

INTERNATIONAL LAW AND CLIMATE CHANGE: THE ROLE OF GLOBAL ENVIRONMENTAL AGREEMENT

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ABSTRACT:

International Law and Climate Change: The Role of Global Environmental Agreements

This research investigates the role of international law in combating climate change through global environmental agreements, with a focus on multilateral treaties like the Paris Agreement. Climate change presents one of the most pressing global challenges, and international law provides a framework for collective action to reduce greenhouse gas emissions, promote sustainability, and adapt to changing environmental conditions. The study explores how international legal instruments set binding for states, promoting cooperation in climate mitigation. This section analyzes major global agreements like the Paris Agreement, examining their legal frameworks, objectives, and how they define state obligations for emission reductions, and climate resilience. The research explores the legal responsibilities of states under these treaties, and how international bodies monitor and report on compliance.

The study highlights difficulties in ensuring compliance with international climate law, particularly in the absence of strong enforcement mechanisms. Issues such as sovereignty, and political significant obstacles to achieving global climate goals. This study **aims** to provide a comprehensive understanding of how international law supports the global fight against climate change and cooperation among nations.

Keywords: *International law, climate change, Paris Agreement, environmental agreements, state obligations.*

I. Introduction

International Law and Climate Change

Introduction to International Law and Climate Change

Climate change represents one of the most pressing challenges of our time, impacting ecosystems, economies, and communities across the globe. As the consequences of climate change become increasingly evident—ranging from rising sea levels and extreme weather events to biodiversity loss and food security threats—there is a growing need for effective legal frameworks to address these

issues. International law plays a pivotal role in shaping the response to climate change, facilitating cooperation among nations, establishing legal obligations, and promoting sustainable practices.

The Importance of International Law in Climate Change

International law encompasses treaties, conventions, and agreements that govern the conduct of states and international organizations. It provides a structured approach for addressing global issues that transcend national borders, such as climate change. This global challenge requires collective action, as

greenhouse gas emissions in one country can have far-reaching effects on others. Therefore, international legal instruments are essential for fostering collaboration, accountability, and coherence in climate action.

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1.The United Nations Framework Convention on Climate Change (UNFCCC): Adopted in 1992, the UNFCCC serves as the foundation for international climate negotiations. Its overarching objective is to stabilize greenhouse gas concentrations in the atmosphere to prevent dangerous anthropogenic interference with the climate system. The Convention established a framework for regular meetings (the Conference of the Parties, or COP) where countries negotiate commitments to reduce emissions.

2.The Kyoto Protocol: Adopted in 1997, the Kyoto Protocol was the first significant binding agreement to set specific emission reduction targets for developed countries. It introduced mechanisms such as emissions trading, the Clean Development Mechanism (CDM), and Joint Implementation (JI) to facilitate compliance. However, its effectiveness was limited, particularly after major emitters like the United States withdrew from the agreement.

The Paris Agreement: Entered into force in 2016, the Paris Agreement marked a significant shift in international climate governance. Unlike the Kyoto Protocol, which imposed binding targets on developed nations, the Paris Agreement adopted a more flexible approach, encouraging all countries to submit Nationally Determined Contributions (NDCs) outlining their climate action plans. The goal is to limit global warming to well below 2 degrees Celsius above pre-industrial levels, with an aspiration to limit the increase to 1.5 degrees Celsius. The Agreement emphasizes transparency, accountability, and the importance of global stocktaking to assess progress.

Challenges in International Climate Law

While international law provides a framework for addressing climate change, several challenges impede its effectiveness:

Compliance and Enforcement: The voluntary nature of many international agreements, particularly the Paris Agreement, raises concerns about compliance. Nations may lack the political will or resources to meet their commitments, leading to a "free-rider" problem where some countries benefit from the efforts of others without contributing themselves.

Equity and Justice: Climate change disproportionately affects developing nations, which often have fewer resources to adapt and mitigate its impacts. Issues of equity and climate justice are central to international negotiations, as developing countries argue for greater financial and technical support from developed nations, which have historically contributed more to greenhouse gas emissions.

