

Importance of international law for climate change



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Introduction

This paper will discuss the severity of climate change, the action it requires in order to be averted, and the reasons it demands recognition and influence of the international community, in order to conclude that climate change is an issue of international law. The prevention and mitigation of climate change requires major, immediate, legally binding international motions in order to be effective enough to sustain the human race, and uphold the principles of international law.

Climate Change is a Global Threat

There is a plethora of data to support the existence and severity of climate change on a global scale, making it relevant to international law. Firstly, its existence, and particularly the fact that it is caused by humans, has been agreed upon by approximately 97% of scientists

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. It is also important to consider that some scientists are paid by companies which benefit from climate change denial. If this conflict of interest did not exist, the consensus would likely be closer to unanimous. Although it is commonly understood that greenhouse gases are a main symptom and cause of climate change, the source of these greenhouse gases are not as well known by the general population; “ The most abundant GHG, accounting for about two-thirds of GHGs, is carbon dioxide (CO₂), is largely the product of burning fossil fuels.” 2

This further proves the idea that climate change is caused by human activity, and therefore cannot be considered part of a natural and harmless cycle through which the earth progresses.

There are various studies and trends that prove and address the severity and global scale of the issue. For example, a recent study found that the end of human civilization could begin in 2050, and that “ planetary and human systems [are] reaching a ‘ point of no return’ by mid-century, in which the prospect of a largely uninhabitable Earth leads to the breakdown of nations and the international order.” 3

As a part of this broader issue, other species are and will continue to be negatively impacted, such as aquatic animals; “ The world’s oceans will likely lose about one-sixth of their fish and other marine life by the end of the century if climate change continues on its current path,” 4

. In multiple instances, climate change has been found to cause more frequent and extreme weather events, and this issue is worsening. A larger trend, for example, is the warming of the earth over time. The last 5 years were the hottest on record. 5

This general warming of the planet will cause more extreme and frequent heat waves, which will kill many people through complications such as heatstroke and dehydration. More specific events include the typhoon known as Haiyan that hit the Philippines in 2013 6

, and the succession of hurricanes which occurred in 2018, the latter of which mainly affected the United States and Central America.

Climate change may also lead to the spread of disease, particularly in what were previously unlikely areas of the world for them to occur. For example, flesh-eating bacteria was found to be a potential threat resulting from the warming of bodies of water based on a few cases in the United States 7

. This is because bacteria is known to thrive in warmer temperatures. Other diseases may spread as a result of this warming. A specific carrier of disease that concerns scientists is called a “ vector”, a type of organism which also thrives in warmer climates. As colder areas become more habitable for these carriers, disease will spread where it hadn't prior, which will potentially affect more people. In addition to flesh-eating bacteria, these illnesses will include Malaria, West Nile virus, and Lyme Disease. 8

Famine and malnourishment are also caused by climate change, largely due to the extinction of various flora and fauna; especially bees. They provide one third of the world's food supply 9

, mainly including produce, nuts, and seeds, which are important to maintaining healthy vitamin levels. Another danger to wildlife is the melting of glaciers; “ Both the extent and thickness of Arctic sea ice has declined rapidly over the last several decades.” 10

This has also resulted in flooding of cities on shorelines; “ Global sea level rose about 8 inches in the last century. The rate in the last two decades, however, is nearly double that of the last century and is accelerating slightly every year” 11

Forest fires and their increasing severity is another byproduct of climate change. Based on all of this information, the worldwide prominence and risk generated by climate change is profound, and thus it requires extensive counteraction.

Further Prevention Efforts are Required

It may be argued that climate change is better solved on a federal or provincial level. Arguments for this point might include policies that have already been proposed federally, such as the banning of certain plastics, as the Green Party 12

, the NDP 13

, and the Liberal Party 14

of Canada have proposed, as well as the United Kingdom 15

. Another might be Toronto's recently proposed resilience strategy 16

, which would guide legislators in combating climate change. In the United States, a representative known as Alexandria Ocasio Cortez (D-NY) proposed the Green New Deal 17

, a resolution which is meant to provide suggestions as to how to avoid climate crisis through policy and infrastructure plans. Despite these positive steps, based on polling 18

, the Progressive Conservative Party has the highest chance of winning the federal election this fall. Furthermore, Toronto's resilience strategy only

functions on a municipal scale, and the Green New Deal is merely a resolution, which is not legally binding. Apart from these specific advancements, scientists are still concerned about the lack of power with, and the speed at which these policies are being implemented.

While these types of solutions are theoretically possible, they are unlikely to occur in practice, due to corporate influence on politics 19

; a structural and systematic issue which would be difficult to deconstruct in various countries and areas of government. This influence becomes more apparent when considering that “ About 100 companies have been responsible for about 71% of the world’s greenhouse gas emissions.” 20

This statistic also implies that personal behaviour is not the biggest contributor to emissions. Therefore, theoretically, business regulation could be a major step in halting the progression of climate change, a global threat to human civilization, and yet there is little action in favour of this.

Current and past efforts have not been strong enough to meet the deadlines previously mentioned, in places such as Scotland 21

in particular, as well as the UK as a whole. Although some countries are taking steps to fight climate change, they are not powerful enough, nor are they being implemented quickly enough. As was previously mentioned, human civilization could start to deteriorate completely by 2050. The prime minister of the United Kingdom, Theresa May, made “ a commitment to reach net zero carbon emissions by 2050,”

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while a much earlier deadline would be more effective in preventing or delaying the effects of a climate crisis. In conclusion, international forces must compensate for these limited efforts to combat the issue, as there is no alternative avenue.

