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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and

learning.

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BEYOND BORDERS: CLIMATE CHANGE ACTION & STATE SOVEREIGNTY

AUTHORED BY: YARRAMSETTY GEETHANJALI,
LL.M (Batch of 2023-24), GNLU.S.

Abstract

The reality of climate change is acknowledged on a global level. Despite increased global efforts, underdeveloped nations believe that their sovereignty will be compromised by systems and acts implemented in response to climate change. Remedial measures at various levels are not a compensating reflection of this reality. In order to respond quickly to climate change, it is necessary to set up a well-thought-out framework. Therefore, the researcher through this research paper analyzes the effects of climate change initiatives on national sovereignty. As the case involves the meddling in domestic politics by international organizations through the prism of climate change efforts. It is evident through the division between the Global South and Global North that the emerging nations might be wary of the fact that they might go beyond the remedial measures of developed countries.

Introduction

On many different levels, climate change is having a negative impact on the world. In this regard, a red code has been announced in the reports of the Intergovernmental Panel on Climate Change (IPCC). They anticipate that even under stringent moderating conditions, global surface temperatures would increase. By the end of the century, the IPCC is certain that global temperatures will have increased by more than 1.5°C. Without any action, it is anticipated that global temperatures would increase by more than 2°C.¹ International sea levels will rise on average by 0.26 to 0.82 meters by the end of the century, endangering the territorial sovereignty of numerous island states.² These asymmetrical climate changes will have complicated repercussions, including stressors and negative effects, on all locations.

¹Michael Bolt, "The Changing Nature of Sovereignty," E-International Relations Students (2013).

² *Ibid.*

Indicators of the impending storm include recent instances of wildfires, heatwaves, floods, and hurricanes around the planet. Because climate change transcends borders, urgent concerted actions are required to lessen its harmful effects. The Global South experiences the worst effects of climate change, despite the fact that China, the United States, and Europe all rely on coal and other fossil fuels. Although it is now widely acknowledged that the developed world (including the US, Canada, Europe, China, Japan, Korea, and others) has been largely to blame for these adverse effects on the climate, the most severe implications fall primarily on developing nations in Asia and Africa. Climate prejudice, a form of racism, has resulted from this.

The research paper emphasizes the global actors role in mitigating the climate change where the damaging climate change impacts on vulnerable states. Also focuses on developed nations actions on climate change and how it effects the sovereignty of the vulnerable states.

State Sovereignty

The idea of a sovereign state is thought to have originated with the Treaty of Westphalia, which was signed in 1648. National sovereignty has faced a number of setbacks during the past 350 years as the fundamental foundation for the structure of the international community. It is referred to as “the most glittering and controversial notion in international law history, doctrine, and practice”³ by Steinberger in the Encyclopedia of Public International Law.

The idea of sovereignty is ambiguous and disputable, but it does give rise to a lot of disagreements and, as a result, needs to be significantly developed, taking into account diverse methods for categorization of sovereign nations themselves. An adequate definition of state sovereignty is examined in order to avoid any historical undertones given the likelihood of the concept of the sovereign state collapsing in today’s global context.

Internally, the term “sovereignty” defines the state administration as the supreme power inside its borders and jurisdiction.⁴ In terms of international relations, sovereignty is defined as the ability to independently carry out a state’s duties to the exclusion of all other states. Territorial sovereignty is the only right to reveal state actions. A state’s legitimacy in both its input and

³ H. Steinberger, “Sovereignty,” in R. Bernhardt (ed.), *Encyclopaedia of Public International Law*, vol. 10 (1987), 397.

⁴ *Ibid.*

output determines its sovereignty. Input legitimacy, which includes things like voting and legal methods, refers to a state's capacity to let its population choose how they want to be governed. Production legitimacy⁵ refers to a state's capacity to provide for the essential requirements of its citizens (such as food, water, energy, employment, etc.).

