

RESPONSIBILITIES OF THE GLOBAL INSTITUTIONS

Written by *Ankit Anand*

2nd Semester LL.M., Chanakya National Law University, Patna, India

ABSTRACT

The newer paradigm is the shift from “nuclear to global”. The discussion over the responsibility and authority of the global institutions and organizations over the world economies with respect to various factors are becoming graver. The hesitation of governments to put forth their grievances over the matters concerning international disputes, especially a few decades back demanded external aggression and violent conflicts. In addition to intra-state conflicts, other threats requiring global interest and attentions include climate change, pervasive economic uncertainty, nuclear and biological weapon proliferation and global health crisis. In today’s world it is almost impossible for states to develop or even maintain themselves and provide oneself security without intelligence, cooperation and commitment from other nations. Humanity is facing more and more global challenges as the technologies are advancing. Technology is the “limit of what is possible given what we have and the constraints we face. We need to be prepared and respond to the new technological, environmental and educational challenges. It leads us to two major points of consideration:

1. The growing speed of technological change requires new and revised institutions to address upcoming challenges.
2. We must accept and embrace our global interdependence.

In particular, we need for multilateralism to face growing worldwide challenges. We don’t have to look far for examples. Multilateral treaties limiting the stockpiles of certain types of weapons; multinational medical cooperation through the World Health Organization to arrest the spread of pandemics; international trade flows through predictable rules supervised and enforced at the World Trade Organization; or international crime fighting through Interpol. Some newer innovations call out for institutions to manage the issues they create such as artificial intelligence; the Internet of Things; big data; cyber security; robotics; gene editing etc. we are never without challenges. Thus, we cannot take institutions for granted. They are

the product of our actions and decisions. This article therefore relying on the premise that “the problems and challenges that we face are global, and if not tackled now, will become unmanageable in the long run”, I shall try to discuss the responsibilities of the Global Institutions.

Keywords: Global Institutions, World Institutions

INTRODUCTION

“Progress does not require perfection.”

“The world is governed by institutions that are not democratic- the World Bank, the IMF, and the WTO.”

- Jose Saramago

In a layman’s term “Global Institutions” may refer to an international organizations referring to most of the countries of the world. Its mission is to promote peace, international development, human rights and global health. It is not confined to the development of a particular country or group of countries but the development of the “world as a whole”. On the other hand “Global Governance” may be referred as the political and economic interaction of transnational actors aimed at solving problems that affect more than one state or region. Usually there is no “hard” power of enforcing compliance. The major primary institutions developed for the purpose of global governance are the United Nations, World Trade organization, World Bank and International Monetary Fund.

United Nations:

The United Nations is an international organization founded in 1945 after the Second World War by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.

UN has four main purposes:

- a. To keep peace throughout the world
- b. To develop friendly relations among the nations

- c. To help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy, and to encourage respect for each other's rights and freedoms
- d. To be a centre for harmonizing the actions to achieve these goals.

World Trade Organization:

The WTO is the only international organization dealing with the global rules of trade between nations since January 1995. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. It does this by:

- a. Administering trade agreements
- b. Acting as a forum for trade negotiations
- c. Settling trade disputes
- d. Reviewing national trade policies
- e. Assisting developing countries in trade policy issues through technical assistance and training programs
- f. Cooperating with other international organizations

There are a few benefits of World Trade Organization. These include:

- a. The system encourages good governance and promotes peace
- b. Governments are shielded from lobbying and disputes are handled constructively
- c. The basic principles make life more efficient
- d. Trade stimulates economic growth
- e. Trade raises incomes
- f. It provides more choices of products and qualities
- g. Freer trade cuts the cost of living

World Bank:

It was established in 1944, HQ in Washington, DC. The World Bank is not a bank in the ordinary sense but a unique partnership to reduce poverty and support development. The World Bank comprises five institutions managed by 189 member countries in more than 170 countries

and offices in over 130 locations: the International Bank for Reconstruction and Development (IBRD); the International Development Association (IDA); the International Finance Corporation (IFC); the Multilateral Investment Guarantee Agency (MIGA) and the International Centre for Settlement of Investment Disputes (ICSID) working for sustainable solutions that reduce poverty and build shared prosperity in developing countries.

