents," PERC Reports, March 2002, p. 16.

¹² <https://www.climate-policy-watcher.org/global-climate-2/cretaceous-era.html> last visited 10 February 2022.

¹³ <https://www.nationalgeographic.com/science/article/cretaceous> last visited 10 February 2022.

¹⁴ 4 effects of Globalisation on the Environment- Harvard Business School online available at <https://online.hbs.edu>. Last visited 7 February 2022.

6.5 Lack of coordination has in the past contributed to the negotiation of potentially conflicting agreements in trade and environmental fora.

6.6 States consider environmental measures as roadblocks to development.

6.7 In the race to attain economic development, the State may not enforce the environmental laws to regulate trade for the protection of the environment or may lower the environmental standards to facilitate trade.

6.8 Loopholes in the legislative framework

6.8 i. The Environmental Protection Act

- Non-inclusion of heat, radiation, and bacteria as pollutants is the definition of the EP act.
- Sec 24 of EP ACT, gives overriding effect to other acts if the same is covered under different legislation.
- Noneffective implementation of existing rules and notification made under EP ACT.
- Overburden over the Pollution control board and insufficient supply of manpower and financial assistance.
- Section 19, Citizen file suit only when 60 days of prior notice has been given to Central Govt before filing of any suit, then the only court can take cognizance.
- No provision in any law to make the officer liable who permitted/ ignored the Pollution caused.

6.8. ii. Forest Act

- Discretion is given to the central government to permit non-forest activity in forest areas- Backdoor provision and giving legal recognition to forest destroyers. Permission to eco-tourism in forest areas.
- Ignoring the rights of forest dwellers and prohibiting the use of minor forest produce.
- Forest Act, 1927, Passed by the British govt to gain a monopoly over Forest in India, we are still relying on it.
- Under Forest Conservation Act Punishment for contravening the provisions of the act is simple imprisonment which may extend up to 15 days, Here the absence of political will punishment should be just fair, and reasonable otherwise it will encourage the person to commit more offenses.

6.8. iii. Environmental Impact Assessment.

- The environmental impact assessment will be financed by the proponent himself, with chances of influence on the report.

6.8. iv. Water Pollution Act

Section 25 of the Water act speaks of Consent of the board for the establishment of any industry or any operation therein if any application is made to the state board and within 4 months if the authority failed to accept or refuse then it will be considered as deemed to be have been given. In other countries, if within a prescribed time not been granted, then it would be deemed to be rejected.

7. THE WAY FORWARD

7.1 Thinking First-principles- We are human beings who are thinking in 2 ways like **analogy and first principles**. In former we had **experiences+existing idea= new conclusion**. later we have to break down the problems and find solutions so we can get well and clear undeniable truths and scientifically answer the major environmental threats. By thinking about the first principle we can transform good practices into best practices. The United Nations has requested "best practices" from the field to highlight the many solutions that have been implemented. designed to achieve the objectives.¹⁵ While there are numerous options, there are some good

¹⁵ United Nations. (2019a). Good Practices, Success Stories, and Lessons Learned in SDG Implementation. New York: United Nations Economic and Social Council. Retrieved from <https://sustainabledevelopment.un.org/sdgs/goodpractices>

attempts underway, and I feel that basic principles of thinking maybe built upon endeavors to develop even more inventive solutions to accomplish the SDGs.¹⁶

7.2 Need not to wants philosophy - United Nations Conference for the Human Environment in Stockholm in 1972 discussed new energy-sufficient technologies. concern about running out of resources and the need not want campaign have lost their immediate urgency and have fizzled out.¹⁷ The early environmental movement in the 1970s questioned the ideology of consumerism in the period of unlimited expectations of the late 1960s and argued that the ideology of wanting more and more was fundamentally flawed and would lead to the ecological collapse of the planet. Rather, there should be an ideological shift to considering what people needed for a fulfilled life rather than wanted.¹⁸

7.3 Investment in green start-ups- Now days Green startups are big players in the environmental space. Green start-up's ideas revolve around the ability to revamp business practices in environmentally friendly ways. 3 million NGOs are operating mainly in rural and new entrepreneurs move from big IT cities to set up agri tech-based start-ups in tier II and III towns.¹⁹

7.4 Hydrogen Energy- It is a zero-emission fuel burned with oxygen. It can be used in fuel cells or internal combustion engines.

