



NEAR EAST UNIVERSITY
INSTITUTE OF GRADUATE STUDIES
DEPARTMENT OF INTERNATIONAL LAW

**AN ASSESSMENT OF THE THREAT CLIMATE CHANGE POSES TO
GLOBAL SECURITY: MITIGATING MEASURES AND LEGAL
PROTECTION FOR POTENTIAL VICTIMS**

LLM THESIS

ABRAHAM JULIAN WENNAH

Nicosia

January, 2023

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Supervisor



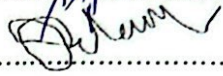
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Approval

We certify that we have read the thesis submitted by **Abraham Julian Wennah** titled **“An Assessment of the threat Climate Change poses to Global Security: Mitigating Measures and legal protection for potential victims”** and that in our combined opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of International Law.

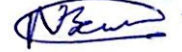
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Declaration

I hereby declare that all information, documents, analysis, and results in this thesis have been collected and presented according to the academic rules and ethical guidelines of the Institute of Graduate Studies, Near East University. I also declare that as required by these rules and conduct, I have fully cited and referenced information and data that are not original to this study.

Abraham Julian Wennah

January/.../2023

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First, I want to express my profound appreciation to God for all His favors.

Assistant Professor Ozlem Canbeldek Akin, who supervised me, deserves recognition for her tolerance, enthusiasm, insight, and a keen eye for detail. Likewise, I'd like to express my appreciation to Mrs. Merve Gertik, my course advisor, the whole Faculty Research Committee, and Assistant Professor Nabi Berkut, Chairman of the Department of International law (LLM).

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Abraham Julian Wennah

Abstract**AN ASSESSMENT OF THE THREAT CLIMATE CHANGE POSES TO
GLOBAL SECURITY: MITIGATING MEASURES AND LEGAL
PROTECTION FOR POTENTIAL VICTIMS****Wennah, Abraham Julian****Supervisor, Asst. Prof. Dr. Ozlem C. Akin****LLM, Department of International Law****January 2023, 88 pages**

The IPCC study links global warming to human activities. Temperatures are rising, causing climate change. Climate experts' beliefs underpin this study's climate change assumptions (that human-caused climate change is occurring). Thus, this study does not deny climate change. This study assessed climate change's threat to global security, including mitigation and legal protection for victims. It also investigated whether international rules can effectively protect human rights in climate change-related breaches. They critically examine the effects of removing people's rights from international climate-related human rights issues. Qualitative research and secondary data from relevant institutions were employed to answer the research questions. The findings show that human-induced global warming endangers international security and the planet. Some regions have direct effects, while others are indirectly affected. It's happening everywhere. It found that current laws rarely address climate change causes and effects. First, existing regulations are weak and unenforceable. Second, climate change's damage leaves no solid human rights laws to safeguard them. Third, no law protects climate change victims. The research recommends that in times of rapid change and uncertainty, a well-functioning legal system can provide stability, a moral foundation for reforms, and a mechanism to protect human rights. Thus, stricter measures will reduce poverty, malnutrition, diseases, mental health stress, forced migration, and other natural and artificial calamities.

Keywords: climate change, global security, mitigation measures, legal protection

ÖZET

AN ASSESSMENT OF THE THREAT CLIMATE CHANGE POSES TO GLOBAL SECURITY: MITIGATING MEASURES AND LEGAL PROTECTION FOR POTENTIAL VICTIMS

