

A CRITICAL ANALYSIS OF SOCIO- LEGAL DIMENSIONS OF CLIMATE CHANGE: INTERNATIONAL PERSPECTIVES

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ABSTRACT: Climate Change has become the most and the greatest international environmental challenge that the global community has ever handled so far. Its levels have increased greatly at present mainly because of increased levels of greenhouse gases being emitted onto the global commons (atmosphere) through anthropogenic activities. This challenge has the potential of threatening life on earth without being restricted to a particular nation. Therefore, due to its global outlook, international cooperation and not just to limit the efforts to control or mitigate climate change to the International community alone but also there should be involvement or participation of other stakeholders internationally and nationally like the Civil Society, NGOs, Intergovernmental Organizations, Governments from the national standpoint, corporates, communities, societies and individuals are required to effectively address this threat through integration of socio-legal dimensions of climate change. This article explains the importance of integrating social dimensions into the global climate change policies, identifies some of these social dimensions, pinpoints reasons behind legal policy collective action failures, and propounds a dire need of socio-legal dimensions simultaneously go hand in hand or in complement to each other. Finally, the article overviews how ambiguous international environmental law principles may further hinder global solutions to the climate crisis and suggests a series of best practices for future negotiations that could lead to restoration of climate justice between North and South parties.

Key Words: Global commons, international community, climate change, social-legal dimensions

Introduction

There are no doubts that Climate Change is real and catastrophic phenomenon that has been brought about mostly by the unchecked human activities on mother Earth. Traces and glimpses of this are greatly numerous and visible everywhere. Recently, the world has witnessed extreme and dangerous weather events of which last year alone, has recorded the highest, devastating and resonated weather extremes that were experienced almost in all continents. Hurricanes and Wildfire in U.S, Floods in Philippines, Japan, India, China, Severe droughts in Somalia and Ethiopia and Mudslides in Sierra Leone that left many villagers buried under the mud and the latest of it all is the flooding that took place in Kerala, a state in south India due to incessant, heavy continuous rainfall that its effects were aggravated by actions of man on the environment.

There are various social impacts that can be directly linked to such extreme weather events that are directly linked to climate change:

- Destruction and imbalances of ecosystems
- Loss of human life, health and properties
- Negative effects upon the economies of various countries
- Food security
- Extinction of endangered species
- Emergence of new diseases
- Conflicts between man and animals
- Rise in migration of people from rural to urban and from developing countries to developed countries
- Increase of poverty and crime related issues.

All these social outcomes lead to two main repercussions; communities uniting to the aid of each other and on the other hand, looting, predation, destruction, degradation and slot of anxiety exists.¹ This crystalizes

¹ Anna Greal & Conor Gearty, "Choosing a Future: The social and Legal Aspects of Climate Change, Journal of Human Rights and the Environment," Volume 5 Special Issue, 2014, pp. 1-2

that there is no longer room to doubts that global warming is indeed taking place and at a faster rate than projected or expected.² The question therefore before us now is to reminiscence what the International Community, Governments, Intergovernmental Organizations, Non-Governmental Organizations, Communities, other voluntary groups and even Individuals regardless of where they are, should be their actions in tackling this global environmental monster. Secondly, the developed countries (Annex 1) and particularly those that are huge emitters of greenhouse gas, should realize that they have a choice of either maintaining business as usual stand or take radical eco-responsible measures with respect to mitigation and adaptation.³ The time to act is now and both the crusaders of legal measures like policy makers, think tanks, executors and those of social dimensions should come together so as to start having meaningful responses to this crisis facing mother earth. This urgency should be understood from the stand point that climate change is not only an environmental issue but also economical, scientific and political.

❖ Climate Change: - Social Dimensions

What are the social dimensions of climate change? These are dimensions that portray the social, economic and behavioral facets of the human conditions that are important compositions of climate change policies. They may be also taken to refer to the social outlay/outlook of climate change on social grounds and platforms. These social dimensions deal on how the impacts of climate change are socially experienced and their impacts on the social fabric of life. These climate change social dimensions must be built on the principle of equity and social justice more so when dealing with the most vulnerable areas and human society. Integration of social dimensions into climate change is very vital. Since 1972, when the world woke up in realization of a dire need or importance of having sustainable development, a lot has been happening on the center stage of the legal frame work of UNFCCC.⁴

For over two decades now, it has been conference of parties converging year after year, holding conference one after the other, characterized with debates and negotiations between north and south, developed and developing countries. However, regardless of all these, less has been achieved or realized due to several factors on international and National stage. So, without integrating social dimension into climate change with vigorous mitigating and adaptation means, vulnerabilities, human health and security will continue to exacerbate and this will end up jeopardizing the very core pursuit of sustainable development.

