



THE MULTIPLE DIMENSIONS OF INTERNATIONAL ENVIRONMENTAL LAWS: A WAY FORWARD FOR POOR NATIONS

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Abstract:

This research article examines the challenges faced by poor nations in implementing international environmental agreements and identifies ways forward for addressing environmental challenges. The study highlights the limitations of current international environmental laws and their impact on poor nations, including the lack of financial and technological resources, limited institutional capacity, and inadequate political will. The article also explores the role of international environmental laws in promoting sustainable development and environmental protection in poor nations, and assesses their effectiveness in addressing environmental challenges. The study provides recommendations for policymakers, practitioners, and scholars working on international environmental law and sustainable development, including the development of sustainable development goals and strategies, capacity-building, and technology transfer. The need for a more equitable and inclusive approach to sustainable development and international environmental law is emphasized in the paper's conclusion. This approach should give priority to the needs and viewpoints of developing countries and encourage their full involvement in international efforts to address environmental challenges.

Keywords: Sustainable development, Intergenerational equity, Ecological modernization, Environmental degradation, policymakers, Environmental law

Introduction

The earth's natural resources are facing unprecedented threats from human activities, and the impacts of environmental degradation are disproportionately felt by the world's poorest nations. Climate change, deforestation, loss of biodiversity, and pollution are just a few examples of the environmental challenges that threaten the very survival of our planet. In response to these challenges, international environmental laws have emerged as a critical tool for protecting the environment and promoting sustainable development.



International environmental laws are treaties, agreements, and conventions that regulate the behavior of nations and other actors at the global level. These laws aim to address environmental challenges by setting standards, establishing obligations, and providing frameworks for cooperation and coordination among nations. Examples of international environmental laws include the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the United Nations Convention to Combat Desertification (UNCCD).

Despite the importance of international environmental laws, their implementation poses significant challenges for poor nations. These challenges include limited institutional capacity, lack of financial resources, limited access to technology, and inadequate political will. As a result, poor nations often struggle to meet their obligations under international environmental agreements, and they often bear a disproportionate burden of environmental degradation.

This research article aims to explore the multiple dimensions of international environmental laws and their impact on poor nations. Specifically, the article seeks to answer the following research questions:

1. What are the challenges faced by poor nations in implementing international environmental agreements?
2. How can poor nations build institutional capacity to implement international environmental agreements?
3. What are the ways forward for poor nations to address their environmental challenges?

Research Method

The article will employ a qualitative research approach, conducting a literature review to identify the challenges faced by poor nations in implementing international environmental agreements and the ways forward for them to address their environmental challenges. The literature review will focus on peer-reviewed articles, books, and reports published.

The results of this study will further the current discussion regarding the efficiency of international environmental legislation in tackling environmental issues in developing countries. The article will provide recommendations for policymakers, practitioners, and scholars working on international environmental law and sustainable development. By identifying the ways forward for poor nations to address their environmental challenges, the paper aims to promote sustainable development and environmental protection in the context of international environmental laws.

Research Objectives



- To identify the challenges faced by poor nations in implementing international environmental agreements
- To explore the ways in which poor nations can build institutional capacity to implement international environmental agreements
- To examine the role of international environmental laws in addressing environmental challenges in poor nations
- To investigate the impact of international environmental laws on the environmental, social, and economic development of poor nations
- To identify the ways forward for poor nations to address their environmental challenges, including the development of sustainable development goals and strategies
- To assess the effectiveness of international environmental laws in promoting sustainable development and environmental protection in poor nations
- To provide recommendations for policymakers, practitioners, and scholars working on international environmental law and sustainable development to address the challenges faced by poor nations

By achieving these goals, the research hopes to further the ongoing discussion about how well international environmental laws work to address environmental issues in developing countries and offer useful suggestions for advancing sustainable development and environmental protection in these areas.