A negative trend are policies which accelerate the effects of climate change being implemented presently. For example, although “ 60% of proven oil reserves must be left in the ground if we are to have even a remote chance of limiting global warming to two degrees” 23

, an important limit to follow; there are still many countries that engage in a significant amount of fracking and oil extraction. Despite the United States being a major contributor to greenhouse gas emissions, President Donald Trump has decided to decrease funding for the Environmental Protection Agency, and the current administrator of the agency was previously a lobbyist for coal companies. Past administrators of the EPA have similar histories. This presents a conflict of interest which has been proven by the motions supported or proposed by the EPA and the United States government. 24

These policies and actions include pulling out of the Paris Climate Agreement, removing some regulations on methane and fuel economy, and making more public land available for oil drilling 25 26

. The recently elected Ontario government, the PCP premier known as Doug Ford, has also harmed climate change prevention policy. He has taken funding from flood management, the Ministry of Natural Resources and

Forestry, and the Ministry of the Environment, Conservation and Parks. He has also weakened the Endangered Species Act. 27

These are only a few examples of regressive, harmful, and irresponsible government actions. The larger picture is much worse.

These deficiencies in action on the federal and provincial levels demand international recognition and pressure. This would bring more attention to the issue, and further confirm the seriousness of the threats posed by climate change. Regardless of this, such a massive goal must be performed on an international level, as it takes the cooperation of every country in order to ensure it is adhered to.

Another consideration is voting trends in developed countries, as they are most guilty of harming the environment, and are the most capable to stop doing so through tax-funded programs. These would act as an alternative or addition to federal regulation on business. Taxation on companies could be a possibility, but as discussed prior, corporate influence on politics must be solved first. In Canada, despite some awareness, and present though lesser concern, many are not willing to pay enough in taxes in order to fund programs, and many do not consider it a life threatening issue. 28

Approximately 18% of Americans either do not consider climate change to be man-made, or do not believe in it at all. 29

These figures become more concerning when considering that only about 60% of the population typically votes in the federal elections in these countries. 30 31

The perspectives of these world leaders in regards to climate change are also concerning. This information implies that voters will not act in accordance with defeating climate change, meaning that worldwide action must be taken.

Climate Change and International Law are Intertwined

According to the United Nations, a main objective of international law is to uphold human rights; “ By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights.” 32

In order to achieve this goal, equity and justice must be prioritized, which aligns with climate change prevention. This is because climate change poses many humanitarian issues, especially in developing countries, and marginalized groups. In addition to the many health issues and deaths which will arise, a refugee crisis may occur as people attempt to flee such extreme and fatal conditions. This may pose a national security threat to countries with an abundance of natural resources such as water or fertile land, as an overwhelming number of these refugees may desire to enter these countries. If these resource rich countries do not welcome refugees, millions, or perhaps billions, of people will die. Alternatively, there may be wars over natural resources, and desperation may even force allies to betray one another. Regardless of the outcome, eventually economies and social orders will begin to collapse. For these reasons, international entities should be inclined to be more involved in curbing climate change. As well, creating a global plan and building consensus as to how countries should proceed in

the case of a climate crisis is vital in avoiding or reducing the probability of these obstacles.

Climate change has already received international attention, proving its significance and broad impact on humanity. These include the Global Climate Strike, spearheaded by a Norwegian activist named Greta Thunberg

; the Paris Agreement 34

; and the Kyoto Protocol 35

; the last two of which were led by the United Nations. Another example of this is the United Nations Climate Change Summit, which began in 2014. It strives to evoke discussion regarding the problems and solutions involved in climate change, as well as the development of specific plans to avoid it.

These events, in addition to many others, signify that people are aware of and concerned about the issue, and that they would like policy solutions to it. As was previously discussed, however, governments have been to complacent and insufficient in this area. Therefore, regulation on corporate influence would be an impactful and positive change to the political landscape, preferably internationally.

Conclusion and Recommendation

Although it is unlikely for regulation on corporations to occur on a federal level, it is still important to consider the potential options, as they could be implemented internationally. This solution is uniquely valuable in that it is one of the best methods to reduce carbon emissions. requirement for the

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percentage of energy sources which are renewable. Incentives toward more eco-friendly transportation methods could be enacted, such as an international carbon tax, and a subsidy for companies that use lower impact freighting options. A limit could be imposed on the amount of greenhouse gas emissions that can be legally produced by various companies in relation to their size. Regulation on packaging to ensure it is not in excess would be helpful in reducing the waste that goes to landfill, or is sent to developing countries.

The fact that most Canadian citizens do not own solar panels suggests that subsidies are not high enough, and that the upfront costs of this renewable source of energy are too expensive for the average person. Increasing subsidies on these products might create further incentive for Canadians to purchase them. Education regarding the long-term cost efficiency of renewable energy may also prove effective in prompting Canadians to use them. Education regarding the threat of climate change may also act as a good incentive.

There may be resistance toward or lack of participation in international treaties made to fight the issue. These could be avoided by tailoring different policies or treaties to specific countries that are more reasonable. Countries which are typically more averse to any international actions and climate change policy might be swayed by this. Overall, it could result in more countries signing onto agreements.

Therefore, climate change is a problem intertwined in a main facet of international law, that being humanitarianism. Additionally, it can be

concluded that climate change is an all-encompassing matter that is not being adequately addressed, despite efforts to do so. Considering these conclusions, it is apparent that climate change deserves prompt international attention and policy enactment.

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