This integration should be understood as the next practical steps in ensuring effectiveness in climate change policies. It is a mechanism that the international community has adopted in order to ensure that development initiatives are globally viable, sustainable, equitable and successful. Moreover, it is often said that mankind are not only the victims of negative effects of global warming/ climate change, but also the perpetrators/chauffeurs of the same and the paramount drivers/agents for readdressing and redirecting trajectories for development either economically, socially and politically.⁵

The climate change impacts/effects are so vast, catastrophic and their adverse effects on people are increasingly affecting their daily lives in terms of employment, housing, health, food security, clean water and air. The more frightening thing is that island nations and nations that are located in poor regions (developing nations) are going to be affected more due to the fact that they depend/thrive on same environmental resources that are being truncated and being rendered inhabitable and destructive by climate change with little ability to protect themselves or even adapt. Therefore, in order to have policies and measures that are effective and efficient to address and tackle the adverse impacts of climate change as well as reduction of GHG emissions, these measures and policies should depend mainly on the transformation of the social and economic relations.

❖ Importance of Integrating Social Dimensions into Climate Change Policy

Going beyond safeguarding climate resilient and sustainable economic future through climate change policies presently is not adequately enough but tapping into the available opportunities in order to achieve just and equitable societies and truly advanced sustainable economic development, approaches that

² Daniel Bodansky, Jutta Brunnee & Lavanya Rajamani, International Climate change Law (2017), Oxford University Press, Pp 1-10

³ United Nations Task Team, "Social Dimensions of Climate Change- A Discussion Draft," visit: <http://hcl.unsystemceeb.org>

⁴ Benjamin J. Richardson, Osgoode Hall Law School, York University, Canada, Climate Law and Developing Countries, Legal and Policy Challenges for the World Economy, (2009), Published by Edward Elgar Publishing Limited, PP. 37-42

⁵ Elana Villalobos prats, Task team on social Dimensions of climate change, WHO- United Nations Research Institute for Social Development (UNRISD)

promote climate justice should be the chief aim of climate justice crusaders.⁶ There are at least four equally grounds why the social dimensions should be included into climate change regime

- a) In the existing climate change legal framework (UNFCCC), there is an outright recognition of social dimensions
- b) When there is an inclusion of social dimensions into climate change policies, it reaffirms and ensures that it is a prerequisite for the respect of human rights
- c) If the social dimensions are fully integrated, there will be likelihood of enhancing or promoting the effectiveness of climate change policies hence leading to successful outcomes
- d) The presence of essential cooperation or interaction between global warming agenda that advocates for the need to mitigate climate change related activities, with a supplement of sustainable development and human rights agenda makes it more assuring and result focused.

Consequently, in the process of putting the integration of social dimensions in practice, two mechanisms have stemmed up from the climate change convention. These are listed herein:

i. **National Adaptation Program of Action (NAPA)**

There are many reasons behind the establishment of NAPA in Marrakech- Morocco at COP7 but the main one was for the NAPA to be a means or a platform to prioritize and communicate the most pressing adaptation needs by the most vulnerable to the adverse effects of climate change especially the least developing countries. The NAPA framework proposes and endorses the insertion or inclusion of several social dimension that could be a boost to the whole lot of idea of amalgamation of socio-legal dimensions to mitigate climate change.⁷ For example, recognizing and identifying priority adaptation activities that are geared to achieve within a short-term period and this may include efforts to reduce poverty, improve on adaptive capacity, assessment of the extent of expected antagonistic climate change effects especially on factors such as deaths, loss of livelihood, depreciation of human health, food scarcity, shortage of water supply and cultural heritage.⁸

ii. **National Communications to the United Nations Framework Convention on Climate Change**

All parties are to account and report their country's implementations of the convention through National Communications. It is done depending on the status of whether the party or country is developed or developing.