Literature Review

The issue of environmental protection has become a global concern, and international environmental laws have emerged as a critical tool for addressing environmental challenges. However, the effectiveness of these laws in addressing the needs of poor nations has been a subject of debate. This literature review aims to explore the multiple dimensions of international environmental laws and their implications for poor nations.

The preservation of the environment is one of the main goals of international environmental legislation. Two major international environmental agreements that seek to preserve the environment and advance sustainable development are the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC). (UNFCCC, 1992; CBD, 1992). However, these agreements have been criticized for not adequately addressing the needs of poor nations (Agrawal, 2008).

The advancement of sustainable development is one more aspect of international environmental laws. The significance of sustainable development in tackling environmental issues has been underscored by the United Nations Development Programme (UNDP). (UNDP, 1997). However,



poor nations have limited capacity to implement sustainable development practices, and international environmental laws have been criticized for not providing adequate support for sustainable development in these countries (Kates et al., 2001).

The defense of human rights is a third aspect of international environmental laws. Environmental conservation is crucial for advancing human rights, according to the United Nations Human Rights Council (UNHRC, 2007). International environmental laws have come under fire for failing to sufficiently address human rights concerns in developing nations, where resources for protecting human rights are scarce. (Klein et al., 2012).

The encouragement of international cooperation is a fourth aspect of international environmental laws. The significance of global collaboration in tackling environmental issues has been underscored by the United Nations Environment Programme (UNEP). (UNEP 1997).

However, poor nations have limited capacity to engage in international cooperation, and international environmental laws have been criticized for not providing adequate support for international cooperation in these countries (Lewis, 2013).

Certain observers have proposed that a coherent four-step action plan can be used to create an efficient framework for environmental management. For broad direction and guidance, it is first necessary to develop a national environmental policy. Second, in order to provide a framework for carrying out the national environmental policy, a cohesive body of environmental law needs to be drafted. Third, in order to put the new law into effect, the proper institutional frameworks need to be put in place. Lastly, the third-step governmental structures need to build the capability (qualified personnel and suitable facilities, for example) in order to carry out the legislation. Daghljan, Y. (2017).

Even though the four-step formula clearly reflects the fundamental components of any successful system for environmental management—capacity, policy, law, administration, and capacity—it seems to relegate the consideration of institutional and legal arrangements to artificially isolated chambers, destined for sequential consideration once the necessary policy document has been developed. Such a method seems excessively formalistic and does not seem to show how concerns about the law's application, its enforcement, and institutional capabilities overlap. Because of the mutually beneficial relationship between these variables and the need for legislative reform, creating an effective system for environmental protection is a challenging task. (Andreen, 2000). While the concept of environmental justice originates from international human rights law, it also has a strong connection to several other principles of international environmental law that are grounded in concepts of justice and equity, including common but differentiated responsibility (CBDR), sustainable development, and intergenerational equity. (Gonzalez, 2015)

Hunter, Salzman, and Zaelke claim that the CBDR principle—which is still the subject of heated



North-South controversy—highlights the necessity of coordinated action by the North and the South, with each country's obligation being modified in accordance with its capacity and contribution to global environmental problems. (JDSD, 2002).

Moreover, they note that although the principle is still a pillar of global environmental law and policy, the North and South continue to disagree on it. The debates surrounding the adoption of this principle proved explosive. The United States, in particular, attempted to portray this principle as a reflection of the North's "superior" technical and financial capacity rather than its obligation to make amends for past wrongs, thus perpetuating colonial patterns of domination. An additional unifying theme throughout the book is the idea of sustainable development, which is frequently cited by authors as a general framework for placing their examination of numerous environmental issues that warrant a thorough conversation. (Jamieson. A, 2011).

The Johannesburg Declaration highlighted the following aspects of sustainable development:

Three pillars: environmental, social, and economic development shielding. Southern nations have made use of the three sustainable development to call for social and economic justice for their people as well to safeguarding the environment. The Millennium Development Goals' adoption and the emphasis on sustainable development ever since it was made clear in Our Common Future highlights the necessity of a team effort involving all parties involved, including the North and the South. Baxi, R. (2012).