Wennah, Abraham Julian

Supervisor, Asst. Prof. Dr. Ozlem C. Akin

LLM, Department of International Law

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IPCC çalışması, küresel ısınmayı insan faaliyetleriyle ilişkilendirir. Sıcaklıklar artıyor, iklim değişikliğine neden oluyor. İklim uzmanlarının inançları, bu çalışmanın iklim değişikliği varsayımlarının (insan kaynaklı iklim değişikliğinin meydana geldiği) temelini oluşturmaktadır. Dolayısıyla, bu çalışma iklim değişikliğini inkar etmiyor. Bu çalışma, mağdurlar için hafifletme ve yasal koruma da dahil olmak üzere iklim değişikliğinin küresel güvenliğe yönelik tehdidini değerlendirdi. Ayrıca, uluslararası kuralların iklim değişikliği ile ilgili ihlallerde insan haklarını etkili bir şekilde koruyup koruyamayacağını da araştırdı. İnsan haklarını uluslararası iklimle ilgili insan hakları sorunlarından çıkarmanın sonuçlarını eleştirel bir şekilde incelediler. Araştırma sorularını cevaplamak için nitel araştırma ve ilgili kurumlardan alınan ikincil veriler kullanılmıştır. Bulgular, insan kaynaklı küresel ısınmanın uluslararası güvenliği ve gezegeni tehlikeye attığını gösteriyor. Bazı alanlar doğrudan etkilenirken, diğerleri dolaylı olarak etkilenir. Her yerde oluyor. Araştırma, mevcut yasaların nadiren iklim değişikliğinin nedenlerini ve etkilerini ele aldığını buldu. Birincisi, mevcut düzenlemeler zayıf ve uygulanamaz. İkincisi, iklim değişikliğinin verdiği zarar onları koruyacak sağlam insan hakları yasaları bırakmıyor. Üçüncüsü, hiçbir yasa iklim değişikliğinin kurbanlarını korumaz. Araştırma, hızlı değişim ve belirsizlik zamanlarında, iyi işleyen bir hukuk sisteminin istikrar, reformlar için ahlaki bir temel ve insan haklarını korumaya yönelik bir mekanizma sağlayabileceğini öne sürüyor. Bu nedenle, daha sıkı önlemler yoksulluğu, yetersiz beslenmeyi, hastalıkları, zihinsel sağlık stresini, zorunlu göçü ve diğer doğal ve yapay afetleri azaltacaktır.

anahtar kelimeler: iklim değişikliği, küresel güvenlik, etki azaltma önlemleri, yasal koruma

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LIST OF ABBREVIATIONS

Conference of the parties.....	COP
Green House Gas.....	GHG
United Nation.....	UN
United Nations Framework Convention on Climate Change.....	UNFCCC
Carbon Dioxide.....	CO2
Intergovernmental Panel on Climate Change.....	IPCC
United Nations High Commission on Refugees.....	UNHCR
Interntiunal Organization for Migration.....	IOM
Internally Displaced People.....	IDP
Universal Declaration for Human Rights.....	UDHR
United Nations Environment Program.....	UNEP
World Meteorological Organization.....	WMO
African Union and Security Council.....	AUSC

Introduction

The ecological catastrophe, also called global warming, is one of many scary things that could happen on Earth in the 21st century. In 2013, an observatory run by the US government found that airborne carbon dioxide emissions had finally topped an overwhelming amount for the first time (400 per Million)¹. The threshold, which the earth hasn't crossed in up to 3 million years, means that climate change will speed up over the next century. The Panel on Climate Change forecasts that there will be less sea ice, the oceans will become more acidic, and droughts and mighty storms will happen more often².

The existence of this catastrophe poses a severe threat to global security because the worry of global warming is the fear of not having enough. After all, it foresees a lack of the planet's resources, the loss of farmland and habitable surroundings, and ultimately the end of the earth as we know it.

At least equally important to the future of capitalism and humanity is the ecological crisis. No one in the scientific community has any doubts about climate change. Because of global warming caused by people, temperatures are rising, there are more extreme weather events, and there isn't enough water or other essential resources. The main areas of disagreement are the seriousness of the effects, how much disruption climate change will cause to human civilization, and if it will be to adapt to those interruptions.

Next, the most critical question regarding climate change, not whether it is happening, is who will endure the transition. Scientists do not claim that the Earth will become fully uninhabitable, not even in the worst-case situations. As habitats deteriorate, competition for resources and space will increase, as it already has. In this situation, it might be conceivable for a few elites to continue polluting the environment while safeguarding their comfort and sending the majority of humanity into agony

¹ Smith, Richard. "Capitalism and the destruction of life on Earth: six theses on saving the humans." *real-world economics review* 64 (2013): pp125-161.

² 2IPCC. 2013. *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 1535 pp.

Despite acknowledging the severity of climate change, some people claim that we can rely on the free market to provide solutions. Although this is not entirely ludicrous, it is nonetheless somewhat misleading because it turns out that the educated eco-capitalists are not all that dissimilar from the troglodyte denials.

Without the government's help, entrepreneurs will develop new eco-friendly technology to help us break our dependence on fossil fuels. However, these advances frequently include high-tech eco-, friendly solutions that are only affordable to the wealthy. At the same time, genuinely global solutions are disregarded, even if they are apparently "market" ones, as with carbon taxes.