- 2017 Japan formulated the Basic Hydrogen Strategy to establish an international supply chain.
- South Korea passed the Economic promotion and Safety Control of Hydrogen Act to deal with hydrogen vehicles.
- India has huge heads in green hydrogen production owing to its favorable geographical conditions but yet it's a very nascent stage and commercially challenging.
- The way forward is to take advantage of increasing Investments in R&D, capacity building, compatible legislation, and the creation of demand with supply at an affordable price.

7.5 Carbon Neutrality- It refers to carbon dioxide emissions and is a state of balance between the CO₂ entitled into the atmosphere and CO₂ removed from the atmosphere. In UNFCCC CoP-25 enhance commitments (Panchamrit), to reach net-zero carbon emission by 2070. **Global challenges** are issues in a smooth transition to renewables, lack of technology and skilled labor, consumer-related issues like affordability

- If we see it from the perspective of globalization, New Zealand's 2050 zero carbon emission mission.
- The UK reduce net emissions of greenhouse gases by 100%,
- European Union plan 'Fit for 55' to cut emissions by 55%,
- China announced net zero by the year 2060.

The economy is a wholly-owned subsidiary of ecology.²⁰

7.6 A new interpretation of the Right to development.

Development doesn't mean the development of the elite and urban rich alone, but also the masses-people. Article 8 (1) of the UN declaration on the Right to Development 1986 Equitable access to basic resources is an ingredient of the right to development. Right to development must be interpreted as a process of development that should not affect the potential of natural resources but rather be sustainable development for present and future generations.

¹⁶ Tom Kortenbach, *How First Principles Thinking Can Turn the SDGs' Good Practices into Best Practices*, 1 FPTR, 32, 34 (2020)

¹⁷ Meadows, Donella. 1972. *The Limits to Growth: A Report on the Club of Rome's Project on the Predicament of Mankind*. Washington DC: Island Press.

¹⁸ Meadows, Donella. 1972. *The Limits to Growth: A Report on the Club of Rome's Project on the Predicament of Mankind*. Washington DC: Island Press.

¹⁹ Dr. Rahul Ghai, 'Time to rethink rural management', *Deccan Heralds*, July 22,2020.

²⁰ Nelson G, 20021, *Beyond Earth Day: Fulfilling the Promise*. Madison, WI: University of Wisconsin Press.

A new approach in which all nations aim at a type of development that integrates production with resource conservation and enhancement, and links with adequate livelihood base and equitable access to resources.²¹

The policy may differ from one country to another. A global consensus on methods and mechanisms for legal control, and scientific and sustainable management of biotic resources will do away with many roadblocks in the path of development.

7.7. Strict implementation of laws

We have the best of the best laws to protect the environment. Environment definition itself is much wider than it covers everything of everything. Section 3 of the Environmental protection act gives enormous power in the hands of the central government to respond to environmental threats. But if we come to the aspects of the implementation of the laws is highly disastrous.

7.8 Development of personal conscience on environmental protection.

Every person shall have compassion for living creatures and protect and improve the natural environment, have a scientific temper, humanism, spirit of inquiry, reform, the country must strive towards excellence in all spheres of environment and collectively participate so that environment and globalization constantly raise to higher levels of endeavor and achievement. Nations must give more importance to Environmental Education which is aimed at developing a world population that is aware of and concerned about the total environment and its associated problems, and which has the knowledge, attitudes, motivation, commitment, and skills to work individually and collectively toward solutions of current problems and the prevention of new ones.²²

7.9 Use the power of media

The power of the media should not be underestimated at this point. The media has an important role in informing people about environmental problems. Local environmental problems can be addressed by local television channels and newspapers. Thus, people's attention can be drawn to environmental problems. Educational programs for all age groups can be presented on local TV channels.²³

7.10 Institutional approach to eco-holistic approach

The environment has traditionally been approached from an institutional angle in international politics, but now eco-holistic approach is fundamentally needed. It is merging the concerns of both holistic and eco-centric approaches. Eco-holistic emphasizes that analysis will be social, political, economic, and environmental and that such an analysis is crucial for the understanding of the structural origins of environmental degradation which in turn is crucial for an understanding of what political frameworks are necessary for effective environmental regulation.