The result of a complicated convergence of historical, political, social, economic, and other contemporary events is globalization. It causes the sovereign national power to change and diminish. In respect to what was first initially conceived of as a nation-state, the idea and nature of sovereignty are evolving, particularly in light of globalization, the rise of global organizations, and the unipolarity of the global order. The scope of the state's internal affairs, which are not interfered and only subject to national laws and customs, is narrowing as a result of globalization, while the scope of international law or the law of a particular community (collective commitment) is expanding. Sovereign rights have been severely curtailed in the modern world. Several important institutions and organizations are swiftly shifted from nations to supranational organizations and entities. It is more likely for transnational, national, subnational, and occasionally regional and municipal institutions to share sovereignty.⁶ Global actions are necessary to combat climate change, as will be explained in the lines that follow, hence globalisation is significant.

Climate Change Action

One of the most important challenges of our time is climate change, which demands simultaneous attention by all three sectors of society: the economy, the environment, and people. Developed society is responding to the issue of climate change by reducing emissions of greenhouse gases (GHG) while creating sinks (areas that absorb CO₂, such as forests and seas), as well as through national and international treaties and local plans to minimize the effects. There are also considerations about adaptation techniques to prevent, be prepared for, or address the negative effects of climate change. Public organizations' objectives may differ, but they all aim at eliminating risks to the public's health and safety.⁷ Achieving the Sustainable Development Goals (SDGs) and the combat against climate change are both priorities for the international

⁵ Luiz Carlos Bresser-Pereira, "Globalization, Nation-State and Catching Up" (2008) 28 *Revista de Economia Política* 4.

⁶ *Ibid.*

⁷ *Ibid.*

community.

Climate action is related to SDG-13, which states that there should be “increased efforts to reduce greenhouse gas emissions and strengthen resilience and adaptive capacity to climate-induced impacts, including climate-related risks in all countries, integrating climate change-related measures into national policies, strategy, and planning, as well as improving education, awareness, and human and institutional capacity in the field of climate change mitigation, adaptation, mitigation, and early warning.” To support poor nations’ transition to a low-carbon economy, this calls for the annual mobilization of \$100 billion.⁸ For effective climate change action, the World Bank advises adapting to development, prioritizing important system transformation, and funding transformation assistance. The way that strategists and decision-makers approach climate change has changed. Moving away from GDP and toward green growth is the answer. Rapid market-driven technical advancement and environmental action can help the national and global economy expand while addressing the challenge posed by a warming planet. In comparison to per capita income, the Human Development Index (HDI) is more significant. It is believed that “less is more.”⁹

Since there are many new, severe problems for the entire planet, it will take a marathon of sincere efforts from all stakeholders to reduce the harm caused by climate change. To slow down climate change, the IPCC was founded in 1988. The World Meteorological Organization and the UN Environment Program collaborated on its creation. The first IPCC report had a significant effect on international advisory groups. As a result, the United Nations Framework Convention on Climate Change (UNFCCC) and its extended organization, known as the Kyoto Protocol, were created in 1992. The repercussions of climate change caught the attention of the entire globe for the first time. The UNFCCC, the Kyoto Protocol, and the Paris Agreement (a historic agreement between 188 nations to restrict CO₂ emissions) are just a few of the UN legal instruments that have been actively involved in accessing the effects of climate change and mitigating actions (Figure 1). Furthermore, the development and implementation of climate policies and activities against climate vulnerability have been sparked by these discussions with regional groups like

⁸ “Goal 13: Climate Action,” UNDP, 2016, available at <https://www.sdfinance.undp.org/content/sdfinance/en/home/sdg/goal-13--climate-action.html> (accessed on October 2, 2023).

⁹ *Ibid.*

the G8 countries and civil society organizations.

Figure-1: UN Institutional Arrangements for Climate Change



Source: E-International Relations

The UNFCCC was established to address the global effects of climate change after the 1990 IPCC report. It was subsequently presented to members for signature at the Rio de Janeiro Earth Summit in June 1992,¹⁰ and it became effective on March 21, 1994. This organization's major goal was to stop individuals from making risky decisions in order to protect the planet from climate change, its repercussions, and the ongoing presence of greenhouse gases in the atmosphere. Additionally, the UNFCCC kept emphasizing the importance of developed nations' contributions, urging them to combat the global threat and instructing all parties to take preventative and precautionary steps to lessen the effects of climate change. In the age of industrialisation, it also supported environmental protection policy frameworks for sustainable development.¹¹

