

The Issue of Climate Change In Pandemic Phase: Legal Concerns

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ABSTRACT: *Climate change is one of growing social problem which needs immediate attention. Environmental justice movement got its recognition in many western nations due to which social and economical inequalities were identified. The idea of climate justice is also contemporary issue which is part of environmental justice movement across the world. It helps in having major discourse on climate ethics and construction of social welfare policy and regulation prone to good & healthy environment. It is important to note that climate change and health of ecosystem and human bodies are intertwined. There are many climatic actions which put adverse impact resulting into pollution, droughts, storms, heat waves and also mass-displacement. It is crucial to adopt mitigating measures and identify the causes of such environmental injustice.*

Keywords - *Climate Justice, Innovation, Digital transformation*

1. INTRODUCTION

Climate change is a disaster slowly creeping in; taking its toll on the human kind, we are amidst a global pandemic and it has shaken nations to their core, it has in a blatant form portrayed the dearth of resources we are residing on, it has shown how an invisible microorganism can literally kill you. We are amidst the horror which is unfolding in the form of global pandemic but certain yet worldwide disaster is gradually showing its glimpse in the form of natural disaster which are being faced by every corner of the world, let it be wildfires, cyclones, floods, droughts, melting glaciers they all are interlinked to the variability of the climate and how fast it is changing and affecting us. Climate change is impacting all the necessary essentials needed to live a healthy life, climate change is affecting, safe drinking water, clean air, nutritious food supply and a safe and healthy shelter the crisis has the potential to date our progress way back than we are today, it can and is undermining our advancements. Climate change is the defining crisis for the bio-diversity it is much greater than the COVID-19 pandemic and has the potential to wipe out us all.

The crisis is happening even more quickly than we estimated and there is no time left to squander. No one is immune to this disaster we need a collective action to win this race and save ourselves “The ever-rising temperatures are fuelling natural disasters, environmental degradation, giving us weather extremes, food and water insecurity, conflict, terrorism and economic disruption.” The Arctic is melting, sea-levels are rising, coral reefs are dying, forests are burning and oceans are acidifying. Climate change could be worse, as bad as this

pandemic is. It is quite explicit that right now it's quite impossible to think about an issue like climate change.

The human nature does dictates to care the most about immediate and important needs when intricate circumstances are at our door, particularly when the problem is as bad and complex as COVID-19. Always taking the garb of higher temperatures being far off in the coming future doesn't make them any less of a concern today, and now accelerating our efforts is the only single way to prevent the baffling climate outcomes. Although the world is working to stop and start recovering from the latest coronavirus, we still need to get our acts together now to prevent a climate catastrophe by developing and implementing technologies that will let us eliminate and at least decrease our greenhouse gas emissions. There can be different ways of doing business and the ways have brought everyone to this standpoint where we are in fight with ourselves, we are fighting for our lives. But is now clear that the business as usual is not enough we need to change; we need to change our ways of living to make this planet habitable for the coming generations. If one looks at these huge problems through a vacuum one may find many similarities between the two the two issues are conceptually similar from an economic point of view, as both these problems is being interpreted as universal public bad and as some kind of negative subjects. The global externality is climate change, and COVID-19 too, since pestilence is a trans-boundary phenomenon.

THE INTRICACIES OF TWO GLOBAL PROBLEMS

For the entire world, climate change is a huge problem. It is an intercontinental one as it emerges from the emissions of greenhouse gases that are produced in all parts of the world. Hence, the consequences are detected in all regions of the planet. In theory, COVID-19 is a trans-boundary issue since it is born in one or more areas, but can spread quickly to the entire world, going from an outbreak to a pandemic.¹ Furthermore, in a different way, the two issues are global. Increasing atmospheric congregation of greenhouse gases (GHGs) are a leading cause of climate change and global warming, not considering of the geographical position of the emissions². The effect of climate change on a particular country is independent of the emissions the country produces. While when we talk about Covid-19 the effect as it is trans-boundary but the mitigation factors considered in other countries cannot benefit the neighbouring countries to a larger extent as it can do when one talks about Climate Change.