The ventures that thrill eco-capitalists are speculative "geoengineering" undertakings that aim to influence the environment despite their doubtful effectiveness and unknown side effects. Given the situation that we are facing, a crisis that tends to make our peaceful existence on earth so uncertain and full of danger, one area that has not been entirely uncovered but that I feel we should still take into consideration is international law and its potential to limit or lessen the impact of the current crisis. Against this backdrop, this research aims to examine the threat global warming poses to global security, focusing on the mitigating measures implemented by the international legal system and protecting active and potential victims. In addition, the study will eagerly evaluate whether the current legal framework can defend civil dignity in the situation of pending disasters.

The study is organized into four parts: chapter one contains the introduction, background of the research, the practical problem, significance, objectives, and research questions. It also includes the methodology adopted for the study; chapter two records the literature review, and chapter three presents the findings. The findings mainly relate to how sound laws are directed at forbidding actions that worsen climate change function, their efficacy, their capacity to prevent infringement of civil dignity, and the legal gap. of course, the conclusion and recommendations are found in chapter four.

1.0 CHAPTER I

1.1 Background

International borders, the lawful standing of refugees, the individual's ability to sue the state, maritime difficulties, and global warming are only a few of the current challenges to the position of international law. In contrast to other concerns, climate change stands out due to its worldwide reach.

Fourier, Tyndale, and Arrhenius first recognized climate change in France, Britain, and Sweden, respectively, in 1827, 1859, and 1896³. In the 1970s, the WMO first raised alarms about the possibility that humans were dramatically heating the lower atmosphere⁴. In order to gather and analyse scientific information about global warming, the aforementioned body and the United Nations Environment Programme (UNEP) established the International Panel on Climate Change (IPCC) in 1988⁵.

The UN Framework Convention on Climate Change (UNFCCC) was impacted by the IPCC's initial assessment report from 1990. This was endorsed by 166 nations in Brazil at the Earth Summit in 1992, and it went into force in 1994. Although the UNFCCC did not include explicit domestic or worldwide benchmarks for carbon emissions reduction, it did contain fundamental themes or concepts that have served as the bedrock of future global climate change debates and processes.

The global accepted climate change body which came into being in 1992, fell short of many conservationists' goals. It was a critical step in establishing principles to guide subsequent national greenhouse gas emission reduction agreements⁶.

These efforts resulted in a 1997 Conference of Parties conference in Kyoto, Japan, at which delegates adopted the agreement. This set produced state emissions objectives for 2008–2012 and outlined three primary procedures for reaching them⁷.

By 2007, 2008, and 2009, rising scientific data and understanding established the reality and dangers of climate change. The Convention was not ratified by several nations,

³ Chen, G., Laane, J., Wheeler, S.E. and Zhang, Z., 2011. Greenhouse gas molecules: a mathematical perspective. *Notices of the AMS*, 58(10), pp.1421-1434.

⁴ Liu, X. and Chen, B., 2000. Climatic warming in the Tibetan Plateau during recent decades. *International Journal of Climatology: A Journal of the Royal Meteorological Society*, 20(14), pp.1729-1742.

⁵ Solomon, S., 2007, December. IPCC (2007): Climate change the physical science basis. In *Agu fall meeting abstracts* (Vol. 2007, pp. U43D-01).

⁶ UNFCCC, "What is the United Nations Framework Convention on Climate Change?"

⁷ Kyoto Protocol 1997; Liverman 2009, p. 290.

particularly the United States and Australia, who insisted that developing countries must also lower violent outpourings. These opinions became bolstered by robust public discussions casting doubt on the factual validity of global warming projections – and by the oil industry's massive expenditure in lobbying organizations.

Also, National governments are having difficulty agreeing on national contributions to global greenhouse gas reductions. It was feared that nations with higher emission limits would acquire a competitive advantage in world trade⁸. The economic and social costs of developed (richest) nations with substantial emissions per capita costs if they are to achieve significant emissions reductions. Poor (developing) nations require a sizable amount of money and other resources transition to and manage with the effects of environmental change. Developed countries claim that quickly growing, major developing countries - most notably China - must restrain their per capita and total emissions increase if emissions across the world are to be contained.

Despite general agreement on the seriousness of climate change, serious disputes persist between countries about how carbon pollution cuts and restrictions should be allocated. These are founded on differing foreign policies and views and are inextricably tied to ethical, just, and developmental challenges.