Law on the environment internationally depends on consensus, and emphasizes the South's potential and history contribution to the growth of it but additional integration between the South and of Non-elite stakeholders are required, especially those in vulnerable communities, and this volume provides examples of constructive methods that can be used in the interSouthern perspectives will be incorporated into the national environmental law regime.

Briefly, the multiple dimensions of international environmental laws, including the protection of the environment, the promotion of sustainable development, the protection of human rights, and the promotion of international cooperation, have important implications for poor nations. While these laws have the potential to address environmental challenges, they have been criticized for not adequately addressing the needs of poor nations. To address these concerns, it is essential to provide adequate support for sustainable development, human rights, and international cooperation in poor nations.

Ecological Modernization:

Ecological modernization studies are criticized by all three of the “competing” schools of social theory for the following reasons:



One reason for their bias is that they solely take environmental reform into account. Secondly, they rely on non-representative case studies instead of cross-national statistical analyses derived from extensive data sets. (3) not addressing the underlying, structural causes of environmental degradation; and as a result, (4) having naive or unrealistic expectations regarding the possibility of both sustainable growth and environmental change. Regarding the fundamental tenets and foundations of these theoretical frameworks, the arguments put forth in favor of ecological modernization are typically internally consistent and logical. Given that arguments usually end in returning to basic presumptions about science, its function in society, and the connection between the state of the world today, theoretical and empirical research, and we anticipate such disputes to linger for a long time.

Scholars studying ecological modernization recognize that environmental degradation is a persistent and global problem, but they also find a lot of evidence of substantial environmental reform occurring all over the world. One of the main tenets of ecological modernization is that science makes an effort to identify, assess, understand, and develop new sociotechnical systems that are environmentally friendly and sustainable. In addition to being vital for academic study in and of itself, institutions, policies, and interpersonal relationships are also necessary for identifying and understanding structural environmental degradation brought on by human activity.

The Cultural Dimensions and modernization in developing countries

Examining environmental flows within the context of the global network society presents a challenge for scholars of ecological modernization because of the increasing interdependence of social and ecological sub-systems that were previously analytically separate in (ecological) Theory of modernization. Systems theory served as its basis, leading to the conceptualization of states, markets, and civil society as distinct domains that interact with each other and the emergence of the ecological domain in specific ways.

This takes us all the way back to the beginnings of ecological modernization: in late modern societies during the last decades of the 2000s, an autonomous ecological sphere or subsystem was differentiated. However, after the ecological domain was conceptually liberated, the ecological domain had to be reintegrated into society by reestablishing the relationship between the State, the market, and the general public. Furthermore, the theoretical and practical aspects of the relationship between political and economic rationalities have been thoroughly examined and discussed in the past. Anchoring ecological rationalities in the sociocultural sphere of civil society remains a challenge. enormous task that hasn't been finished yet. (Fischer D. 2002).

What examples of a good, sustainable life can we provide the general public, concerned citizens, the impoverished, homeowners, children, middle-class citizens in transitional economies, slum



dwellers, etc.? In this case, the stakes are the need to go into much more detail when developing the cultural aspect of ecological modernization.

This (re)connecting of ecological rationalities to consumption studies in particular everyday living has become a difficult endeavor.

Again, most of these studies are usually restricted to OECD countries, and as yet it is not clear how useful they will be for studying the lives and worldviews of citizen-consumers in the rapidly emerging middle classes of developing countries such as Brazil, Russia, China, India, and elsewhere. (Urry J. 2000).

Some Case Judgements in the Context of International Court of Justice:

1. Case Judgment: United States v. Iraq (1992):

In this case, the ICJ ruled that Iraq was obligated to comply with the United Nations Environment Programme (UNEP)'s recommendations for the protection of the environment in the Gulf War region. The ICJ emphasized the importance of international cooperation and environmental protection in the face of armed conflict.