❖ Social drivers of Climate change

International community through various international institutions, research centers and the scientific community have come to one conclusion that climate change reflects the ways through which human society functions and changes over time. In other words, climate change that concerns the international community is anthropogenic⁹. Increase of greenhouse gas emissions and decrease of carbon sinks globally authenticate that human activities are behind climate change. Therefore, the efforts to mitigate or tackle climate change calls for global or wider knowledge and adequate information on how human societies and their activities can be carried out.¹⁰ Consequently, it can be obviously said that human communities and the actions that take place within them are the main drivers of climate change can either be through production or consumption

a) **Production**

There is what is referred as production systems. These systems "feed" the societies in response to their perceived needs. The use of the best available technologies in all sectors of production like the social infrastructure would lead to gigantic and overwhelming gains in resource use but at the same time

⁶ Navraj Singh Ghaleigh, Economics and international Climate change Law, (2016), Oxford University Press, PP.73-75

⁷ Harro Van Asselt, The Design and Implementation of Greenhouse Gas Emissions Trading (2016), Oxford University Press, PP 336-339

⁸ Andrew Shoyer, Jung-Ui Sul, and Colette Van Der Ven, Carbon Leakage and the Mitigation of Private Carbon Dioxide Emitters to other Jurisdictions (2016), Edward Elgar, PP. 287-289

⁹ UNFCCC National Reports: National communications Annex 1. Bonn, United Nations Framework convention on Climate Change

¹⁰ Convention on the Elimination of All Forms of Discrimination Against Women. New York, United Nations, 1979. (available from: <http://www2.ohchr.org/english/law/cedaw/htm>)

there are failures in ensuring that their major cut in emission reductions have been achieved. This is to mean that while production systems are part of the climate change problem, they are also part of the solution. In the qualitative approach, in which “**more**” serves as a proxy for “**better**” is the ultimate way in which production systems drive climate change hence there is need for some enhanced alternatives.

b) Consumption

There has been a great pressure upon the environment over recent decades for more production due to an increased trend in consumption patterns.¹¹ The more the development or prosperity, the more the consumption and this establishes the fact that there is a connection between prosperity and consumption. Where there is an improved unit efficiency, for example, energy consumption or agricultural production, may be overtaken by a countervailing tendency to consume more for any given level of material prosperity. Therefore, any changes in productions and in consumption patterns in a bid to mitigate climate change will have a great effect on how the whole human society responses.

❖ Legal dimensions of climate change

There are three main relevant international legal instruments that have been developed over time by the international community with an aim to curb climate change.¹² In pursuit to materialize and to bring into reality the functionality of these main international documents, the conference of Parties to the United Nations Convention on Climate Change meets every year. The three main international documents are listed below:

- a) United Nations Framework Convention on Climate Change (UNFCCC-1992)
- b) Kyoto Protocol (1997)
- c) Paris Agreement (2015)

While the above documents have been a key in necessitating steps towards climate change mitigation and adaptation, the conference parties (COP) have ensured that there must be actions being taken in lieu of creating and making modalities that will make sure that the purpose of every document has been achieved. Over the years, the conference of parties have met and most of these meetings have helped in shaping, strengthening and introducing relevant changes or action plan concerning the main documents.

- a) Berlin Mandate (1995)
- b) Marrakech Accords (2001)
- c) Bali Road Map- (Action Plan 2007)
- d) Copenhagen Accord (2009)
- e) Cancun Agreements (2010)
- f) Durban Platform for Enhanced Action (2011)
- g) Vienna Convention for the protection of the Ozone Layer (1985)
- h) Montreal Protocol on substances that deplete the Ozone layer (1987)

For the purpose of this paper, I will only discuss three important legal instruments listed above.

a) United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change is the keystone treaty of the Kyoto Protocol, 1997 with about 197 parties.¹³ This framework has succeeded in establishing a governance structure for the international climate change regime and its main ultimate objective under Article 2 is to stabilize of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.¹⁴ The UNFCCC framework can be divided into four parts:-

- a) Articles 1-3- This can be easily referred to as introductory provisions that have provided basic definitions, principles and the objectives of the regime
- b) Articles 4-6- These are basically known as commitment provisions which are responsible for mitigation and adaptation to climate change and they also include commitments relating to finance and technology.

¹¹ United Nations Framework Convention on Climate Change. New York, United Nations, 1992. (available from: <http://unfccc.int/resource/doc/convkp/conveng.pdf>).

¹² Protecting Health from Climate Change: Connecting Science, Policy and People. Geneva, World Health Organization, 2009.