Founded in 1944, the International Bank for Reconstruction and Development—soon called the World Bank—has expanded to a closely associated group of five development institutions. Originally, its loans helped rebuild countries devastated by World War II. In time, the focus shifted from reconstruction to development, with a heavy emphasis on infrastructure such as dams, electrical grids, irrigation systems, and roads. With the founding of the International Finance Corporation in 1956, the institution became able to lend to private companies and financial institutions in developing countries. And the founding of the International Development Association in 1960 put greater emphasis on the poorest countries, part of a steady shift toward the eradication of poverty becoming the Bank Group's primary goal.

World Health Organization:

Came into force on 7th April, 1948 and works worldwide to promote health, keeps the world safe and serve the vulnerable. Its goal is to ensure that billion more people have universal health coverage, to protect a billion more people from health emergencies and provide a further billion people with better health and well-being.

For universal health coverage, they:

- focus on primary health care to improve access to quality essential services
- work towards sustainable financing and financial protection
- improve access to essential medicines and health products
- train the health workforce and advise on labor policies
- support people's participation in national health policies
- improve monitoring, data and information.

For health emergencies, they:

- prepare for emergencies by identifying, mitigating and managing risks
- prevent emergencies and support development of tools necessary during outbreaks
- detect and respond to acute health emergencies
- support delivery of essential health services in fragile settings.

For health and well-being they:

- address social determinants
- promote intersectoral approaches for health
- prioritize health in all policies and healthy settings.

Through our work, they address:

- human capital across the life-course
- non-communicable diseases prevention
- mental health promotion
- climate change in small island developing states
- antimicrobial resistance
- Elimination and eradication of high-impact communicable diseases.

International Monetary Fund:

The IMF is an organization of 188 countries, working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world. The IMF provides policy advice and financing to members in economic difficulties and also works with developing nations to help them achieve macroeconomic stability and reduce poverty.

The IMF supports its members by providing:

- a. Policy advice to governments and central banks based on analysis of economic trends and cross country experiences

- b. Research, statistics, forecasts, and analysis based on tracking of global, regional and individual economies and markets
- c. Loans to help countries overcome economic difficulties
- d. Concessional loans to help fight poverty in developing countries, and
- e. Technical assistance and training to help countries improve the management of their economies.

Washington Consensus:

The phrase “Washington Consensus” is often seen as synonymous with “neoliberalism” and “globalization.” Neoliberalism is an ideology based on the advocacy of economic liberalizations, free trade and open markets. Neoliberalism supports privatization of state-owned enterprises, deregulation of markets, and promotion of the private sector’s role in society. In the 1980’s, much of Neoliberal theory was incorporated into mainstream economics.

These policies were:

- a. Fiscal discipline
- b. A redirection of public expenditure priorities towards fields offering both high economic returns and the potential to improve income distribution, such as primary health care, primary education and infrastructure
- c. Tax reform
- d. Interest rate liberalization
- e. A competitive exchange rate
- f. Trade liberalization
- g. Liberalization of inflows of foreign direct investment
- h. Privatization
- i. Deregulation (to abolish barriers to entry and exit)
- j. Secure property rights

In contrast, I argue in this article that there must always be a well-established set of global institutions who should every time come in front at the time of global crisis or situations in a particular country having tendency to affect global health in multiple manners. However, I also argue that policymakers, regulators and financial elites have displayed too much complacency and self-interest in their attitudes towards these institutions, and these failings need to be

corrected with greater public awareness and pressure regarding the role these institutions can play.

WHY WE NEED GLOBAL INSTITUTIONS?

If we do not bring strong global institutions to manage the fast growing change, these changes will manage us!

Global institutions try to make this world a better place to live. We need to bring strong, inclusive and global institutions to manage the fast developing science and technology; rapid innovation; world politics; climate change matters and such global issues. The world is a huge group of small nations working as a microcosm of society with various people working on different pieces that ultimately need to function together as an integrated whole. I have observed as a student of law that how different sectors and countries try to manage for success. Sometimes they reach their goals and prosper while sometimes they fall short. It is thus very clear to me that the big thing that explains human success in relation to other species is our ability to coordinate at a wider scale. I believe, “coordination among humans is done through institutions.” “Institutions” are what put ideas into motion and coordinate our actions given specific circumstances and constraints. The theory of institutions encompasses a wide range of concepts from informal customs to highly structures of law.