THE GRIM PUBLIC PHENOMENON

Progressing public health has the attributes of excelling public good³ in the existence of a global pandemic: it isn't to ostracize, it is extremely infectious, and non-rival in ingestion as obtaining the virus will not restrict or deter people other than the person from obtaining the virus too. Similarly, climate change does not preclude anybody from benefiting, although its sabbatical does not leave individuals or nations from experiencing detrimental effects, such as extreme weather conditions. It is well known that the difficulty within corporate work that does public good will create the absence of motivation and stimulus for the private sector to furnish it and its under-supply, even with public involvement, in relation to the socially optimal stage. International cooperation, which raises the question of free riding, is important when the public good or bad is worldwide or cross-border⁴. COVID-19 pandemic and the Climate change are both stock concomitant with negative and harsh effects for the well-being of agents. Within a solitary period of time, a stock accompaniment does not enervate its detrimental influence, but extends it through time and generations. GHGs remain in the environment for long periods in the event of climate

change: carbon dioxide lives for almost 50 to 200 years, second type that is fluorinated gases are present in atmosphere for more than a thousand years, the harmful effects impact current as well as future generations⁵. In COVID-19, infected people's stocks raise the possibilities of being infected. Other people being infected (infection externality) raises the risk of failure of health infrastructure, which inflict external impacts on newer ailing people's ability to access care (congestion externality). However, it contributes to herd immunization to obtain a threshold stock of infected individuals. The spectrum of both these global problems is gigantic with potentially high death tolls and catastrophic consequences. When China announced about the first ever COVID-19 victim, the globe then was in hands full with around 2.5 million positive Corona virus cases and almost 175,000 plus death, with countries from every corner declaring grave health emergency and victims⁶.

It is human nature to learn in times of crisis and try best when posed with same problems. Covid-19 and Climate Change run on the same paradigms and we all learn a lot from this crisis at a global level. People stepped up to the challenge in the face of the extraordinary social constraints introduced to keep in check the pandemic, accepting latest working structures and personal struggles, prompting to us that the human potential for bounce back ability is incredible. Two very different threats are climate change and COVID-19, but they do have some important points in common⁷. Both are global - their territorial borders are not recognized - they need all countries whether big or small to work together to come up with solutions. Due to the pandemic the global community has gracefully showcased that a crisis can be solved with companies, government and individuals taking mindful actions and altering behaviours. Even small individual acts keeping in the good conscience when grouped together, like physical distancing, can make a huge difference, enabling us to resolve immense challenge. As climate catastrophe continues to evolve and our adaptability is put to the test, it is comprehensible that only by joining hands and working together can we get through this. To drive the needle forward, substantive collaborations and policy work are required.

PROTECTION OF THE MOST VULNERABLE

We must protect the most vulnerable in a crisis. Younger generation around the world have been taking the charge on an unrivalled scale over the past few years, urging adults and politicians to defend them from climate change. By remaining in their homes and bringing the climate change protests online, the young people aren't just helping in stopping the outbreak but they have been showing solidarity with older generation too, who are the most endangered strata during these times⁸. What fixes problems is this kind of intergenerational unity. The impact of Climate Change is intensifying, the children and young people will suffer with the worst impact, we need to treat climate change with same urgency as COVID-19. This is a time to speak to parents and grandparents about children and young people, to consider the kind of environment we want to build after the pandemic has ended.

The scientific community has been up and about for so long regarding the danger of infectious pandemic and the looming climate change. We will miss our 1.5 C goal at our ongoing pace of global greenhouse gas emissions and move for a temperature increase of 3-4 C instead. And although emissions in 2020 are expected to be 7% lower than in 2019⁹, the cost has been immeasurable. "What's remarkable, as Bill Gates writes, is not how much emissions will decrease because of the pandemic, but how little."¹⁰ We have to set bold and optimistic goals to drive the world to change. The Climate Change and the COVID-19 pandemic has shown us that we need to listen to scientists, to unify in the name of science, save lives instead of playing politics with them. By this we mean that response should be at a

required level and addressing a crisis as crisis, with the urgency that is needed. While we come out of COVID-19 pandemic we should understand that we have the ability to amalgamate a secure recovery with that of a sustainable recovery.

The lead of proposing a green recovery plan has been taken by EU¹¹ that will use technology and digitalization to improve employment and growth, secure societies' resilience and place our environment's health first. The value of accountability in building confidence has been highlighted by the COVID-19 crisis. Leaders are under public pressure and face crisis of confidence like never before. Local governments, towns and companies have taken COVID-19 into their own hands, controlling the rate of infection and setting local restrictions. Over a billion children are being impoverished of their education because of national closure of schools due to COVID-19¹². This risk producing a generation that is barely prepared to take action on the effects of the climate crisis or cope with them. Yet kids and families are doing their hardest to continue to understand. All children, even if they are not physically at school, should be equipped with the tools to continue their education, including remote learning and technology¹³. A positive education is the most valuable instruments we need to combat climate change, since it is giving the children and young generation the information and skills, they should develop for a better future. Strong leadership in tackling climate change would be needed. When battling the climate crisis, we are well aware of the influence of leadership at the local-level, and there exists/ plenty of examples worth celebrating in the business world too. The pandemic has highlighted the corporations and all their stakeholders are most concerned. These are the businesses that the world is searching for, and who are prepared to illustrate how to make meaningful improvements in order to ensure a prosperous, resilient future.

