

THE IMPACT OF THE PROCESSES OF GLOBALIZATION TO THE SYSTEM OF ENVIRONMENTAL LAW

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GLOBALIZACIJOS PROCESŲ ĮTAKA APLINKOSAUGOS TEISĖS SISTEMAI

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THE PRESENTATION

Introduction

The relevance of the paper is determined by the role environmental law plays in the process of reduction of negative influence of globalisation on the environment, and, at the same time, by its aim to ensure the implementation of aims and goals of sustainable development in our society. However, the impacts of globalisation on environmental law and inevitable changes under new conditions have not been substantially studied in scientific literature. The main idea of the paper was to find answers to questions on globalisation. Which processes can be called global, which of them determine changes in environmental law and bring forth new problems, and whether Lithuanian environmental law, as we know it today, is efficient enough to put limits or neutralize the harmful influence of globalisation processes on the environment and society. Finally, what are the prospects for development of environmental law under new conditions?

In his work, the author pursues the following objectives: 1) to describe changes and new issues on environmental law when influenced by globalisation processes; 2) to carry out a comparative analysis of international, European and national systems of rules of law that regulate integrated environment protection and shield from the damaging economic and anthropogenic impact; and 3) to summarise the goals and prospects of environmental law development under the globalisation by introducing respective conclusions.

1. Changes and goals of environmental law as determined by globalisation.

This chapter presents a short review of scientific literature, as well as the author's opinion on the problem of globalisation conception, alongside with changes and goals of environmental law as determined by those globalisation processes. Having made analysis of scientific information, the author draws a conclusion that *globalisation is an inevitable and objective historical process of society evolution, where the driving force is the development of science, technologies, and information systems, also, the increasing movement of goods, capital, and workforce from country to country, and finally, the development of international co-operation among countries in various fields of human activity.*

The author expresses a positive attitude towards globalisation processes, which determine further development of society and progress; nevertheless, he underlines the fact that at the same time they cause unrequited consequences on environment and society. The author agrees with the idea, that an increasing number of the world population has a direct impact on globalisation processes, since consumption and social needs grow, and to meet those needs, the society uses natural resources, which are limited. The increasing exploitation of natural resources in industry, energy, and other fields of economic activity is the reason of environment pollution, and the nature fails to purify itself from the pollution effects. Contaminants pervade the environment and produce harm to animate and inanimate nature; they deteriorate the quality of society life and health, induce climate changes, and, consequently, quite often entail natural disasters, such as floods, hurricanes, etc. Statistical data about the growing number of the world population, the rate of environment pollution, and its impact on environment and society are presented in the paper.

On the other hand, the author thinks, that not all processes occurring worldwide are global, but only those which cause harmful effects on international level concerning the earth climate and environment, when natural resources are destroyed and degenerate; the quality of society life and health deteriorates, and the limitation of exploitation of resources and neutralisation of industrial effects requires international co-operation among the countries of the world.

According to the author, globalisation impact on environmental law under new conditions demonstrates itself in significantly expanded regulation, that encourages the improvement and implementation of the following aims and goals: 1) to restrict or neutralize harmful effects of these processes on environment and society; 2) to expand international co-operation between countries and societies in the field of environment protection; 3) to make reforms and develop national system of environmental law, considering international commitments of Lithuania and the strategy of sustainable development of society.

2. Problems of integrated environmental legal regulation.

The idea of integrated environment has been formulated in the environmental policy and legal acts of the EU, and it promotes transition from separate isolated environmental objects and resources (e.g. land, water, air, etc.) to the establishment of integrated environmental system and global protection. By developing this idea, the author expresses opinion that *integrated environment means integration of protection measures applied to the earth climate, some specific environment objects, and resources (i.e. land, land depths, water, air, biological diversity, etc.) against the damaging economic or anthropogenic activity into a united system of environmental protection.* Under the influence of globalisation processes, the increasing environment pollution, as well as other harmful anthropogenic effects, provokes undesirable changes in the earth climate and the whole environment, and this is the reason of demand in legal regulation to be able to protect the planet environment on international level.

In this chapter, the author uses a comparative method to analyse international agreements, and the legal standards of the EU and Lithuania, which regulate relationships within an integrated environment system. With a view of the system complexity and volume, however, the author limits his research up to investigation of legal regulation issues on global climate and environment pollution restriction.

Having compared legal regulation acts with those of the UN *General Convention on Climate Change, Kyoto Protocol*, the corresponding EU and Lithuanian acts on integrated environmental relationship, the author draws a conclusion, that in Lithuania, legal regulation of such relationship

is fragmentary, inadequate and of inexpedient legal form. These especially important environment and society protection relationships, regarding implementation of society and individual right to safe environment, are regulated by departmental legal acts of the Minister of Environment, not laws. This considerably reduces effectiveness of environmental law in regulation of these relations, because departmental legal acts possess minor legal power; with a view to incorporation and development of not complete standards of international agreements and the EU legal acts, the implementation mechanism remains obscure. An integrated and united environmental system of legal regulation has not yet been adopted in Lithuania.

3. Development prospects of environmental law under globalisation.

The author summarises the situation and current problems of integrated environmental legal regulation in Lithuania and comes to a conclusion, that future national environmental law development suggests the following aims and goals in the context of globalisation: 1) universal implementation of Lithuanian international commitments and international agreements, as well as integration of the EU legal standards, regulating environmental relationship; 2) modification of aims and goals of sustainable development strategy in environmental law for Lithuanian society; 3) creation and development of united national environmental law system.

With the view of implementation of these particular aims and goals, the author suggests that laws on climate protection and integrated environment protection were enacted, where prevention and control measures would be considered, together with respective international agreements and the EU legal acts on climate protection and integrated environmental issues. The author proposes the idea of creation of a unique system of environmental law, and for this purpose, he states it is crucial to make a reform in the basic law on environment, to expand limits of its legal capacity and content, regarding strategy and international commitments of sustainable development of Lithuanian society, and to find links with other laws on protection regulation applied to individual objects and resources.

In the final paragraph, the author formulated respective conclusions to summarize the important issues discussed in the paper and the ways of possible solutions to the problems.

Basic concepts: *globalisation processes, integrated environmental protection, environmental law.*

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