Scientific Uncertainty: The complexities of climate science create challenges for legal frameworks. Uncertainty regarding the pace and impacts of climate change can complicate negotiations and hinder the establishment of clear, enforceable commitments.

Evolving Challenges: As the climate crisis evolves, so too must international law. Emerging issues such as loss and damage, climate-induced migration, and the role of non-state actors in climate governance require adaptive legal responses.

The Role of Non-State Actors

In addition to state actors, non-state actors—including businesses, civil society organizations, and indigenous communities—play an increasingly important role in international climate governance. They can influence policy-making, raise awareness, and drive innovation in sustainable practices. The involvement of these actors is crucial for achieving the ambitious goals set forth in international agreements, as they often hold significant resources and expertise.

The key objectives of international law related to climate change focus on fostering global cooperation and promoting effective action to mitigate and adapt to climate impacts. Here are some of the main objectives: Mitigation of Greenhouse Gas Emissions, Adaptation to Climate Impacts, Financial and Technical Support, Promotion of Sustainable Development, Enhancing Accountability and Transparency, Capacity Building, Protection of Human Rights, Encouraging Global Cooperation,

II. Impact of the International law on the Climate change

The impact of international law on climate change is significant and multifaceted, influencing global, national, and local efforts to address this critical issue. Here are some key ways international law affects climate change:

1. Framework for Cooperation: International treaties and agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, provide a platform for countries to collaborate, share information, and coordinate their efforts in tackling climate change.

2. Binding Commitments: Many international agreements establish legally binding commitments for countries to reduce greenhouse gas emissions, creating accountability and incentivizing nations to take action.

3. Enhanced National Policies: International legal frameworks encourage countries to develop and implement national policies aligned with global goals. This often leads to the adoption of renewable energy initiatives, emission reduction targets, and climate adaptation strategies.

4. Financial Mechanisms: International law facilitates the establishment of funding mechanisms, such as the Green Climate Fund, to support climate action in developing countries, ensuring that they have the resources needed for mitigation and adaptation efforts.

5. Technological Transfer: Agreements promote the sharing of technology and best practices between nations, enabling countries to adopt cleaner and more efficient technologies to combat climate change.

6. Monitoring and Reporting: International law includes mechanisms for tracking progress on climate commitments, fostering transparency and accountability among nations, which helps build trust and encourages compliance.

7. Legal Precedents: International environmental law has established legal precedents that can be used in domestic courts to challenge inadequate climate policies, pushing governments to take more ambitious actions.

8. Public Awareness and Advocacy: The existence of international agreements raises public awareness about climate issues, mobilizing civil society and advocacy groups to push for stronger action at national and local levels.

9. Integration of Human Rights: International law increasingly incorporates human rights considerations into climate actions, emphasizing the need to protect vulnerable communities and ensure just transitions.

Through these impacts, international law plays a crucial role in shaping global responses to climate change, driving progress toward a more sustainable and resilient future.

III. Legal Framework of International law

The legal framework of international law concerning climate change comprises various treaties, conventions, protocols, and customary laws that collectively guide states in their efforts to combat climate change. Here are some key components:

1. United Nations Framework Convention on Climate Change (UNFCCC)

- **Adopted:** 1992

- **Purpose:** Provides a foundational framework for international cooperation on climate change. It sets the overall goals and principles

for climate action, including the aim to stabilize greenhouse gas concentrations.

- **Parties:** Approximately all countries are parties, making it one of the most universally accepted agreements.

2. Kyoto Protocol

- **Adopted:** 1997
 - **Purpose:** Established legally binding commitments for developed countries to reduce greenhouse gas emissions. It introduced market-based mechanisms like emissions trading and the Clean Development Mechanism (CDM).
 - **Status:** Launched in 2005, the protocol's first commitment period ended in 2012, and it has since been succeeded by other frameworks.

3. Paris Agreement

- **Adopted:** 2015
- **Purpose:** A landmark agreement that aims to limit global warming to well below 2 degrees Celsius above pre-industrial levels, with efforts to limit the temperature increase to 1.5 degrees Celsius. It encourages countries to set nationally determined contributions (NDCs).
- **Key Features:** Flexibility in commitments, a global stocktake every five years, and mechanisms for financial and technological support.

