

Envisaging the Cumulative Effects of Climate Change: An Internationally Recognized Environmental Threat to the World Community

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Abstract—*In the recent past, the nations around the globe, along with various other international organizations have expressed deep concern over the threat, which is being posed by the climate change, which not only includes threat to the environment but also has raised several alarms as regards the threat it poses to the human kind. Thus, to mitigate the ill effects of climate change, various measures have been taken up at the international level, which has required participation from all kinds of governmental, non-governmental, private stakeholders and the citizenry writ large. This paper shall deal with the paradigm shift in the legal arena, whereby, the problems pertaining to climate change, which have been internationalized, shall be focused upon and in response to the same, various conferences, protocols, negotiation, policies and regulatory framework, which have been convoked, shall be dealt with in detail. The paper shall also assess the cohesiveness and the effectiveness of these endeavors to assuage the detrimental effects of climate change at the international level.*

Introduction

The sudden shift in seasons, untimely monsoon, drought, floods, disturbance in the food chain, melting of glaciers and extension of species, etc., has already rung an alarm and posed as a clear indication that the climate change is extremely prevalent and that its effects could be more devastating in the longer run, if not controlled. Also, the process of development and environment goes hand-in-hand and one facet cannot be ignored or done away with at the helm of protecting or pursuing the other aspect. The fact that the process of industrialization has led to a huge advancement of the human race is an indisputable and irrefutable proposition but an introspection of the other side of the coin enumerates a different story altogether, which puts forth the idea of sustainable development, as has been promulgated in the United Nations Conference on Environment and Development, 1992, popularly called as the Rio Summit. The modern dimension of progress, namely, globalization, industrialization has immensely contributed towards the change in the environment all over the globe can be understood as climate change. Such a change in the

environment is referred to as climate change. World Meteorological Organization (WMO) has defined climate change as “the change in climate attributed directly or indirectly to human activity which, in addition to natural climate variability, is observed over comparable time periods.” In the light of the changing climatic conditions and the prevalent threat to the environment, the United Nations Framework Convention on Climate Change was adopted on 9th May 1992, with an ambition to provide a control mechanism for combating climate change and efficiently dealing with its consequences, keeping in minds the aim of achieving sustainable development. Thus, towards fulfillment of the aims of the Rio Summit, the members come together annually, present a pro forma of their accomplishments as per the mandate of the Rio Summit and also discuss and incorporate new ideas and initiatives by promulgating new agreements and protocols as may be required. As a result of the same, the Kyoto Protocol was adopted with the goal of reducing the cluster of greenhouse gases and its ill effects in the environment and the same was to be achieved by putting forth an ideal emission level for all the member countries to comply with the same. In 2015, the Paris Agreement was assumed and ratified to check the global temperature from rising beyond two degree Celsius.

Climate Change Negotiations

The United Nations Framework Convention on Climate Change is the *grundnorm*, which oversees the negotiations on the part of the nations, party to it, and focuses upon the issue of climate change, posturing as a peril to the world community. It is pertinent to note that there have always been measures, which have been taken up, at some point or the other, however, none of them managed to bring a kind of effect which was sought, therefore, United Nations Framework Convention on Climate Change. The foremost reason concerning the sluggish progression of the process of negotiation is the inconvenience as regards the mode of

adoption by all the nations at the same point of time, in a similar fashion. There are many facets to it. Firstly, there are around 190 countries, which are parties to the said convention and they are categorized under special syndicates and are governed by their national interests. Furthermore, all the nations are driven by many factors like economy, policies, geographical barriers, neighbor countries etc., therefore, making it arduous and challenging to completely coincide to the espousal and implementation. Likewise, the emissions are in unswerving nexus with the economic progress of a country, and any such limitation, which bars the economic development of a country, puts it on a back foot to ahead implementing to decisions taken at international level. The jurisprudence revolving around Green Rule of Law, Green Consumerism, Sustainable Development still holds the base but in verisimilitude, it is extremely difficult to strike a balance between the economic growth of a country and the environment. Scientists around the globe congregated evidence to substantiate their findings in around 1980s that the carbon dioxide (CO₂) concentration has been on an upswing due to relentless burning of the fossil fuels, leading to a looming peril to the environment and the world community writ large. The issue was at the forefront of the Toronto Conference on Changing Atmosphere, held in the year 1998 in the same year the United Nations Environment Program and the World Meteorological Organization founded the Intergovernmental Panel on Climate Change (IPCC) with an objective to “prepare based on available scientific information, assessments on all aspects of climate change and its impacts, with a view of formulating realistic response strategies.” The main decision making body of the United Nations Framework Convention on Climate Change is known as Conference of Parties (COP), which meets annually to keep a check on the realization of the objectives of the said Convention. Later in the year 1990, the Intergovernmental Panel on Climate Change (IPCC) produced a report called the First Assessment Report, which addressed the issue of non-meeting of minds or non-homogeneity among nations over implementation of the said objectives. Thus, it came up with three suggestions, primarily, it established the United Nations Framework Convention on Climate Change, which was adopted in the year 1992 and came into force in 1994. Furthermore, Kyoto Protocols came into existence in 1995 and were adopted in the year 1997. The protocol had fixed certain targets, which had to be achieved for 37 developed nations to put a curb on their carbon emissions and individual targets were also given, which was 5 percent against the prevailing situation at that particular point of time. The final step resulted in the Paris Agreement 2015, which aimed at dealing with the GHGs, mitigation, adaptation, and finance, was signed by 195 countries, from which the U.S. later withdrew.