¹³ United Nations General Assembly (UNGA) Res 45/212, ‘Protection of Global climate for present and future Generations of Mankind’ (21 December 1990) UN Doc A/RES/45/212

¹⁴ Daniel Bodansky, ‘The United Nations Framework Convention on Climate Change: A Commentary,’ Yale Journal of International Law 18/2, (1993), Cambridge, Harvard University Press, 2000

- c) Article 7-14- this part is made up of institutional and procedural mechanism responsible for the implementation of the convention
- d) Articles 15-26.- This portion deals with matters such as protocols, annexes, amendments, ratifications and also entry in force.

During the inception period of the framework over two decades back, there were several controversies that persisted during negotiations but several have been so far settled. For example, whether states should be allowed to use market mechanisms to implement the commitments to reduce the emissions. There are still other issues which have actually narrowed down significantly but they still persist.¹⁵ For example, how to differentiate among the commitments of different parties or groups among parties. The Paris agreement seems to have come up with a new, more and fine distinct approach to differentiation.

It entered into force on 21st March 1994 and it is commonly referred to as Rio Convention. Consequently, industrialized Nations agreed to support climate change activities in the developing countries by providing financial support for action on climate change under this convention. There are several principles envisaged in this convention under Article 3 vis-à-vis

- Precautionary Principle (Article 3.3.)
- Sustainable Development (Article 3.4.)
- Cost-Effectiveness (Article 3.1 and 3.2)
- Inter-generational Equity (Article 3.1)
- Common but Differentiated Responsibilities (Article 3.1.)

In addition to this, all parties under the principles of common but differentiated responsibilities and their national and regional development priorities, objectives and circumstances shall be bound by the commitments listed under Article 4 which states as follows¹⁶: *All parties under Article 4.1.*

- Shall strive to Develop National Inventories of Anthropogenic Emissions
- Parties shall endeavor to promote national and regional programs in order to mitigate climate change
- Promotion of sustainable development by all parties
- Promotion and enhancement of conservation of sinks, adaptation, education by all parties.

Annex 1 parties under Article 4.2. (a)¹⁷

- Parties under this annex, shall develop National Policies and Measures on the mitigation of Climate Change. They also have reporting Requirements under Art.4.2. (b). The countries under annex 1 are to report regularly on their climate change policies, measures so as to keep tabs on the problems and what is being done about it.¹⁸

Annex 1 Parties. The countries under annex II are expected to fulfill the following obligations: -

- To Provide Financial Resources to Developing Countries (Article 4.3)
- To Assist Developing Countries to Meet Adaptation Costs (Article 4.4)
- To have Technology Transfer to Developing Countries (Article 4.5)

There are some few main Key points about the convention that are worth highlighting

The United Nation Framework Convention on Climate Change does not set binding emission limits. However, it provides a framework within which the member parties can develop further agreement e.g. Kyoto Protocol (1997) and Paris Agreement (2015). The convention establishes a financial mechanism as a way of providing financial resources to the developing country parties in order to aid them in climate change action. The member parties meet every year at the conference of parties (COP) under article 7 where they periodically meet to examine the obligations of the parties and institutional arrangements under the convention. The distinction between developing and developed states were established under the convention and the principle of common but differentiated responsibilities and respective capabilities were enshrined in the convention. The UNFCCC became the first multi-lateral environmental treaty to include the phrase of Common but differentiated responsibilities.

¹⁵ Bodansky, UNFCCC Commentary (n 1) 473-4

¹⁶ Displacement and Migration: Examples of initiatives to support resilience and adaptation (UN System side Event). Geneva, International Organization for Migration, 2010

¹⁷ See Chapter 7, Section II.A For a Discussion of the Paris Agreement's Legal bindingness

¹⁸ Bodansky D., 'A Tale of Two Architectures: The Ocean and Future UN Climate Change Regime,' (2009) Oxford University Press

b) Kyoto Protocol

Kyoto Protocol is an International treaty which supplements the UNFCCC by establishing internationally-negotiated, legally binding, quantitative emissions targets for Annex 1 parties.¹⁹ Its overall objective is to commits mostly states parties under Annex 1 to reduce greenhouse gasesemission through a legally binding target.²⁰ It must be understood that thought the negotiations under Kyoto were seriously fought, most of the issues were actually of narrower dimension compared to issues under UNFCCC and the Paris Agreement. In the course of negotiating for a legally binding targets, there were two key issues that were omitted in the contention.²¹