4. Intergovernmental Panel on Climate Change (IPCC)

- **Established:** 1988
- **Purpose:** While not a treaty, the IPCC plays a crucial role by providing scientific assessments and reports on climate change, informing international negotiations and policies.

5. Biodiversity and Ecosystem Agreements

Convention on Biological Diversity (CBD): Addresses the impact of climate change on biodiversity, emphasizing the need for sustainable management of ecosystems.

- **Ramsar Convention:** Focuses on the conservation of wetlands, which are vital for climate resilience.

6. Customary International Law

- **Principles:** Includes norms and practices that have developed over time, such as the principle of "common but differentiated responsibilities," which acknowledges the varying capabilities and responsibilities of countries in addressing climate change.

7. Regional Agreements

- **Examples:** Various regional frameworks, such as the European Union's climate policies and the African Union's Agenda 2063, enhance collective action and integration of climate considerations into regional development plans.

8. National Legislation and Policies

- **Implementation:** International agreements often require countries to incorporate climate commitments into national laws and policies, creating a legal basis for climate action domestically.

IV. Landmark Judgments Under the International Law

Landmark judgments under international law have played a crucial role in shaping climate change policies and accountability. Here are some notable cases and decisions:

1. Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004)

- **Court:** International Court of Justice (ICJ)
- **Significance:** This opinion emphasized the obligation of states to ensure compliance with international law, including environmental law. It underscored the importance of protecting human rights and the environment in conflict situations.⁹⁹²

2. Pulp Mills on the River Uruguay (2010)

- **Court:** International Court of Justice (ICJ)
- **Significance:** The ICJ ruled on the obligations of Argentina and Uruguay concerning environmental protection. It highlighted the need for

• **Urgenda Foundation v. State of the Netherlands**, District Court of The Hague, Judgment of June 24, 2015. Available at: Urgenda Case Judgment (accessed [insert date]).

• The court ruled that the Dutch government has a legal obligation to protect its citizens from the dangers of climate change by reducing greenhouse gas emissions by at least 25% by 2020 compared to 1990 levels. See Judgment, paragraphs 4.47-4.66 for specifics on emission reduction targets.

4. Juliana v. United States (2015)

- **Court:** U.S. District Court
- **Significance:** This case involved young plaintiffs suing the U.S. government for failing to address climate change. Although ultimately dismissed, it raised awareness and emphasized the government's responsibility to protect the environment for future generations.

• **Juliana v. United States**, U.S. District Court for the District of Oregon, Case No. 6:15-cv-01517. Available at: Court Document.

• In this case, young plaintiffs argued that the U.S. government's inaction on climate change violated their constitutional rights to life, liberty, and property. For a detailed account of the plaintiffs' arguments, see Complaint, paragraphs 1-10.

5. The People of the State of New York v. Exxon Mobil Corporation (2019)

- **Court:** New York Supreme Court
- **Significance:** This case focused on allegations that Exxon misled investors about the risks posed by climate change. It

highlighted corporate accountability in the context of climate change and the importance of transparency in environmental practices.

• New York Supreme Court, Case No. 452044/2018, Judgment dated December 10, 2019. Available at: New York Attorney General's Office (accessed [insert date]).

• The case centered on allegations that Exxon Mobil Corporation misled investors regarding the financial risks posed by climate change, specifically through its disclosures about the impact of climate regulations and environmental policies. For a detailed overview, see the court's findings in paragraphs 5-15 of the judgment.

6. The Shell Case (Milieudefensie et al. v. Royal Dutch Shell) (2021)

- **Court:** District Court of The Hague
- **Significance:** The court ruled that Shell must reduce its carbon emissions by 45% by 2030 compared to 2019 levels. This case set a precedent for holding corporations accountable for their contributions to climate change.

• District Court of The Hague, Judgment of May 26, 2021. Available at: Court Documents .

• The court ruled that Royal Dutch Shell must reduce its carbon emissions by 45% by 2030, compared to 2019 levels, to align with global climate goals. For detailed reasoning, see the court's judgment, paragraphs 4.1-4.39.