It is not needed to prove considering the current scenario that “the World is getting worse.” Despite this fact we have made considerable and significant progress in reducing hunger, sickness and war. This improvement has not just happened by just recognizing the problem rather represent ongoing relentless process of moving forward step by step using agreed-upon methods in pursuit of common goals. Well, let us take an example. Most of us use internet today but very few of us are into organizing the internet. But there is an entity which does this organization of internet for us. The Internet Corporation for Assigned Names and Numbers (ICANN), that started as a Unites States controlled entity, is now a global institution after 2016 when the US government allowed ICANN to develop as a nonprofit institution. ICANN now makes decisions through a “multi-stakeholder model.” This example can be understood as “internet governance should mimic the structure of the internet itself-borderless and open to all.”

SUCCESS OF UNITED NATIONS

Is there any failure on the part of Global Institutions like the United Nations?

“The nations that came out on top for more than seven decades ago have refused to contemplate the reforms needed to change power relations in international institutions. Inequality starts at the top: global institutions. Addressing inequality must start by reforming them.”

--UN Secretary General, Antonio Guterres

It would not be incorrect to say that the world is in a bad state right now. Temperature is warming, sea levels are rising, global powers are trying to dominate through technology, trade disputes and tariffs are pulling the world apart rather than bringing it together. All of this is going on in the middle of a global pandemic. Institutions like UN have helped to stabilize the world for decades but they seem sometimes to be no match for today's problems. They are struggling to take meaningful worldwide action on climate change; racial injustice and inequality and currently stumbling on a coordinated response to COVID 19. But there is hope in the name of multilateral organizations like the UN, NATO, the IMF, the World Bank etc who have all born from a global catastrophe, “the Second World War.”

In the 1940s the world leaders came together to create political, economic and military systems that would maintain peace; balance power and rebuild war-torn Europe. These institutions are today pretty old and look entirely different today. These institutions were created by and for the richest and most powerful nations in the late 1940s. Some of today's activists are starting to hold that power to account and demand action, e.g. Greta Thunberg on climate change. Looking at this question arise, can these global organizations change or is it time for them to retire?

Going back to World War II, wherein 60 million people have been killed had just ended; League of Nations had just dissolved and many countries were looking for ways to prevent another World War. 51 nations came together in the name of “multilateralism” which is when countries form alliances to pursue common goals and created United Nations by signing a charter as a body to promote peace, global security and human rights. The five countries and also the winners of WWII would have a greater say as getting permanent seats and Veto power on the Security Council of UN namely, The United States, China, The Soviet Union, France

and England. Around the same time, the US and Britain led a meeting of delegates from 44 countries at Bretton Woods in the US. They wanted to stabilize global exchange rates and reduce the hyperinflation that had come from printing money to pay for war costs. They decided that all currencies will be pegged to the US Dollar again revealing the power dynamics at the heart of these global institutions. The same group formed two organizations namely IMF (seeks to promote global financial cooperation) and the World Bank (lends money to indebted countries and funds economic development).

Few years later there was a divide into Europe between East Europe and West Europe based on “Communism” and “Capitalism” which also led Soviet Union emerging as a major Communist superpower after the War. In response prominent capitalist countries in North America and Western Europe decided to start a new organization to defend them, and once again, consolidate power. Hence in 1949, they created the NATO (North Atlantic Treaty Organization).

The major wins by these Global Institutions could be enlisted as:

- a. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
- b. World Health Organization eradicating Small Pox
- c. In 2018-19 alone, the World Bank committed nearly \$962 million to job programs seeking to reduce poverty around the globe.

But there are a few massive failures also, which constitute:

- a. Rwanda Genocide of 1994
- b. South Sudan genocide of 2010
- c. UN peacekeepers facing accusations of sexual abuse in the Congo
- d. Corruption in Iraq
- e. Spreading cholera in Haiti

The three most powerful countries out of 193 countries of UN, the USA, China and the Russia are rarely aligned to each other and focused on own interests. Disagreements amongst themselves have led to the UN failing to take collective action on destruction and displacement of the Rohingya Muslims in Myanmar; or resolving the bloody conflicts in Syria. They are also failing to come together to address the COVID-19 pandemic today! Member states like US and

China are busy in “blame-game” as well as “trade-war.” This is not what “global cooperation” certainly means!