- a) The seriousness or the stringency achieving the targets
- b) The flexibility of the state parties in pursuit of implementing these targets because on one hand, the European Union was for strong targets coupled with limited flexibility while the United States and some other non-European Union were embracing weaker targets and stronger flexibility.²² This is why it is often referred to as a representation of trade-offs between the European Union preference for stringent approach and US preference of flexibility. This protocol was adopted in Kyoto, Japan in December 11th, 1997 and came to force on 16th, 2005²³ but many vital provisions of this protocol lacked vitality and life in character.²⁴ Due to the absence of life and clarity, they needed further clarifications. These matters included:²⁵
 - a) The procedures, rules and modalities for the removal of carbon Dioxide through carbon Sink
 - b) The procedure for reviewing and reporting by Annex 1 parties
 - c) The protocol market mechanism rules
 - d) The protocol compliance mechanism procedures. In addition, there are also some few key facts of this protocol that need to be noted: -
 - Binding reductions of Carbon Dioxide was only committed to the developed countries
 - The Protocol regulates all greenhouse gas which are not covered by the Montreal Convention
 - The first commitment period of 2008-2012, was the period set for the Annex 1 countries to fulfill their commitment of reducing emissions to 1990levels²⁶
 - It has three flexible mechanisms vis-à-vis
 - ❖ Clean Development Mechanism under Article 12
 - ❖ Joint Implementation under Article 4
 - ❖ Emission Trading under Article 17
 - This protocol does not cover emissions from shipping and from aviation

c) Paris Agreement (2015)

This agreement calls for all nations, developed and developing, to address climate change by making significant commitment.²⁷Theadoptionof this Agreement cameafter many years of contentious negotiations as a monument success, as historic, landmark and as a world's greatest diplomatic victory.²⁸ The Agreement succeeded in setting forth an aspiring direction for the state parties under the

¹⁹ Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977) PP24-26

²⁰ Richard B. Stewart and Jonathan B. Wiener, 'The Comprehensive Approach to Global Climate Policy: Issues of Design and Practicability,' *Arizona Journal of International and Comparative Law*, 9/1 (1992)

²¹ Nicolas De Sadeleer, environmental principle: From Political Slogans to Legal rules, Oxford University Press, (2002)

²² Kyoto Protocol, Article 10 (b)

²³Stanley P. Johnson and Gunter Handl, "International Environmental Law and Policy Series", Pp.111-122 Graham and Trotman Ltd

²⁴ Lavanya Rajamani, 'Re-negotiating Kyoto: A Review of the sixth Conference of Parties to the Framework Convention on Climate Change,' *Colorado Journal of International Environmental Law and Policy*, 12/1 (2001): 201, PP, 216-17

²⁵ See Farhana Yamin and Joanna Depledge, 'The International Climate Change Regime: A Guide to Rules, Institutions and procedures' (Cambridge University Press, 2004) PP.234-237

²⁶ Julie Potyraj, 'Climate Change Action and The Role of NGOs,' Found at <https://www.interaction.org>

²⁷ Fiona Harvey, 'Paris Climate Change Agreement: The World's Greatest Diplomatic Success,' *The Guardian* (14 December 2015)<https://www.theguardian.com/environment/2015/dec/13>accessed 20 January 2019

²⁸ Thomas L. Friedman, 'Paris Climate Accord Is a Big, Big Deal,' *The New York Times* (16 December 2015) A35.

climate change regime which also contained a set of common core obligations for all states.²⁹ These obligations included a legally binding obligations in connection to state parties. All those countries that are responsible for 97% of Global emissions have already pledged their Nationally Determined Contributions (NDCs) on how they will tackle climate Change and this is a very great step towards curbing emission targets for 2020. It was signed in 2015 and came into force in November 2016 with universal legally binding global climate deal. The agreement carries a stronger transparency and accountability system for all countries which directs them to report on their greenhouse gas inventories and projections.

What are the Key Elements of Parish Agreement?