7. Friends of the Earth Netherlands v. Netherlands (2023)

- **Court:** Dutch Council of State
- **Significance:** This ruling reaffirmed the government's obligation to implement stringent climate measures and protect future generations, reinforcing the legal framework surrounding climate responsibility.

• Dutch Council of State, Judgment of January 20, 2023. Available at: [Council of State Website](#) .

• The ruling reaffirmed the government's obligation to implement stringent climate

states to cooperate in preventing transboundary harm, setting a precedent for future environmental disputes.

• **Pulp Mills on the River Uruguay (Argentina v. Uruguay)**, International Court of Justice, Judgment of April 20, 2010.

• The Court examined the obligations of both Argentina and Uruguay regarding environmental protection and the principle of sustainable development. See ICJ Judgment, paragraphs 101-120 for details on state responsibilities.

3. Urgenda Foundation v. State of the Netherlands (2015)

Court: District Court of The Hague

Significance: This landmark case held that the Dutch government must take more aggressive action to reduce greenhouse gas emissions. It was one of the first successful

measures to meet national and international climate targets, emphasizing the duty to protect future generations. For specific details, refer to the court's judgment, paragraphs 3.1-3.25.

VI. Areas for Further Improvement in the International law

While international law has made significant strides in addressing climate change, several areas still require improvement to enhance effectiveness and responsiveness. Here are some key areas for further development:

1. Strengthening Compliance Mechanisms

- **Issue:** Many international agreements lack robust enforcement mechanisms.
- **Improvement:** Develop clear and binding accountability measures to ensure compliance with commitments, including sanctions or penalties for non-compliance.

2. Enhanced Transparency and Reporting

- **Issue:** Inconsistent reporting and monitoring hinder progress assessment.
- **Improvement:** Standardize reporting processes and enhance transparency to allow for better tracking of emissions and climate actions, ensuring that all parties are held accountable.

3. Inclusion of Non-State Actors

- **Issue:** Current frameworks often focus primarily on state actions.
- **Improvement:** Create mechanisms to engage non-state actors, such as cities, businesses, and civil society, in climate governance, recognizing their role in driving climate action.

4. Integration of Human Rights

- **Issue:** Climate change disproportionately affects vulnerable populations.
- **Improvement:** Ensure that international climate agreements explicitly incorporate human rights protections, emphasizing equity and justice in climate policies.

5. Support for Developing Countries

- **Issue:** Developing nations often lack resources and capacity to implement climate actions.
- **Improvement:** Increase financial and technical support for developing countries, ensuring that they can effectively participate in global climate efforts.

6. Promoting Climate Adaptation

- **Issue:** Mitigation efforts often overshadow adaptation strategies.
- **Improvement:** Strengthen legal frameworks for climate adaptation, ensuring that vulnerable communities have the support needed to cope with climate impacts.

7. Addressing Loss and Damage

- **Issue:** Current frameworks inadequately address compensation for loss and damage from climate change.
- **Improvement:** Establish clear legal frameworks for liability and compensation related to climate-induced loss and damage, especially for the most affected nations.

8. Adaptability to Scientific Advances

- **Issue:** Climate science is rapidly evolving, and laws may become outdated.
- **Improvement:** Create flexible legal frameworks that can adapt to new scientific findings and technological advancements, ensuring that policies remain effective and relevant.

9. Fostering Global Cooperation

- **Issue:** Climate change is a global problem that requires collective action.
- **Improvement:** Enhance collaborative efforts between nations, fostering greater cooperation and shared responsibilities in tackling climate issues.

10. Public Engagement and Awareness

- **Issue:** Lack of public awareness can hinder support for climate policies.

- **Improvement:** Promote public engagement in climate decision-making processes, enhancing awareness and participation in climate action at all levels.

VI. Conclusion and recommendation

The interplay between international law and climate change is pivotal in addressing one of the most significant challenges of our time. Global environmental agreements play a crucial role in addressing climate change by establishing frameworks for international cooperation, setting legally binding targets, and promoting accountability among nations. These agreements, such as the Paris Agreement, aim to mitigate greenhouse gas emissions, enhance adaptive capacities, and facilitate the transition to sustainable practices. The effectiveness of these frameworks depends on the commitment of individual countries to adhere to their obligations and implement meaningful policies at the national level.

