Effectiveness of a legally enforceable framework on curtailing environmental pollution

**Word Count**: 1990 words (excluding abstract and references)

**Essay topic:** Responsibility to the Environment

**Thesis:** The fact that the actions of corporations are contributing to irreparable damage to the environment makes a legally enforceable framework necessary in order to punish the most blameworthy firms, while deterring others from causing unnecessary pollution.

# **Abstract**

The primary objection of corporations across the world is to maximize profits. Managements are compelled by the shareholders to do all they can to increase revenue, and those who fail risk being terminated. Other stakeholders impose their demands on the executives as well, and hence there are many instances the leaders end-up engaging in unethical practices in their quest to meet the many conflicting aspirations. One way they do that is to undertake unrestrained exploitation of natural resources. They also overlook the need to proper disposal of waste, and inadvertently cause serious damage to the environment. Governments in developing countries have been reluctant to impose severe restriction to dangerous economic activities. They fear losing revenue, foreign exchange, and causing unemployment. Nonetheless, this hesitancy is bound to result into much bigger challenges in the future, and hence the need for a global and legally enforceable framework. There must be a strategy that is followed by all players to the letter in order to save the world from environmental calamities.

Word List:

Global warming

Sea level

Natural disasters

The Paris Agreement

The U.S. Environmental Protection Agency

Legally enforceable framework

Endangered countries

Pollution

Environmental protection

Effectiveness of a Legally Enforceable Framework on Curtailing Environmental Pollution

Corporations play a predominant role in triggering global climatic change. As they produce goods and services aimed at satisfying the ever increasing needs of their clienteles, they tend to overuse the available natural resources and hence cause environmental degradation (Oh & Jeon, 2017). There have been several instances where firms were accused of disposing their hazardous waste improperly, and ended-up causing deaths and impeding biodiversity. Such dangerous practices harm all living organisms, including human beings (Sağir & Bozgün, 2017). They are causing unprecedented water shortages, rise in temperatures, drought, threat of fires, as well as pest and weed invasion. Island nations like Kiribati, the Maldives, and Seychelles are the most threatened particularly because significant portions of their territories lie less than 2 meters above sea level (Wang et al., 2020). The fact that the actions of corporations are contributing to irreparable damage to the environment makes a legally enforceable framework necessary in order to punish the most blameworthy firms, while deterring others from causing unnecessary pollution.

# **Business activities causing harm to the environment**

The U.S. Environmental Protection Agency estimate that industry and other commercial energy uses account for over 30% of the total greenhouse gas emissions. In some countries such as India and China, the emission from these practices is a lot higher than in the West. This is a significant observation, especially considering that most of the people and island nations imperiled by global warming reside predominantly in Asia (Ma, et al., 2020). These societies are unprecedentedly being threatened by the rise in sea level as well as the increased frequency with which typhoons and hurricanes are occurring.

Multinational companies operating in Asia as well as those from the rest of the world have also been disposing their hazardous waste without due regard for the people and the environment. NTPC Limited and Indian Oil were fined in 2020 for damaging the environment over the recent past. In china, it is estimated that over 14,000 companies routinely violate regulations put in place to contain environmental degradation. Sometimes they are fined, but in most cases though, their harmful practices are ignored as the firms are state-owned or are associated with powerful individuals in the communist party (Wunderling, Donges, Kurths, & Winkelmann, 2021).

It is unfortunate that damage caused by environmental pollution is not restricted to one area. In the wake of the Fukushima Daiichi nuclear disaster, readings from the US coastal waters indicated that contamination had spread that far. Japan is over 6,000 miles from the US, and this highlights the fact that several other jurisdictions between the two nations could have been impacted by the tragedy that happened in 2011 (Williams, Roussenov, Goodwin, Resplandy, & Bopp, 2017). Pollution is, therefore, a matter of global concern; and whether it happens by accident or through deliberate actions, the international community must find measures to reduce its prevalence.