In parts of western countries, a growing nationalist movement has brought a wave of authoritarian leaders to power. It's led the UK to separate from the European Union and the US to pull out of alliances like the Paris agreement on climate change or Iran nuclear deal who was the one advocated and negotiated for the same. They are all becoming self-centric. The five non-western major countries representing almost half the world population, i.e. Brazil, India, Russia, China and South Africa have come up with their own economic power known as BRICS and have formed their own bank to rival the IMF and the World Bank.

The UN and other multilateral organizations have always relied on the leadership and economic commitment of the largest world powers. These institutions are strong as their members are strong. They are different from smaller countries as they have the might to act alone and bring down decisions and choices on their own. Questions arise could the movements such as “Me-too movement” or “Black Lives Matter movement” or “Fridays for Future movement” wherein activists demand real change, lead to new ways of organizing and wielding power and hold our prestigious global institutions responsible or even replace them ? There is no doubt that multilateral organizations have been a necessary tool till date in keeping the world stable but as times are changing, they should also change as well for a better good and safer future.

Achievements of the United Nations:

1. **Peace Keeping:** The first and foremost it has prevented the occurrences of any further world war since its creation and tried to maintain peace. Through its peace keeping operations, it has resolved many disputes and stopped wars. Since 1945, the UN has been credited with negotiating 172 peaceful settlements that have ended regional conflicts. Currently, the UN has 16 active peacekeeping missions in hotspots like Syria, Kosovo, North Korea etc.
2. **Strengthening Nation State System (NSS):** It helped in ending colonialism and imperialism and apartheid in South Africa. The colonies were developed to get independence and this strengthened the nation state system.
3. **Disarmament:** A significant role in disarming the world and stopping the growth of nuclear weapons. “Partial Test Ban Treaty” and “Nuclear Non-proliferation Treaty”

and “Comprehensive Test Ban Treaty” have been signed under UN by many member countries.

4. **Human Rights:** UN acted as vanguard for the protection of human rights of the people of the world. Passed Universal Declaration of Human Rights, 1948. It has also passed various conventions and declarations on child labor and protection, women rights, wild life, climate change etc. “UNICEF” (United Nations International Children emergency Fund) protects the rights of children and tries to enhance living standard of children. Its head quarter is based on New York. It’s a great achievement of UN that the number of deaths for children under the age of 5 has declined from nearly 12 million in 1990 to 6.9 million in 2011.
5. **Food Aid:** The World Food Program is known as one of the most successful programs UN has ever ratified because of its enormous impacts on global community. Every year, the UN feeds 104 million people in 80 poor countries with famine and draught situations. UN through its agencies, provide food to people in war zones, to refugees, to people hit by natural disasters such as flood, earthquake, IDPs etc.
6. **Aid to Refugees:** UNHCR (United Nations High Commissioner on Refugees) has helped 17 million asylum-seekers and refugees such as Afgan refugees, IDPs in Pakistan etc. Two Nobel Peace prizes in 1954 and 1981 have been given to UNHCR. It is facing a problematic financial issue, trying to protect and assist 700,000 people who migrated due to conflict in Syria, Mali, Sudan and Democratic Republic of Congo. It is really the hope of all refugees in the world.
7. **Health:** It provides vaccination to member countries for various children and infectious diseases. It fights against deadly diseases such as cancer, AIDS, hepatitis etc. According to one of the most recent report, the number of people who died from AIDS has decreases from 2.3 million in 2005 to 1.6 million in 2012.
8. **Monitoring Elections:** The UN has fought continuously for the voting rights of people in areas where the ideologies of dictatorship or monarchy are still dominating. It has conducted election in Iraq and formed the government there. It has also been assigned a duty to monitor election and voting process through its observers to ensure that free and fair elections are held in a country.