OVERBEARING EFFECT OF DIGITAL TRANSFORMATION

Digital transformation is going on at hyper speed as a result of the pandemic. Every business was compelled, seemingly overnight, to go entirely digital or shut down absolutely. Industries and sectors have been greatly disrupted by the crisis. Travel has come to a complete halt, activities are likely to stay virtual, and schools all over are struggling to determine a plan for safe return of students to classroom. The pandemic exposed the lacunae of education system and showed us the need for cloud-based solutions, and solidified the need of cloud computing and how it is here to stay. UpLink, a digital crowd-sourcing network which brings all sizes of stakeholders for the UN Sustainable Development Goals, by using digitization as means to broaden the pool of ideas and funds, this was introduced by the World Economic Forum¹⁴. The network has now moved on to achieving the Trillion Tree Goal, which has amassed 250+ submissions till date and hence the momentum is prevailing to learn as to how the global tree challenge will be tackled by the change-makers of next generations.

POLICY RESPONSE

Keeping in mind the similar intricacies of both global climate change and pandemic Covid-19 the responses to these universal issues could be similar too. The policy response like any other worldly affairs be mitigation and adaptation. The aim of mitigation is to postpone unwanted effects and minimize them. The immediate focus of mitigation as a stock externality is on reducing contamination/infection rates to remain beneath the limit of emission absorption potential in the atmosphere as well as medical equipment and infrastructures in order to mitigate the possible result of temperature being beyond 2 Degree Celsius/which is the worst-case scenarios which will intern push pass the limits of hospital beds in the intensive as well as pre-intensive carebeds. As, the GHG emissions are more than

70 percent and greatly related to oil, the main aim is to facilitate reduction in energy expenditure and the progression needed for a carbon-free energy source¹⁵.

For that reason, the policy mechanisms comprise carbon taxes and cap-and-trade systems¹⁶. For COVID-19, relief would be in place if the rate of infection will decrease. Increase in personal hygiene, the introduction of personal protective equipment (PPE), home quarantine and the limiting of social contact are the instruments available to achieve this. By moderating intake, reducing working hours, and working solely from home, households minimize the spread of the disease. The competency of health care infrastructure is quite cramped, and operating from home is subjected to learning and doing. Delaying actions always comes at an expense in both events. In the event of COVID-19 where the potential harm to human life is massive, the economy has grounded to a cessation and postponing the lockdown even by one week could have costed more than half a million lives. More mitigation in the area of climate change means a trade-off between today's decreased welfare and production and future higher welfare and increased production. In the longer term, with the growth, implementation and dissemination of newer technologies, effective demographic policies, improvements in the framework of consumption as well as production, effective change in attitudes, behaviours, habits, and desires, climate change can be mitigated. In the event of COVID-19, where the prolonged term may signify a one to two-year time period, new medications and drugs will be carbon-free technologies, along with techniques and actions that would effectively tackle all infected individuals.

ADAPTATIONS

The aim of adaptation is to mitigate the unavoidable detrimental effects on humans, their behaviours, and the world. When one talks about Climate Change, adaptation steps are pervasive, but maybe coastal ecosystem, sustainable agriculture, mitigation, ecosystem conservation, For Climate resilient infrastructure the changes in urban habitats and infrastructure processes are of utmost importance.¹⁷ In the sense of climate change, adaptation is not very important, and also largely case-peculiar and primarily applies to developed countries where there is a negative effect. Adaptation steps would be much more important for COVID-19 in the countries where the health infrastructure is highly unreliable or where there is a lack of universal health care. Funding in medical facilities, medical instruments and health infrastructure and in socially distance-enabled facilities, are adaptation steps applicable to the COVID-19 situation. Adapting can take several forms in COVID-19. Since climate change needs action and intervention, investing in prevention, reconstruction and durability, COVID-19 necessarily needs aggressive monetary and fiscal policies to control and minimize the effects on people's incomes and employment to the full extent possible¹⁸. Adaptation does not do without mitigation for both phenomena, In the case of the erstwhile, the rudimentary presumption is that some of these investments may not be necessary, but the precautionary assumption is necessary. Applies theory. It is likely that, given the uncertainty that some of these public expenditure in adaptation would have been sunk under effective mitigation actions, with an urgent need to deal with a fiscal crisis. Finally, resolving the pandemic and climate danger of COVID-19 needs the same fundamental change, from improving systems' shorter-term efficiency to ensuring their long-term resilience in equal measure.