# **Countries most affected by environmental pollution**

Big as well as small countries are being threatened by increased global warming, the rising sea level, and other natural disasters associated with pollution. They include China, Bangladesh, India, and Vietnam each of which has over 30 million of their own citizens living in at risk locations. Others are Indonesia and Thailand with 23 million and 12 million people respectively living in locations which are less than 2 meters above sea level. Nonetheless, the big nations have the option of relocating their populations into their interior (Rückamp, Falk, Frieler, Lange, & Humbert, 2018). Many island nations, most of which are in Asia, have limited landmass, and nearly every part of it lies within the endangered altitude.

Small countries threatened by global warming include the Marshall Islands, the Maldives, Kiribati, and Seychelles. In Seychelles, the most apparent threat is that the rise of sea level has caused tuna fish to migrate out of the country’s territorial waters. This has caused a significant food crisis and threatened national income. In the Maldives, it is noteworthy that 80% of the landmass is less than a meter above sea level. It has been observed that 80% of the country’s population lives in regions prone to such environmental disasters as cyclones. Kiribati is oftentimes referred to as the first nation in the world that will be swallowed up by the rising sea levels (Li et al., 2020). The society is poor, and they have limited resources to reverse the trend.

Marshall Islands is losing safe drinking water, and the U.S. Geological Survey has projected that the country will not be in existence by 2035. It is apparent that the current trends as far as environmental pollution and global warming are concerned are having serious repercussions. The developments ought not to be ignored any longer. Indeed, it is imperative to evaluate the effectiveness of the frameworks which are currently being used to reduce business corporation’s negative impacts on the environment and societies across the globe (Li et al., 2021).

# **Historical and current efforts to curtail environmental pollution**

Traditionally, stakeholders in various multinational corporations have been encouraged to see the moral sense in reducing their negative impacts on the environment. Advocates of safe business practices have argued that as members of the human society, investors, managers, workers, and their associates would also benefit to live in a world where environmental conservation is prioritized. Some organizations have embraced the philosophy, and they are continually devising ways and means of safeguarding the environment. These include IKEA, Unilever, Panasonic Corporation, Allergan plc, and Seventh Generation, Inc. (Rückamp et al., 2018). Their managements and boards of directors hardly approve of any project where environmental conservation strategies are not instituted.

However, an overwhelming majority of corporations of all sizes focus on profit maximization, even if that comes at the expense of environmental pollution. Moreover, there is lack of uniformity in regards to how countries impose their environmental protection laws and regulations. The main goal of most countries in the developing world is to increase exports, and hence earn revenue and foreign exchange (Sağir & Bozgün, 2017). Leaders of nations such as China, Indonesia, India, and those of many African states are not yet convinced of the need to restrict some of the most harmful activities being undertaken by investors. Their rationale is that stringent measures will cause capital flight, unemployment, and loss of public revenue (Williams et al., 2017). These worries are justified, but they ought to realize that environmental degradation has immediate as well as long-term repercussions as well.

# **Effectiveness of the current environmental conservation efforts**

The current environmental protection approaches have failed, and that is because the stakeholders are only being encouraged to do what they think is right. For an African head of state, the most urgent problem seems to be solving the unemployment crisis. Countries like India and China wish to dominate the global manufacturing activities. Although their leaders often argue in favor of a clean environment, their actions demonstrate a radically different approach (Oh & Jeon, 2017). Corporations based in the West have identified loopholes, and are keen on exploiting them. A firm founded in Germany, the UK, or the US, for instance, is able to shift most of its manufacturing activities from nations where stringent environmental protection laws have been imposed (Wang et al., 2020). They instead liaise with manufacturers from the developing world, and this means that they no longer have to abide by the commitments to curtail pollution.