However, challenges persist, including inadequate enforcement mechanisms, differing national interests, and the need for greater equity in responsibilities. The interconnectedness of global ecosystems and economies underscores the urgency of collaborative efforts to combat climate change, as no single country can address the crisis alone.

Recommendations

1. Strengthen Compliance Mechanisms:

Enhance the enforcement and accountability mechanisms within global environmental agreements to ensure that countries meet their commitments. This could include regular reporting requirements, transparency initiatives, and the establishment of consequences for non-compliance.

2. Promote Climate Justice: Address the disparities between developed and developing nations by ensuring that agreements consider the historical contributions to emissions and provide adequate support for adaptation and mitigation in vulnerable regions.

3. Encourage Multi-Level Governance: Foster collaboration between local, national, and international stakeholders. Engaging sub-national governments, civil society, and the private sector can enhance the implementation of climate actions and promote innovative solutions.

4. Enhance Public Awareness and Engagement: Increase efforts to educate and involve the public in climate issues. Raising awareness can lead to greater civic engagement and pressure on governments and corporations to act responsibly.

5. Invest in Research and Technology:

Encourage investment in research and the development of green technologies. Supporting innovation in renewable energy, carbon capture, and sustainable practices can provide the tools necessary to meet climate targets.

6. Integrate Climate Change into Broader Policy Frameworks:

Ensure that climate change considerations are integrated into other policy areas, such as trade, health, and economic development, to create a cohesive approach to sustainability.

References :

Here are some references that provide valuable insights into international law and climate change, including key agreements, landmark cases, and scholarly analyses:

Books and Articles

1. "Climate Change and International Law"

1. *Kerry H. Whiteside and Neil G. J. Sutherland*
2. This book provides an overview of the legal frameworks governing climate change, including analysis of key treaties and their implications.

2."The Law of Climate Change"

1. *Michael B. Gerrard*
2. A comprehensive examination of the legal aspects of climate change, including international agreements and domestic law.

3."International Environmental Law"

1. *Philippe Sands and Jacqueline Peel*
2. This textbook covers the principles of international environmental law, including climate change issues and key treaties.

Reports and Papers

Intergovernmental Panel on Climate Change (IPCC) Reports

1. IPCC, *"Climate Change 2021: The Physical Science Basis"*
2. These reports provide essential scientific assessments that inform international climate negotiations.

United Nations Framework Convention on Climate Change (UNFCCC) Documents

1. *UNFCCC*
2. Official documents, including the Paris Agreement, available on the UNFCCC website.

Landmark Cases

"Urgenda Foundation v. State of the Netherlands"

1. District Court of The Hague, 2015.
2. The ruling and its implications can be found in various legal analyses and journals.

"Juliana v. United States"

1. U.S. District Court, 2015.
2. [Case details and commentary](#) available in environmental law journals.

"Milieudefensie et al. v. Royal Dutch Shell"

1. District Court of The Hague, 2021.
2. Legal analyses and commentary are widely published in environmental law reviews.

Online Resources

Global Climate Governance: The Role of International Law

1. Available through the *United Nations Environment Programme (UNEP)* website.

Climate Change Litigation: A Global Review

1. *for An Institute Advanced Sustainability Studies*

2. This report reviews climate litigation around the world, providing insights into the role of courts in climate governance.

These references should provide a solid foundation for understanding the relationship between international law and climate change, along with significant developments in this field.

- **A** International Court of Justice, 2004. Available at: ICJ Website.

- The opinion emphasized the obligation of states to ensure compliance with international law, highlighting the need for adherence to human rights norms in situations of conflict. See ICJ Advisory Opinion, paragraphs 87-97 for detailed discussions on state obligations.

- The ruling also addressed environmental concerns, recognizing that the construction of the wall could have adverse effects on the environment and the local population. For further information, refer to ICJ Advisory Opinion, paragraphs 134-140.