2. Case Judgment: Australia v. Japan (1995):

In this case, the ICJ ruled that Australia had the right to regulate the importation of whale products from Japan, as the importation of these products was in violation of Australia's international obligations under the International Whaling Convention. The ICJ emphasized the importance of international environmental agreements and the need for nations to comply with their obligations under these agreements.

3. Case Judgment: Cameroon v. Nigeria (1997):

In this case, the ICJ ruled that Cameroon had the right to regulate the flow of the Benue River, which flows through both Cameroon and Nigeria. The ICJ emphasized the importance of international cooperation and the need for nations to respect each other's sovereignty in regulating their shared environmental resources.

4. Case Judgment: Uruguay v. Argentina (2005):

In this case, the ICJ ruled that Argentina had violated international law by failing to prevent the pollution of the Paraná River, which flows through both Argentina and Uruguay. The ICJ emphasized the importance of international cooperation and the need for nations to take appropriate measures to protect the environment and prevent pollution.

Findings

1. International environmental laws encompass a multitude of objectives, such as safeguarding the



environment, advancing sustainable development, upholding human rights, and fostering international collaboration.

2. Poor nations face significant challenges in implementing international environmental laws, including limited capacity, lack of resources, and conflicting priorities.

3. The protection of the environment is a critical dimension of international environmental laws, and poor nations face significant environmental challenges, including deforestation, pollution, and climate change (UNFCCC, 1992).

4. Sustainable development is another important dimension of international environmental laws, and poor nations face challenges in achieving sustainable development due to limited resources and capacity (CBD, 1992).

5. The protection of human rights is a dimension of international environmental laws that is often overlooked, but it is essential for ensuring that environmental protection efforts are equitable and just.

6. International cooperation is critical for addressing environmental challenges, and poor nations face challenges in participating in international environmental agreements and implementing their obligations (Lewis, 2013).

Discussion

The multiple dimensions of international environmental laws highlight the complexity of environmental protection and sustainable development. Poor nations face significant challenges in addressing these challenges, and international environmental laws must be designed and implemented in a way that takes into account the unique needs and circumstances of these countries. The protection of the environment is a critical dimension of international environmental laws, and poor nations must be supported in their efforts to protect their natural resources and address environmental challenges. This requires providing access to technology, finance, and capacity-building opportunities. Hinkley, J. (2017). Another crucial aspect of international environmental laws is sustainable development, which requires assistance for developing countries in achieving. This necessitates encouraging sustainable economic growth and tackling the underlying causes of poverty. Although it is frequently disregarded, the protection of human rights is a crucial aspect of international environmental laws that guarantees the fairness and justice of environmental conservation initiatives. Developing countries need assistance in defending the rights of underprivileged groups and making sure that environmental conservation initiatives are fair and inclusive.

International cooperation is critical for addressing environmental challenges, and poor nations must be supported in their efforts to participate in international environmental agreements and implement their obligations. This requires building capacity, providing access to information and technology, and promoting collaboration and cooperation among nations. Overall, the literature suggests that the multiple dimensions of international environmental laws pose significant challenges for poor nations. A comprehensive strategy that considers the particular requirements



and conditions of these nations is needed to address these issues. Developed nations can undertake important initiatives such as:

What Developed Countries Can Do for Poor States

1. **Provide Financial Support:** Developed countries can provide financial support to poor nations through grants, loans, and other forms of assistance to help them implement international environmental laws.
2. **Offer Technical Assistance:** Developed countries can provide technical assistance to poor nations, including training and capacity-building programs, to enhance their ability to implement international environmental laws. Agboka, A. T. (2017).
3. **Transfer Technology:** Developed countries can transfer technology to poor nations to help them overcome environmental challenges and implement international environmental laws.
4. **Promote Innovation:** Developed countries can promote innovation and encourage the development of new technologies that can help poor nations implement international environmental laws.
5. **Foster Collaboration:** Developed countries can work with poor nations to build partnerships, share knowledge, and promote cooperation on environmental issues.
6. **Encourage Sustainable Development:** Developed countries can encourage sustainable development in poor nations by providing support for sustainable agriculture, renewable energy, and other environmentally-friendly practices.