# **Future outlook based on the current trends**

Unless a different worldwide approach is devised, the current levels of pollution are bound to continue. Indeed, some jurisdictions may actually witness a dramatic rise in the emission of greenhouse gases, as an increased number of multinationals start largescale manufacturing activities in these jurisdictions (Wunderling et al., 2021). Nations being threatened by the rising sea level and other serious natural disasters will continue being imperiled. Those without the advantage of huge landmasses will disappear completely, as the large countries are left with the challenge of tackling constant natural calamities (Ma, et al., 2020). The economic gains which nations and corporations are seeking at the moment will be decimated, and hence the current approaches are short-sighted and evidently counterproductive.

# **Effectiveness of a legally enforceable framework on curtailing environmental pollution**

The Paris Agreement is a framework upon which countries across the world are required to base their strategies towards reducing global warming and its dangerous consequences. Supporters opine that the endeavor is bound to succeed as it has the support of about 200 nations. It is, therefore, a broad-based commitment to invest in solutions which will save every nation that is currently endangered by the economic activities of multinational corporations. Critics are skeptical about its success, and they have noted that the agreement is likely to be implemented sporadically (Li et al., 2020). Different countries are passing varied rules as they domesticate this treaty.

## **Responsibilities of nation states**

The Paris Agreement should be revised, and there should be the requirement that nations pass uniform laws in their attempts to implement the treaty. There should be a body that offers advisory opinions to lawmakers in every country. Legislatures should also be required to forward their draft laws to that entity so that the level of compliance can be ascertained. Although this is a radical proposition, and some of the countries may be concerned about the possible loss of sovereignty, it is the only way that uniformity can be realized. Passing laws autonomously will always leave loopholes which some unethical multinational corporations will be keen to exploit.

## **Enforcing agencies**

The enforcement of the laws, nonetheless, must be the responsibility of the agencies within nation states. It would be ill-advised to, for instance, to expect the U.S. Environmental Protection Agency to take a leading role in probing violations committed in China or Mexico. Similar agencies with jurisdictional powers should undertake these responsibilities with due diligence. Partnerships may, however, be sought just like it happens with policing. An agency in the Maldives must request Germany or the UK to assist with resources needed to solve a pressing matter of concern. Such cooperation should become commonplace as globalization has made it possible for firms to operate in multiple countries.

## **Recommended sanctions**

While violators in Western countries are forced to pay huge fines in restitutions, those in Asia, Africa, and Latin America are hardly penalized in a manner that can deter other motivated polluters. Indeed, managements rarely challenge the fines imposed on them for their unethical conduct in the developing countries. This is because the profits being made as a result of violating the law are huge (Li et al., 2020). The agencies in the rest of the world must embrace the same kind of measures which have deterred unethical conduct by organizations in Europe and North America.

## **Options for appeal**

In order to guarantee justice, there should be a mechanism for appeal. This is an opportunity for firms which feel unjustly punished to seek redress. There should be a dedicated international court with the responsibility of handling such matters. The same institution ought to be tasked with the duty to issue policy guidelines so that the demands of environmental protection advocates do not run counter to the other legal frameworks. It should be the party that balances aspirations with what is rationally achievable, and hence avert a scenario where economic progress is hampered unnecessarily.

## **Prospects of favorable outcome on account of the proposed legal framework**

A legally enforceable framework will reverse the trends and save people across the world from the dangers of environmental disasters. Economic activities will become sustainable as the resources available at the moment are utilized optimally. Representatives of countries from all over the world have seen the need to curtail environmental degradation, and all that remains is to implement the right measures in time. Such efforts will be mutually beneficial to the multinational organizations, nation states, as well as their people.

# **Conclusion**

If a legally enforceable framework is devised and implemented across the world, the rate of environmental pollution will slow down. With time, various categories of stakeholders will learn the value of being ethical as they engage in economic activities. It is possible that a point will be reached where most of them will not have to be forced to do their due diligence as far as environmental protection is concerned. Nations and people across the world will have benefited as they will may not have to worry about natural disasters as much as they do at the moment.

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