Countries that pledge to adopt particular policy steps to lessen the consequences of climate change in order to achieve their objectives might do so through the UNFCCC. Offers advice on reducing greenhouse gas emissions and raising public awareness of climate change. As well as encouraging environmentally friendly, sustainable development and water management of coastal areas, it also establishes the framework for the development of environmentally friendly technology for all sectors (energy, transport, agriculture, waste management, and forestry). To reduce the harmful effects of climate change on the country's national economy, environment, and health sectors, the UNFCCC places a strong emphasis on the development of national policy infrastructure. There is a systematic approach to studying and observing climate change, international collaboration to raise global, national, and regional climate awareness, and the sharing of the latest technologies to predict and mitigate threats from climate change.¹²

¹⁰ Francesco Femia and Caitlin E. Werrell, "Climate change, the erosion of state sovereignty, and world order," in *Epicenters of Climate and Security: The New Geostrategic Landscape of the Anthropocene*, ed. Caitlin E. Werrell and Francesco Femia (The Centre for Climate Security, 2017) 11-19.

¹¹ *Ibid.*

¹² *Ibid.*

The convention also urged developed nations to cut their emissions of greenhouse gases, which are the real cause behind the rise in atmospheric concentrations of these gases, and to create laws to prevent further increase in emissions. Additionally, it placed a focus on aiding nations with financial and technological support so they can compete with the risks posed by climate change.¹³ In order to carry out its goals and the advancements made by the parties, the Convention established the Conference of the Parties (COP) system. Parties were brought together at COP-26 in November 2021 to advance the objectives of the Paris Agreement and UNFCCC. It is widely recognized that now is the moment to take action.

The Kyoto Protocol emphasizes that developed nations are the primary source of greenhouse gas emissions and that their contribution to this situation is crucial. Additionally, these nations are in fact responsible for the rise in greenhouse gas emissions already present in the atmosphere. The Protocol recognized these nations as game-changers, stating that their positive actions might contribute to a decrease in greenhouse gas emissions. Because it is challenging for a single country to combat the challenges posed by climate change alone, it encourages nations to work together to lessen its consequences. Two Kyoto Protocol commitments have come into force in total. One of them had a term that lasted from 2008 to 2012, and the other one began in 2012.

The Paris Agreement was finalized on December 12, 2015, to “improve the implementation of the UNFCCC policy mechanism, which has the purpose and objective of strengthening the global response to counter the threats of climate change.”¹⁴ It is an agreement that addresses global challenges, primarily those related to climate change, and includes financial support, a review of climate-smart strategies, and mitigation of greenhouse gas emissions. 196 representatives from various nations attended COP-21, which was regarded as the best opportunity since “this agreement represents the best chance we have to save the only planet we have.”¹⁵

The principal objective of the General Assembly’s goal for 2019 was to strengthen international efforts to combat poverty, advance high-quality education, and combat climate change. Eswatini’s King Mswati III pushed the UN to follow through on its promises. Eradicating poverty remained a significant concern, it had gotten worse due to climate change and had led to food

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

insecurity in his nation. Therefore, he urged wealthy nations that produce greenhouse gas emissions to increase their investments in order to create secure societies and robust safety nets.¹⁶ George Weah, the president of Liberia, emphasized the need for more attention to be paid to climate change and indicated that wealthy countries' unanticipated progress may be in violation of the sovereignty of powerless nations. The environment is still in ruins, even though Africa's abundant resources are being exploited, African nations aren't getting their fair share, according to Ghanaian President Nana Akufo-Addo.¹⁷ It poses a barrier to addressing the climate calamity and decreasing poverty. In order to achieve short-term success, humanity cannot simply "ravage blindly" in the name of development, according to Danny Faure, president of the Seychelles. He cautioned that "through exploiting the oceans, we condemn future generations to a planet beyond repair," and that "the only way we can ensure our collective survival is by bringing law and good governance to the oceans." The necessity of taking climate action in accordance with the law to ensure the sovereignty of affected nations is thus demonstrated.¹⁸ The one shared priority at the forefront of the General Assembly's 2021 session was climate action. The international community has grown increasingly motivated to address climate change during the last three decades. However, a variety of issues continue to have an impact on this movement, including politics, financial limits, shifting commitments brought on by a change in government, and many others. Since climate change is a global issue, affecting all nations and organizations equally, action must start at the state, the organization, unit, and even the individual level.