Failures of the United Nations

1. UN still could not solve the Kashmir problem which was brought into its notice since 1948 and still the Kashmiris are struggling for a clear position.
2. Israel has been taking aggressive action in Middle East since many decades and is involved in extreme kind of human rights violation and killings in Gaza but failed to stop it due to US veto power.
3. No empathetic role in worst crisis like Cuban Missile Crisis, Vietnam crisis in which USA was involved and may have resulted into a large scale war.
4. The UN became a silent spectator during cold war. The violation of human rights by communist in Russia and silencing the opponents by force could not be stopped by UN.
5. UN was nowhere in the picture when the NATO rained bombs over former Yugoslavia after USSR disintegration.
6. Uni-polarity and unilateralism has shaken the relevance of the world body. The US now being the only super power is dominating world politics and influences its working. Eg. Unilateral action in Iraq.
7. Failed to generate a universal consensus to protect the deteriorating world climate.
8. Number of nuclear powers in the world increased after WWII. UN could not control the horizontal expansion and proliferation of weapons and arms. Nuclear weapons states include US, UK, France, Russia, China, Pakistan, India, North Korea, Israel etc.
9. Financial dependence on the industrialized nations has at times deviated UN from neutrality and impartiality.
10. Human rights violations and insecure law and order situation in Iraq and many other regions of Afghanistan, despite on active UN. These regions are now marked by suicide bombing, armed conflicts, civilian killing, kidnapping etc.
11. The UN failed to prevent genocide of Bosnian Muslim by the Serbs in 1990s. the Serbs freely killed thousands of Muslims while the UN could not take an effective action. Many Bosnian became refugees and took shelter in different countries.

However, comparing the achievements and failures of the United Nations, we can clearly say that it has time and again stood for the world peace. Doing a ground level work at such a mass level is commendable and shadows its failures.

UNDERSTANDING GLOBAL INSTITUTIONS

Imf And The World Bank

The famous economist John Maynard Keynes, who was the founding father of both the institutions IMF and the World Bank said that he was also confused just by the names of both the institutions. It is also a matter of fact that both the institutions have head quarters just across a street in Washington DC. It all started at a hotel in New Hampshire in July 1944 where 44 countries gathered for Bretton Woods Conference. The goal of the conference was to agree on new framework for the international monetary system, which is the rules and institutions that keep the global economy running smoothly. After WWII, most people agreed the old system of managing the world economy has failed. It had seen the Great Depression, unfair trade policies and the unstable currencies. After three weeks of detailed negotiations at Bretton Woods, especially between Keynes, who was representing the United Kingdom and Henry Dexter White, the US Treasury representative, a deal was reached. This agreement created the IMF and the International Bank for Reconstruction and Development, soon known as World Bank.

Each institution was given a distinct role. The IMF's job was to oversee a system of fixed exchange rates, which tied the value of a country's currency to the US Dollar, which was pegged to gold. The main purpose of this was to make sure such exchange rates stayed stable to encourage global trade. The IMF was also tasked with providing short-term loans to countries struggling to pay their debts. Meanwhile, the main goal of the World Bank was to give financial assistance to countries, mainly in Europe that needed to rebuild after the war.

The roles of both IMF and the World Bank have changed since the Bretton Woods conference. President Nixon un-pegged the US Dollar from gold in 1971, essentially dissolving the fixed exchange rate system that the IMF oversaw. Since then the IMF took a bigger role in fighting financial crisis around the world. It keeps tabs on the global economy and puts economic policies in place in member countries. The World Bank focuses its efforts on development and reducing poverty. It provides funding and resources in projects in some of the poorest countries of the world.

Both institutions include 189 member countries but the IMF has around 2700 employees, compared to the World Bank's staff of 10,000. The IMF is funded mainly by quotas, basically subscription fees, from member countries. The World Bank is financed mostly by issuing bonds

to global investors. Today the IMF's biggest borrowers include Greece, Ukraine, Portugal and Pakistan. World Bank is mostly spread in Africa and East Asia.

World Trade Organisation

World Trade Organization (WTO), international organization established to supervise and liberalize world trade. The WTO is the successor to the General Agreement on Tariffs and Trade (GATT), which was created in 1947 in the expectation that it would soon be replaced by a specialized agency of the United Nations (UN) to be called the International Trade Organization (ITO). Although the ITO never materialized, the GATT proved remarkably successful in liberalizing world trade over the next five decades. By the late 1980s there were calls for a stronger multilateral organization to monitor trade and resolve trade disputes. Following the completion of the Uruguay Round (1986–94) of multilateral trade negotiations, the WTO began operations on January 1, 1995.

The rules embodied in both the GATT and the WTO serve at least three purposes. First, they attempt to protect the interests of small and weak countries against discriminatory trade practices of large and powerful countries. The WTO's most-favoured-nation and national-treatment articles stipulate that each WTO member must grant equal market access to all other members and that both domestic and foreign suppliers must be treated equally. Second, the rules require members to limit trade only through tariffs and to provide market access not less favorable than that specified in their schedules (i.e., the commitments that they agreed to when they were granted WTO membership or subsequently). Third, the rules are designed to help governments resist lobbying efforts by domestic interest groups seeking special favors. Although some exceptions to the rules have been made, their presence and replication in the core WTO agreements were intended to ensure that the worst excesses would be avoided. By thus bringing greater certainty and predictability to international markets, it was thought; the WTO would enhance economic welfare and reduce political tensions.