Developing guidelines to help determine a fair and reasonable minimum emission standard objectives continues to present complex technological and political problems. Negotiations to construct a legally binding pact for the post-2012 period were placed at 2009, 2010, and 2011 COPs in Copenhagen, Cancun, and Durban. Copenhagen was a colossal failure, with no agreement on critical matters such as legally binding emission reduction objectives. It was decided that any global legally enforceable pact to cut pollution must be reached by 2015 and implemented by 2020. Due to this delay, global action on climate change will be delayed by nearly a decade from 2012 to 2020. a fresh international consensus that would take effect in 2020, was therefore critical to addressing global warming. However, 2020 has passed, and global climate change has quickly risen to the height of the worst threats facing humanity. Globalization, particularly in the economy, is modifying or magnifying existing climate change vulnerabilities. Few

⁸ Brechin, S.R., 2003. Comparative public opinion and knowledge on global climatic change and the Kyoto Protocol: the US versus the world?. *International journal of sociology and social policy*.

research has addressed the two issues concurrently, particularly regarding their interactions.

Until respite arrived in 2021, The Summit of the Parties (COP26), the most recent climate conference in Glasgow, concluded with some, but insufficient, progress, and it feels that every international attempt to mitigate climate change is still going in the wrong direction. Ministers agreed that nations should submit more aggressive 2030 emission reduction targets to close the 1.5-degree Celsius gap (2.7 degrees F). Additionally, wealthy countries should provide additional resources as soon as possible to facilitate hotspots countries in adapting to the severe and costly upshots of global warming, which range from reduced crop yields to catastrophic storms.

Additionally, governments are committed to reducing methane emissions, reversing forest loss, transitioning the financial sector to net zero by 2050, among others, stopping global funding of fossil fuels. Glasgow served as a jumping-off point for new sector alliances and investments aimed at reshaping global market in a way that will enable a net-zero future.

Given the breadth of concerns about status and trends in the world, this research will assess the threat climate change poses to international security, including mitigation measures and legal protection for potential victims, to establish critical correlations with respect to global warming and its possible threatening and provoking conflict impacts, as well as to pinpoint regional flashpoints and advance management approach meant to put reform agenda on track⁹.

1.2 Problem Statement

Climate change has been the subject of much controversy over the last few years, with many claiming that it is being exacerbated or sponsored by humanity, particularly in developed countries¹⁰. Evidence from the recent climate change conference in Glasgow, United Kingdom, COP26, shows little or no action to address climate change.

⁹ UN NDC Synthesis Report 2021, pp. 4–5; UNFCCC Press Office (26 February 2021). "Greater Climate Ambition Urged as Initial NDC Synthesis Report Is Published". Retrieved 21 April 2021

¹⁰ Brown, O., 2008. Migration and climate change. United Nations.

Regarding climate security, the key decision-makers are the global elites and multinational corporations that are the primary proponents of extinction and cataclysms. They are not the ones that suffer immediate and severe consequences, at least not at the moment. The final judge of the crisis will be the G7 and G20 countries, the most advanced economies in terms of sophistication and technology.

The developing South (Africa) has not begun to think strategically enough to make the essential appeal for an authoritative, decisive position. As a result, they have become victims of disasters they did not cause, despite the perpetrators making policy decisions that affect others. The United Nations Conference on Population and growth appears akin to a referee-player situation in many aspects¹¹.

Despite progress on numerous fronts, national climate and financing promises fell far short of achieving the global challenge. Increased US diplomatic involvement with like-minded states has drawn greater attention and resources to significant climate change and migration treaties and resolutions, but they all appear useless. As a result, several policies may be ineffective or inconsistent in their application to victims of climate change.

Many criteria for determining who is considered a refugee are voluntary and lack control or accountability, leaving migrants open to abuse and political whims.

It gets even worse when numerous Human rights and humanitarian norms, which are Jermaine to the flourishing of international Law, are enacted for the internally displaced people than those forced across borders or who move to escape extended droughts or other slow-onset climate impacts.

While the UNHCR is mandated to assist when governments are unable to do so, host states are not required to give temporary or permanent status to impacted individuals. If they cross borders or stay "undocumented," these individuals may suffer criminal prosecution, discrimination, and deportation.

The Kampala convention may benefit internally displaced individuals (IDP) on the continent but not in other areas of the globe. Additionally, the Hyogo Framework for Action from 2005 and the IDP Principles fall within the category of "soft law" principles.

¹¹ World Health Organization, 2021. COP26 special report on climate change and health: the health argument for climate action.

Their remarks or resolutions have been approved by the government but are not legally binding.

Disasters and refugee crises can be exacerbated by a failure to ensure fundamental human rights in both the origin and host countries. International processes that compel all governments to contribute to disaster assistance to other countries may be viewed as 'soft law' by some countries. If not resolved, this would exacerbate disasters that endanger human life and livelihoods and increase migration as a means of coping¹².