State Sovereignty and Climate Change Action

The effects of climate change on natural resources are crucial to our understanding of state sovereignty in the modern world and the international system that depends on it. Rising sea levels and the extreme weather conditions, endangering the habitually of land and human rights like right to self-determination are the damages caused by climate change. International human rights law and customary international law both apply to extraterritorial activities taken to protect the economic, social, cultural, and civil liberties that climate change affects. The legal and political structure of state sovereignty that mediates the vertical relationship between the state and its

¹⁶ King Mswati III, "Statement by His Majesty King Mswati III Head of State of the Kingdom of Eswatini During the General Debate of 73rd Session of the United Nations General Assembly" (September 26, 2018), available at https://gadebate.un.org/sites/default/files/gastatements/73/sz_en.pdf (accessed on October 2, 2023).

¹⁷ "Ghana - President Addresses General Debate, 74th Session - YouTube," available at <https://www.youtube.com/watch?v=glcD6npvdn8> (accessed on October 2, 2023).

¹⁸ "Seychelles - President Addresses General Debate, 74th Session - YouTube," available at https://www.youtube.com/watch?v=sdQ5p9v_84c (accessed on October 2, 2023).

citizen is shaped by the framework of international law.¹⁹

Supply chains, IT infrastructures, and multilateral agreements are examples of reciprocal and interconnected networks. Due to its many unknowns, ambiguous effects, and ever-evolving concerns, climate change is a pernicious problem with threats and challenges that are frequently equally complicated. There are numerous well-known dangers to the current global order today. The effects of climate change on food and water resources, as well as the effects of these changes on nation states' sovereignty, are stressors that have received relatively little attention. For a country's internal dynamics, climate change has major repercussions.²⁰ Few countries believe that the goals and objectives of combating climate change significantly exceed and conflict with their own national aspirations. The Brazilian president's treatment of the Amazon forest serves as a good illustration. The concept of total and exclusive sovereignty has become outdated and never matched reality according to Boutros-Ghali, a former UN Secretary General. And that the G20 countries do not fulfil their climate change protocols commitments. As these protocols limit a state's ability to make its own decisions about the economy, industry and the people, in other words it poses a threat to its sovereignty.²¹

The Paris Agreement sets a limit of global warming below 2 degrees Celsius above pre-industrial levels and preferably to 1.5 degree Celsius and coal era is gradually ending under its protocols. Australia as the largest exporter of coal in the world, if blocked coal extraction then it may result in thousands of jobs cut where coal royalties for Queensland have approached \$4 billion in 2019. The elections in Australia gets a deciding factor based on mining policy which is evident when we look at the present government which is doing the bare minimum on climate change. Holding a hunk of coal Prime Minister Scott Morrison, in 2017, declared in parliament 'don't be scared' which resulted in protests declaring climate change a hoax. It is also a devastating blow to those employed in mine, shipping coal to ports, and delivering it to the world's biggest consumers of coal, China, India, Japan, and South Korea. Similar circumstances exist in Poland, where restricting coal extraction for environmental reasons may legitimately affect election outcomes.²²

The Amazon forests, which serve as the planet's lungs and collect carbon dioxide³⁸ while

¹⁹ *Supra* note 1.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Supra* note 10.

supporting life there, are found in Brazil. The timber industry is a significant source of revenue, and the cleared land is planted and prepared for habitation. Both are incompatible; if Brazil works toward the global good by complying to climate protocols and rules, it will have a negative impact on its local population. There are uprisings against climate policies that are deemed to meddle with the internal affairs of sovereign states and undermine national interests. On the other hand, Jair Bolsonaro, the president of Brazil, is attacked internationally for failing to take action about the Amazon forests and converting carbon sinks into carbon sources there.²³

Power, territory, population, and recognition are the four components that make up the modern concept of state sovereignty. In addition to the right to territorial integrity, the right to self-defense, the ability to freely choose one's political and social system, and the right to international personality (a characteristic of a subject of international law), state sovereignty also includes the right to self-defense. Although disputed, it is widely acknowledged that climate change is increasing the strain on a state's natural resources and endangering both state sovereignty and a stable international order. States have a certain amount of power when it comes to addressing climate change. The standing of state sovereignty in domestic matters may be weakened by regulations that are enforced and are likely to be put into place over the course of the next few decades as a result of global climate action.