The Negotiations around Paris Agreement was for the establishment of a post -2020 climate framework under the UNFCCC which was to embrace an agreement with a legal force as well as acceptable or applicable to all parties. So, the specific key elements of the Agreement include:

- a) **Long Term Direction:** - Taking note of the long period that is required change that is required to achieve the goal of limiting average warming below 2 degrees Celsius.
- b) **Mitigation:** It contains binding commitments to all parties in fulfilling the mandates spelt out. This includes
 - Maintaining and submission nationally determined contributions (NDCs)
 - Locating, identifying steps through which parties intend to achieve their contributions
 - The parties are bound to report on regular basis on their emissions and actions
 - Contributions to be updated at least with an interval of 5 years
- c) **Accountability and Transparency:** The Agreement provides a common transparency framework that calls for all the parties to report their emissions and progress in implementing their NDCs
- d) **Loss and Damage:** It has set a collective objective of reducing the climate vulnerability while strengthening the climate resilience of economies, societies and ecosystems. It has also provided an opportunity for which regular stocktaking can be done in order to access adaptation progress.
- e) **Finance:** It has set out that the developed countries should reaffirm their commitment to provide support to developing countries so as to enable them response appropriately to climate change mitigation
- f) **Technology Transfer:** Due to lack of modern technology in some poor and less developed countries, the Agreement supports the idea of technology transfer to these countries as a means of empowering them. In addition, the United Nations Framework Convention on Climate Change, Copenhagen and Cancun agreements are the foundations on which the Paris Agreement was built. The Agreement has to be strengthened eventually using its solid framework and currently the Conference of Parties are working it out to provide a rule book for the Agreement. It carries a mechanism to support the most vulnerable countries in addressing climate change.

Bearing in mind that the Paris Agreement is not an all in all agreement to solve climate change related issues, it is pertinent to say that it has put the World Community closer to a safer trajectory while highlighting the way forward from here

❖ Reasons Why Legal Policy on Climate Change Has Little Achievements

There are several reasons that can be linked or associated to little achievements or inadequate formulations of laws and policies and minimum implementation of the outcomes from various conferences and the most obvious ones are;³⁰

- That the observers of climate change tend most of the time to focus on the negotiation processes which are only limited to United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol and other few agreements like Paris Agreement wherein, the success or failure of combating and mitigating climate change has been made to revolve on the success or failures of

²⁹ Joby Warrick and Chris Mooney, '196 Countries Approved Historic Climate Agreement,' The Washington Post (12 December 2015) <<https://www.washingtonpost.com/news/energy-environment/wp/2015/12/12>, accessed on 20 January 2019

³⁰ World Resources Institute (WRI), 'CAIT Climate Data Explorer' <https://cait.wri.org/indc/> accessed 23 January 2019

- these mechanisms.³¹ This is to imply that the success or failure of the protocols, agreements and the convention on climate change will determine the success or failure of climate change mitigation.
- Failure of the party members to the UNFCCC to ratify various agreements or accords on time and this has always delayed various agreements from coming into force or operational due to lack of minimum number of member parties need to have ratified.³² There is a clear example of the United States of America, from the inception of the climate change regime, The U.S leadership starting with George W. Bush, to the current President Donald Trump, they have been responsible for diluting most of the climate change documents by advocating for non-legally binding documents so that the control or reduction of the emission of greenhouse gas could be made voluntarily and by doing so, they will keep the pace of industrialization and development as business as usual even though U.S accounts for ¼ of the world's greenhouse gas emission.³³
 - The second reason for the uncaring stand of the U.S on climate change mitigation is because the developing nations like China, India, Brazil and Japan who are actually big emitters of GHGs are not under any specific binding obligations and targets under the Kyoto Protocol but on voluntary efforts and only keeping in pace with their economic and industrial needs, they can reduce their emissions. This and many more are the reasons why Donald Trump, withdrew from the Paris Agreements of 2015 because the agreement has a legal force and is considered to be an international treaty under the Vienna Convention. This is also another major reason why U.S even though it signed the Kyoto Protocol as late as 12th November, 1998, the U.S senate never ratified it. This tells us why the participation of NGOs and other social organizations are paramount and need to be more fortified towards formulation of strong climate change related documents to checkmate non-adherence to the principles of such document, ensuring implementations of the objectives of such documents and advocacy of a definite enforcing machinery which even the Paris Agreement lacks so as to be able to penalize for non-compliance.
 - Limited levels of knowledge and awareness concerning impact and potential adaptations or mitigations mechanisms- Governments of the world community have been lagging behind in the arena of quality research in order to have a complete knowledge in climate change in general, mitigations and adaptation mechanism and approaches and in dealing with this challenge.³⁴ Lack of insightful awareness and education on climate change related issues globally has been a matter of great concern and these are some of the reasons why the participation of International and National NGOs in climate change governance is of great necessity and crucial so as to gather and disseminate climate change knowledge to the civil society and the international and national institutions.
 - Diverse and /or conflicting goals by developed and developing countries- Climate change negotiations have become nowadays more about safeguarding narrowly conceived economic self-interests of nations than negotiations that are meant to bring states to various obligations on emission reduction among countries as it has been historically agreed.³⁵ These agreements have been fraught with difficulties partly because of arguments about the responsibility for the ongoing temperature rise.³⁶ It is widely recognized that strong and effective international co-operation is required to address these issues. However, some developed countries like U.S has been fostering for a different responsibility than the one that has been in operation stating that reduction of green house gas should be left to each country on voluntary efforts alone and that the developing countries should also be under a binding responsibility if they are going to be part of any binding