INNOVATION IN TECHNOLOGY

Although there are many samples of emerging innovations that can assist in alleviating a changing climate, the technical breakthrough has one name in the case of COVID-19 that is

vaccine, either by lowering GHG exudations or interrupting the dynamic relation linking GHG centring and climate variations, including, though not exclusive to, increasing temperatures¹⁹. COVID-19 and Climate change technical advances cover both applied and fundamental science. The public good aspect of the former compared to the latter, a key feature is that arrangement is relative to the socially superlative standard, along with the fact that its provision usually involves government or public research institutions. Given COVID-19's compressed time frame and the understanding of the imminent high risk involved, crucial financial sources, public private research organisations are being fully initiated to work and deliver a solution in a hurry²⁰. Admittedly, in the event of climate change, study work is faced with a much more complicated issue, one whose implications are (erroneously) viewed as less urgent by policymakers and the public in general, and which is more systemic and carried out on a somewhat different, geographical, temporal and financial scale.

INTERNATIONAL COOPERATION

Because of the good nature of the global public, a successful solution to both problems involves cooperation between countries. Cooperation desires alignment of individual incentives, favourable net advantages and transactional costs that aren't extremely high.²¹ In the event of climate change, discussions are ever-going and relate to the creation of a climate architecture that involves trans-boundary agreements, including monitoring, evaluation, reporting and compliance with their implementation. The Climate Agreement needs to be carefully crafted so that it is reliable, efficient and fair. In particular, the international agreements should be well crafted in such a way that every participant feels that they are better off than without the agreement in consideration, (ii) there is no free-ride motive, such that each member is better off being part of the agreement than being outside the international agreement with other parties involved. (iii) transfers from winners to losers or potential free riders (alteration of initial payoffs) or motives to increase the stability of the coalition (extension of cooperation gains) are envisaged. COVID-19 reveals that, during a crisis, international cooperation quickly starts trembling down²². Timing is a key problem when it comes to COVID-19 pandemic. Cooperation between countries, being cross-border, is crucial in the outbreak of infection, which spreads rapidly across space. There is little bargaining time and the motivation to act in view of the greater good for any one nation depends on the expectation of that country that others will also act. There should be no exceptions, since one country's inability to act jeopardise all the others. Coordination is key and recent history shows that countries operating on their own have struggled. For governments and organisations, the current crisis may be a crucial juncture. It is not at all understandable what the international scenario will be after the pandemic of COVID-19 is contained.

2. CONCLUSION

Covid-19 has portrayed how the human kind is not at all prepared for the global problems that are prevalent and may prevail in future. We all need to collectively decide what should be done and how one must leave the greed out of the doors when countries come together to talk about saving mankind from the menace of climate change. What a country needs to do is pledge the Paris Agreement and work on it, with huge investments in renewable energy we need laws which can regulate climate change and policies which can make a paradigm shift instantaneously when it comes to energy production. We need systems which not just state a punishment but gives them too and do not cut out the offenders from the punishment, we need changes in our laws so that the offender is made to reconcile the nature to its previous

form as before the destruction. We must take into consideration all the newer and better ways we have learned and apply the same to Climate Change, right from the starting by treating Climate Change as a near pandemic with potential to cause greater harm than Covid-19. Climate Change is certainly without even a speck of argument the most serious problem the globe is facing. It just not deals with the environmental problems but it has manifolds of problem which must be catered to immediately and effectively without any delay. While we²³are short of time yet we can pull a lever on this mass destruction but to stem the tide we need fundamental shift in our way of working from growing food to producing energy to transportation of goods to our economies these all have to change and have to change now. Technology has become an inhibitor to such greenhouse gas emissions this technology can be used to net zero these emissions too. Around the world renewable energy has become the cheapest source of energy and electric cars are becoming the norm today. Till we have time and we don't reach the tipping point we must make room for change and decarbonizes our economy we must slowly but gradually make breathing room for sustainable and eco-friendly change.

So, it is clear the climate justice is totally human-centric approach where right to development and health of ecosystem are quite significant. Any case of climate change issue which adversely affect human health, is nothing but gross violation of natural justice. It is crucial to study the linkage of environment impact assessment with social impact assessment where public participation and recognition of relevant stakeholders (indigenous societies, forest dwellers,etc) become important in every type of decision-making process which involve some environmental issues. The fulfilment of sustainable development goals regarding climate change can only be possible whenever radical transformation could be brought among common masses through efficient environmental education and socio-legal literacy on biodiversity. Off course, there is need to supervise the existing policy of state regarding corporate action-plans so that element of transparency and accountability could be introduced in every corporate action where there is vulnerability of environmental hazard. The climate change litigation has become significant over the period of time, but over-dependence of different international legal instruments and its compliance become non-effective when there is weak implementation of environmental laws and environment governance based policies. In such situation, state must consider this issue priority matter as well as existential threat where the climate ethics must be major discourse for government consultation at different decision-making forums.

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