Paris Agreement 2015

The Paris Agreement was adopted on 12th December 2015 for the purpose of extenuating the consequences of climate change. It came into force in the year 2016 after the requisites

under Article 21(1) were fulfilled, which read as, “*This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.*” According to the current scenario, there are 197 countries, which are party to the Agreement and out of those 185 have ratified the Agreement. Therefore, the Agreement is contemplated to be a historical step, which has pioneered the climate change negotiations. The backdrop of Paris Agreement commenced in 2014, after the COP was held in Lima in the same year, where the countries had on their own devised their National Actions Plans by recognizing the need to preserve the environment and control the degradation of the environment by mitigating the effects of climate change by setting out Intended Nationally Determined Contributions (INDCs) which resulted in COP 21, prevalently known as the Paris Agreement. The Paris Agreement is a breakthrough for several reasons. The foremost reason being that there was participation from both developing and developed nations, which for the first time came together and agreed over common consensus to mitigate the hazards of environmental change and tackle the issue at its earliest so that both development and environmental protection may go hand in hand and the Green Rule of Law could be established across the globe. Therefore, a long-term plan was set out with an involvement and consensus of both the developed and the developing nations for the very first time at an international podium like this. However, another factor was taken care of that the conditions prevailing in the developing and developed nations is not the same, be it their economic growth, infrastructure, policies, laws etc. and thus, there cannot be one action for all the nations as they could not be placed at a common pedestal, and therefore, individual targets had to be devised and put forth according to the capability of each nation and acted upon in a manner suitable to them. In legal parlance, it came to be called as common but differentiated responsibility in the light of the principle of Equity. According to this principle, the was to lay down various action plans, the procedure of implementation of which was different but the result was common, which was to mitigate the effects of climate change. It must be understood that the Paris Agreement did not devise any particular plan because of the reason that the liberty was conferred upon all the signatory parties to devise and come up with their own working models, which shall suit their needs and efficiency but the result must be one, i.e., environmental protection. Lastly, a special feature of the Paris Agreement is that it is a blend of both binding and non-binding character as the soul purpose is to accompany the United Nations Framework Convention on Climate Change and not overturn it. The soul and the spirit had to be preserved and decisions had to be taken on the same lines. The actions plans of the said Agreement comprises of sensitizing the populace about the damage, which is being caused at a global level and what steps must be taken to

neutralize the effects of climate change. Therefore, a rendezvous engagement of all the citizenry must be established along with the help of the governments to achieve the aims and objectives of the said Agreement. Article 2 of the Paris Agreement sets forth certain purposes and objectives, which must be achieved and the nations must retrospect and introspect every five years to contemplate upon the vision of achieving the said objectives and mitigate environmental harm. The plain language of Article 2 says that “ (1) *Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;* (2) *Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production;* and (3) *Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.*”

Therefore, both the developed and the developing countries have to follow the principle of common but differentiated responsibility in their way, the developed countries, which are the largest contributors towards environmental degradation are invigorated to become the torch bearers to reduce economic wide reduction targets. On the other hand, the developing countries are, in their own way, which is suitable to them, exhilarated to achieve the said goals through implementing individual accountability by putting forth the said legislations in a way where such problems could be encountered and addressed.

Conclusion

In today's era, where the economies of all the nations are driven by the process of manufacturing, export, import etc., which comes under the head of industrialization, the environmental is bound to get disturbed. Also, that industrialization cannot be stopped, nor can we go back to the stone ages. Development and environment must become a part of the same voyage, which should benefit the human civilization, and at the same time, the resources must be preserved along with the environment for the future generations to thrive well. It needs to be understood that climate change and the environmental damage is a phenomenon, which has been transpired over a period of time and is not something, which has emerged out in a day. It is a result of these activities being carried out for a long time, which has resulted into adverse effects. To amplify the same, it need to be contemplated upon that once the physical and chemical properties of the environment changes, it is extremely rare that it has gone back to normalcy again, and even if it has, it takes a lot of time to get back into its original character with the restored physical and chemical properties.

Thus, there are multifold corollaries of climate change, out of which, two are the most important ones and significant for this paper and requires to be addressed here. The primary ramification is the nature based, i.e., an effect on itself. It needs to be understood here that right to clean and healthy environment and right to breathe are an integral part of right to life, which is our fundamental right, enshrined in the Constitution of India under Art. 21. Thus, activities like deforestation, burning of fossil fuels, carbon emissions etc. have cause and tend to cause more harm than the good and therefore, going by the utilitarian principle, which is followed for good governance and advocates for the greatest happiness for the greatest number, it needs to be understood that switching to more efficient use and alternatives was not a duty but rather an obligation and for all those phenomenon where this principle is not satisfied, the policies must be changed fundamentally, so that the greatest good could be achieved not in the sense that it only gives pleasure to the human kind but the fact that it gives pleasure to the human kind by keeping scope for the future generations to have that ability attain the same degree of pleasure. The subsequent factor is economical because of which all the nations are willing to take a step forward for the reason that the environment needs to be protected. Thus, to address the problem of extreme climatic changes on a global level, United Nations Framework Convention on Climate Change (UNFCCC), an international treaty was adopted on 9th May 1992. This treaty auxiliary led to the Kyoto Protocol, which was concluded in the year 1997 with major aim to reduce the concentration of greenhouse gases and with advancement of time these treaties and protocols led to the Paris Agreement in the year 2015. To achieve the aims of all these negotiations, it became indispensable that most of the countries, especially the developed ones, who are a major contributor towards the greenhouse gases give their agreement and reach a consensus on these global climate change negotiations.

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