7.11 Climate change

Some developing countries see climate change as a historical problem and want past emissions to be incorporated into possible emission reduction strategies other developed countries are quite serious that future emissions should be taken into consideration. So here also global leaders irrespective of their relationship, join hands to protect the environment and human rights. We need to remember that we all shared a single atmosphere providing climate

²¹ Report of the World Commission on Environment and Development: Our Common Future, 39-40 (1987).

²² Matarasso, M. & Dung, N. V. (2002). Environmental education trainer's guide for nature conservation.

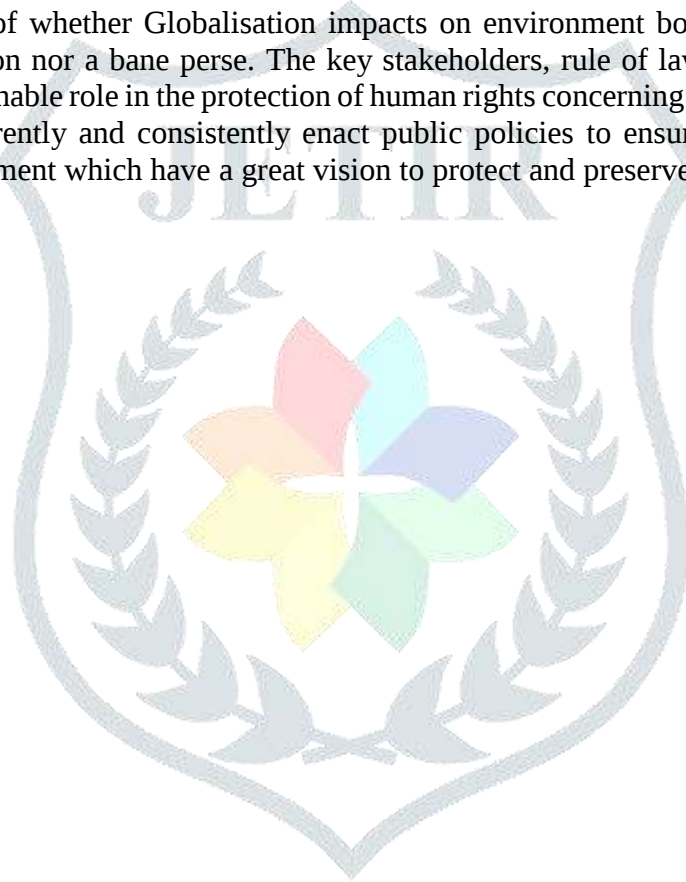
²³ Dr. Abdullah Karataş, *Environmental Impacts of Globalization and a Solution Proposal*, ISSN 2162-142X, AIJCR p.69

protection and shielding us from harsh UV rays. Climate change is a global challenge and requires a global solution.²⁴

8. CONCLUSION

8.1 Gandhiji had said, **“Earth provides enough to satisfy every man’s need, but not for every man’s greed.”** Mankind needs to introspect not only about its present needs but the way those needs are being met. The true role of globalization role is to continue to liberalize trade, as well as to ensure that environmental policies do not act as obstacles to trade and that trade rules do not stand in the way of adequate domestic environmental protection. To preserve and improve the quality of the environment there is a necessity to bring suitable changes in the process of globalization to make it responsive to the needs of environmental protection. More specifically, there is a need to infuse the sustainable development principle in the globalization process so firmly that environmental consideration should receive the same consideration as the promotion of free trade. Economic development is essential for the States to attain prosperity but not at the cost of environmental degradation.

8.2 To answer the question of whether Globalisation impacts on environment boon or bane? My stand is that Globalisation is neither a boon nor a bane perse. The key stakeholders, rule of law, use of intellectual honesty, greed or need, play an unmatched role in the protection of human rights concerning the environment. I confidently say that the authorities coherently and consistently enact public policies to ensure the harmonization between globalization and the environment which have a great vision to protect and preserve the earth’s environment.



²⁴ Supra note, p. 13.