In terms of state sovereignty, states are indivisible social structures that are invisible in the natural world. In the dynamic structure of the planet, the state is an obstinate and arbitrary point of reference. The normative framework that underpins power is put in a difficult situation on the inside as a result. In the case of climate change, this entails a self-directed reorientation of how we perceive our neighboring nations as well as a novel, knowledgeable understanding of the position of the human social order as a whole as a subset of the natural world.²⁴ Because of indirect measures restricting greenhouse gas emissions and the impacts of climate change, the stage on which the concert of international relations takes place is changing, as is the role of the actor in which states feel threatened.

A state must have a defined region that its citizens may occupy in the area of human security, as per the Montevideo Convention on the Rights and Duties of States. International law has

²³ *Ibid.*

²⁴ *Ibid.*

difficulty addressing threats to state sovereignty islands like Tuvalu, the Maldives, and Kiribati as a growing human security issue because of the increasing sea levels brought on by climate change. The effectiveness of present international environmental and human rights law in defending human security concerns and state territorial integrity is limited. As potential solutions to reconcile human security and respect for state sovereignty, the UN should examine the use of artificial islands, land acquisition, and individual or collective resettlement.²⁵

To explain why the climate emergency is big, complex, and vital to human survival—and why it can only be solved if all countries give up their separate interests and pay attention to it now—nations must articulate climate geopolitics. Campaigns, national economic interests, and human security concerns drive perceptions of global vulnerabilities against the backdrop of climate skepticism. The state's interest provides the foundation for both liberal and realistic interpretations of state conduct and the likelihood of global cooperation. The books “Losing Earth” by Nathaniel Rich and “Climate Wars” by Gwynne Dyer both make the case that, despite global appeals and in accordance with established legislation based on empirical scientific data, states prioritize their national interests. Therefore, the legal provisions found in the climate protocols have a significant impact on not just the state but, more significantly, human security. In the socio-political sphere, Fridays are days of climate action protests and poor people's demonstrations when climate change threatens their way of life. Workers at carbon-emitting manufacturers, drillers, and mills are certain that the policy will be detrimental to them.²⁶

Pakistan, whose little contribution to global emissions places it among the top ten most vulnerable nations to climate change, is the case. The Ten Billion Tree Tsunami (TBTT) initiative, the issuance of green bonds, the Recharge Pakistan program, improvements in water conservation, a reduction in carbon emissions, etc. are only a few of the actions Pakistan has made, but they are not enough to spur climate action. Participation from the nations with higher carbon footprints is becoming increasingly necessary. If we want to ensure a brighter future for the coming generations, we must go past band-aid solutions and take global, all-inclusive climate action. The findings of the research paper demonstrate that climate change is a fact. The sooner governments put this into practice at the state level via a system of mutual obligation and at individual level by

²⁵ Stefanie Jansen, “*International Law and the Criteria for Statehood*,” available at <https://arno.uvt.nl/show.cgi?fid=121942> (accessed on October 3, 2023).

²⁶ IMF, “*The Economics of Climate*,” December 2019, available at <https://www.imf.org/external/pubs/ft/fandd/2019/12/pdf/fd1219.pdf> (accessed on October 7, 2023).

incorporating climate science into policy-making, the better. Participants in the COP agreed that while climate change action is slow; it is still not too late. Therefore, there are numerous causes of slowdown on a worldwide scale. State sovereignty stands out as the most significant of these. While the developed world must commit to taking global action to combat climate change, developing countries continue to struggle to exercise their power. However, there is apprehension about further participation of the developed world and international bodies in the problems of the underdeveloped world despite the convergence of interests on action against climate change.

Conclusion

The availability of global media and the increasing interconnected world shows that the international community has a greater role to play in addressing climate change. The developed nations and the global actors are working to address this threat through international institutions, the international community as a whole also needs to be involved. The need for a well established mechanism for climate change action which respects the sovereignty of vulnerable states must be developed. Any solution we implement must include the meaningful participation and empowerment of those who are most affected by climate change, especially those who are already marginalized economically and politically. Developing an effective climate change action plan requires inclusion and mutual consultation. The greatest threat to our planet is posed by humans which is why the humans together can manage the unavoidable and avoid the unmanageable.

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