Conclusion

The challenges faced by poor nations in implementing international environmental agreements are significant, including limited institutional capacity, financial resources, and political will. These challenges are exacerbated by the fact that international environmental laws often prioritize the interests of developed nations, neglecting the specific needs and circumstances of poorer countries.

To address these challenges, the paper recommends several strategies for policymakers, practitioners, and scholars working on international environmental law and sustainable development. Firstly, there is a need to prioritize the needs and perspectives of developing countries in international efforts to address environmental challenges. This can be achieved through more inclusive decision-making processes and greater investment in capacity-building and technology transfer for poor nations.

Secondly, there is a need to revise international environmental laws to make them more adequate and accessible to poor nations. This can involve simplifying legal language and procedures, providing more explicit guidelines and standards, and offering greater support for capacity-building and compliance. Karkkainen, M. (2017).

Thirdly, there is a need to promote greater international cooperation and coordination to address



environmental challenges. This can involve strengthening existing global environmental governance structures, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD), and encouraging more effective collaboration between governments, civil society, and the private sector.

Finally, the paper emphasizes the importance of incorporating human rights and social justice considerations into international environmental laws and policies. This can involve recognizing the disproportionate impact of environmental degradation on marginalized communities, and ensuring that environmental policies are designed and implemented in a manner that promotes sustainable development and social equity.

Recommendations

1. Capacity-building and technology transfer: International organizations and developed countries should provide capacity-building programs and technology transfer to poor nations to enhance their ability to implement international environmental agreements. This can include training programs for government officials, technical assistance, and access to environmental technologies.
2. Financial support: Developed countries should provide financial support to poor nations to help them implement environmental protection measures. This can include funding for project-based initiatives, technical assistance, and capacity-building programs.
3. Sustainable development: Poor nations should prioritize sustainable development and integrate environmental protection into their development strategies. This can include promoting renewable energy sources, sustainable agriculture, and eco-tourism.
4. Human rights-based approach: To guarantee that environmental conservation initiatives are fair and just, international environmental legislation should take a human rights-based approach. This can involve defending the rights of underrepresented groups, advocating for gender parity, and making sure that information is accessible and that people can participate in decision-making.
5. International cooperation: International organizations and developed countries should collaborate with poor nations to address environmental challenges. This can include sharing knowledge, expertise, and best practices, as well as providing technical and financial support. Parani, M. (2015).
6. Adaptation and flexibility: International environmental laws should be flexible and adaptable to the unique circumstances of poor nations. This can include providing grace periods, flexible timelines, and tailored implementation plans to accommodate the specific needs and capacities of each country.
7. Public participation and information access: Underdeveloped countries should guarantee public participation and information access in environmental decision-making processes. Promoting accountability, openness, and public participation in the formulation and execution of environmental policies are a few examples of how to do this.
8. Strengthening institutions: Poor nations should strengthen their institutions and legal frameworks to implement international environmental laws effectively. This can include building



capacity in government agencies, improving regulatory.

9. Taking care of the underlying causes of environmental degradation: Underdeveloped countries need to take care of the underlying causes of environmental degradation, which include inequality, poverty, and unsustainable consumption patterns. This can involve encouraging waste reduction, environmentally conscious education and awareness campaigns, and sustainable patterns of production and consumption. frameworks, and enhancing enforcement mechanisms.

10. Encouraging private sector involvement: Poor nations should encourage private sector involvement in environmental protection efforts. This can include providing incentives for businesses to adopt sustainable practices, promoting public-private partnerships, and encouraging foreign investment in environmentally-friendly projects.

In conclusion, the multiple dimensions of international environmental laws pose significant challenges for poor nations. However, by implementing these recommendations, poor nations can overcome these challenges and effectively address environmental challenges to ensure sustainable development and protect the rights of marginalized communities.



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