World Health Organization

WHO gets its funding from two main sources: Member States paying their assessed contributions (countries' membership dues), and voluntary contributions from Member States

and other partners. **Assessed contributions (AC)** are a percentage of a country's Gross Domestic Product (the percentage is agreed by the United Nations General Assembly). Member States approve them every two years at the World Health Assembly. They cover less than 20% of the total budget. The remainder of WHO's financing is in the form of **voluntary contributions (VC)**, largely from Member States as well as from other United Nations organizations, intergovernmental organizations, philanthropic foundations, the private sector, and other sources.

The following are a few examples when WHO has extended support at the times of emergencies:

March 2017 -- In response to the on-going yellow fever outbreak in Brazil, some 3.5 million doses of vaccine from the emergency stockpile were deployed to the country through the International Coordinating Group on Vaccine Provision for yellow fever.

April 2017 -- Nearly 5 million children under the age of 5 have been vaccinated in a nationwide campaign covering all governorates in Yemen. Despite intensifying violence in Sa'ada governorate, children between the ages of 6 months and 15 years were immunized against measles and children under the age of 5 were vaccinated against polio.

March 2017 -- Simultaneous vaccination campaigns have been completed in Nigeria, Niger, Cameroon and Benin in an effort to stop polio transmission and ensure non-resurgence of the virus in polio-free countries

March 2017 -- WHO, with logistics support from the World Food Programme, airlifted 15 fully equipped ambulances to Iraq in order to better respond to the increasing trauma and medical related emergencies in west Mosul. The ambulances will enhance trauma care at the front lines and ensure timely transfers to field hospitals

March 2017 -- The Ministry of Health in Somalia, with support from WHO, deployed a technical team to assess the magnitude and challenges of the cholera outbreak in Bay region, and provide technical assistance to scale up the response. The team visited 3 cholera treatment centres and 9 cholera treatment units in Baidoa and surrounding villages.

International Criminal Court

The ICC's founding treaty was adopted by the UN General Assembly at a conference in Rome in July 1998. After being ratified by more than sixty countries, the Rome Statute entered into force on July 1, 2002. There are 123 countries party to the Rome Statute.

The ICC is based in The Hague, a city in the Netherlands that hosts many international institutions, and has field offices in several countries. The International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. The Court is participating in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again. The Court cannot reach these goals alone. As a court of last resort, it seeks to complement, not replace, national Courts. Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent international criminal court. The court can open an investigation into possible crimes in one of three ways: a member country can refer a situation within its own territory to the court; the UN Security Council can refer a situation; or the prosecutor can launch an investigation into a member state proprio motu, or "on one's own initiative." The court can investigate individuals from nonmember states if the alleged offenses took place in a member state's territory, if the nonmember state accepts the court's jurisdiction, or with the Security Council's authorization.

GLOBAL RESPONSIBILITY IN ACCEPTING ENVIRONMENTAL HARM

It is high time for human beings to take the 'right' action towards saving the earth from major environmental issues. If ignored today, these ill effects are sure to curb human existence in the near future. Our planet earth has a natural environment, known as "Ecosystem" which includes all humans, plant life, mountains, glaciers, atmosphere, rocks, galaxy, massive oceans, and seas. It also includes natural resources such as water, electric charge, fire, magnetism, air, and climate. The current environmental harm includes air, water and land pollution; climate change; global warming; deforestation; over-population; acid rain; industrial and household rain; ozone layer depletion; genetic engineering; hydraulic fracking; natural resource depletion etc.

In general sense principles of international law imposing liability on actors for their illegal acts, or for the adverse consequences of their lawful activities, are relatively well developed at a general level. Environmental damage known as damage to the environment, which has been defined in treaties and other international acts to include four possible elements:

- a) Fauna, flora, soil, water, and climatic factors
- b) Material assets,
- c) The landscape and environmental amenity and
- d) The interrelationship between the above factors

Principle 22 of Stockholm declaration recognized gaps and called on states to cooperate to develop further the international law regarding liability and compensation for victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction. The 1982 world charter for nature did not directly address liability, although it called for degraded areas to be rehabilitated and for individuals to have access to means of redress when their environment has suffered damage or degradation. The Rio declaration reflects the limited progress which has occurred since 1972 .it emphasizes the development of national rules addition to the further development of international rules for all adverse effects of environmental damage including, implicitly, liability for damage to the environment itself.