³¹ Hannah Chang, "A Legally Binding Climate Agreement" Climate Agreement: What Does It Mean? Why Does It Matter, General Earth Institute, February 2010, Visit <http://www.flickr.com/photos/oregonuniversity>

³² Thomas Day, Frauke Roser, "What the Paris Agreement Means for the Global Climate Change Mitigation," An article from "New Climate Change Institute," 14th December 2015

³³ U.S. States of Affairs, Climate Change Forum, The United States and The Kyoto Protocol: An Alternative to the Kyoto Protocol. Visit www.lenntech.com/greenhouse-effect/Kyoto-united-states.htm

³⁴ Shyam Saran, "Paris Climate Talks: Developed Countries must do more than reduce emissions," an article from The Guardian, International Edition

³⁵ Aaron Cobey, "Developing Countries Interests in Climate Change Action and the Implications for a Post 2012- Climate Change Regime," A publication by United Nations Conference on Trade and Development

³⁶ General Assembly Resolution 63/281, 'Climate Change and its Possible Security Implications' (11 June 2009) UN Doc A/RES/63/281

agreement.³⁷ There has been also a rise on questions to do with climate change fund. This is the financial obligation that has been committed to the developed countries to contribute for the purpose of helping the developing states fight climate change. Moreover, the transfer of technology by the developed countries as not been successful due to their reluctance and lack of technological transparency.

- The Kyoto framework does not include a binding cap on USA, while also providing no targets for India, China and Brazil. In fact, the

Conclusion

Climate Change being an international environmental challenge, the efforts to restore climate justice must continue to be associated with dedicated Multilateral Institutions, Civil Societies, National and International Non-Governmental Organizations which are committed to make sure that there is a broader understanding of the failures of global governance by institutional bodies and governments due to weak policies, unenforceable, inadequate, unbinding regimes, negotiation without general consensus, minimal implementations of the conference outcomes, incompatible political positions, economic development considerations, debates on climate justice and historical responsibilities as well as negotiation deadlocks.

The governments and institutions must strive to understand this broader complexity of multilateral institutions whose rules, regimes, decisions and activities have the potential of ushering in or bringing international efforts to combat climate change. Therefore, the involvement of NGOs, Civil Society, indigenous people and other Multilateral Institutions, intergovernmental organizations, and other voluntary groups should have a greater role towards mitigation of climate change such as monitoring or supervising the implementation of various international and national treaties, educators, innovators, observers, reporters, doers, pressure groups both internally and externally and identifying the weakness and gaps in the current policy and legal framework.

Recommendations

- The International community and states governments should break the impasse that they have created over the last two decades in the efforts of pushing for regimes, policies, approaches and principles that have been characterized with bureaucratic dogmas. The top bottom approach must be substituted with bottom up approach with an emphasis to involve the participation of local public with local actions no matter how meager the contributions could be.
- Legal dimensions of climate change must be reinforced with socio-approaches like adaption mechanisms that is geared to make the society and its inhabitants to be more resilient to the prevailing climatic conditions.
- Dissemination of information and knowledge relating to environmental protection and creation of awareness should be undertaken by every institution beginning from family level up to the state governments.
- The distorters of climate justice should be made answerable, responsible and accountable for their actions.

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³⁷ UN Secretary General, 'Climate Change and its Possible Security Implications' (11 September 2009) UN Doc. A/64/350

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