1. Principles of state responsibility

Article 1 of the ILC articles on responsibility of states for internationally wrongful acts expresses the basic principle that an internationally wrongful act by a state entails the international responsibility of that state. In relation to any international claim concerning environmental matters it is therefore essential first to identify the relevant international obligation that has been breached. The articles on state responsibility seek to deal with this in article 48, under which a state that is not injured may none the less invoke the responsibility of another state if the obligation breached is owed to a group of states, including that state, and is established for the protection of a collective interest, or the obligation is owed to the international community as a whole.

2. Breach of treaty

Many environmental agreements or more general regimes that include in their coverage environmental matters specify procedures through which parties may respond to breaches of the regime. Where there is no such procedure or there treaty specific machinery proves ineffective, states may turn to general options presented under the law of treaties, as codified by the 1969 Vienna convention on the law of treaties (VCIT), to enforce obligations applicable under environmental treaties. Under the VCIT a party to a multilateral treaty specially affected by a breach may suspend the treaty's operation as between itself and the violating party.

3. Interstate Dispute Settlement

A breach of an environmental norm, treaty based or customary will allow states to pursue a claim through available dispute settlement procedure. With the UN charter prohibition on the use of force and limited circumstances in which countermeasures may be deployed these procedures now comprise the classical mechanism of enforcement in public international law. Article 33 of the UN charter catalogues the main methods of settlement, namely negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements. Each of these has had some role to play in environmental dispute settlement.

As a conclusion it can be said that the rules of international law governing liability for environmental damage must still be considered to be in their early phases of development, particularly in relation to rules of state liability. States remain reluctant to put in place rules which have the potential to impose significant constraints on the conduct of potentially hazardous activities, as well as being aware of significant costs to the public sector. And interstate dispute settlement systems tend to be process oriented, in promoting peaceful relations regardless of the outcome, rather than goal oriented, in seeking to achieve a substantive improvement in compliance.

The task of international bodies, legal, economic, and also nongovernmental, is to situate accountability for environmental harms, and so ascriptions and imputations of accountability, within an ecological vision of the scope of moral value under the norm of the integrity of life. It is the specific vocation of all the communities to articulate and enact the claim to

responsibility as the sacred task now given to human beings in the face of the endangerments to life.

CONCLUSION

Despite many structural constraints, global institutions play a significant role in many areas of European Security (OSCE and NATO), the global health arena (WHO) and global economic integration (the IMF). What makes the role of global institutions more relevant in international politics is that they reduce the likelihood of conflict in interstate relations. The global political arena is surrounded by international organizations, which have different roles and varying degrees of influence. They help in managing many key areas from international monetary policies to global health concerns. Global institutions work as the channels through which state actors manage their everyday interactions and express policy preferences. Even though states remain the principal actors in world politics, their ability to act independently has been limited by their obligations to many international regimes, agreements and international institutions. Institutionalist scholars consider global institutions to be a key force that can help avoid military conflicts in the future. Foreign policymakers have sought to build security arrangements based on the idea of formal global institutions. Kofi Annan, the former UN secretary-general, during his millennium commencement speech, said that the challenges of the 21st century will not be resolved without appreciating the importance of global institutions. On the other hand, realist scholars believe that global institutions are the only channels for states to play power politics because these institutional norms largely reflect state assessments of self-interests. In their view, institutions have limited power as their role depends on the interests of major powers. Global institutions, like the World Bank, have the ability to lend billions of dollars to economically weak states and therefore play a significant role in global economic development. It would not be wrong to say that it is becoming increasingly difficult to conduct interstate relations in certain areas without the support of global institutions. In a nutshell, it can be argued that global institutions are certainly not more powerful than state actors. However, they still manage to exert great influence on the conduct of states. The level of economic integration developed over the past few decades has only become possible due to the sustained role of global institutions. It is also true that the sharp decline in inter-state wars – along with the rise of trade-related interdependence – is the product of the role played by global institutions. Indeed, the future belongs to global institutions.