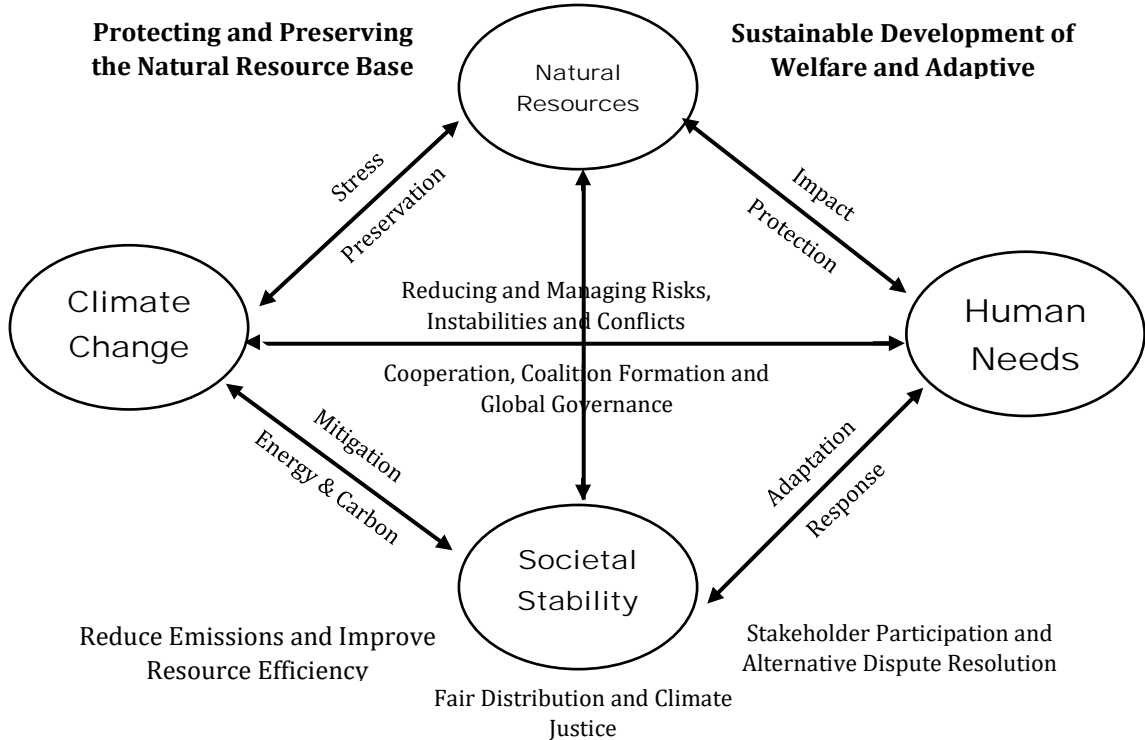
As such, this research will examine the danger that global warming poses to world security and possible victims' mitigation methods and legal protection.

1.3 Conceptual Framework

Owing to the lack of a straight nexus connecting global warming and international law and no concrete evidence of human rights violations, its negative effects restrict or obstruct human rights. This alone makes it imperative for international law to govern governments' GHG emission-related actions and inactions. Therefore, the graphic below depicts a research-relevant conceptual model, developed by P. Michael Link and Jürgen Scheffran of the Research Group on Climate Change and Security at the University of Hamburg. **SPRINGER NATURE** has permitted the researcher to adapt the model and the proof of permission can be found attached.

¹² Abebe, A.M., 2016. The Emerging Law of Forced Displacement in Africa: Development and implementation of the Kampala Convention on internal displacement. Routledge.

Figure 1.1
Conceptual Framework



1.4 Hypothesis

H1: If the international legal system can offer a framework that holds states accountable for carbon dioxide emissions, global warming mitigation will be taken seriously.

H2: The chances of a climate crisis decreasing depends on the rate of carbon dioxide emissions.

1.5 Significance of the Study

The purpose of this study is to evaluate the danger that global warming poses to world security in the first place. Second, it assesses the mitigating legal mechanisms fast forward to alleviate the impacts of global warming. Third, it adds to the ongoing discussion about the correlation that is common with climate change and human rights by modeling the different repercussions on individual rights and pointing out the inadequacies of the international human rights system in upholding the rule of law from

the bad effects of global warming. Among other things, the research examines whether the current system can safeguard against violations caused by this disastrous phenomenon.

It also contributes to establishing a strong link between local and international laws, given that climate change, like many other causes wreaking havoc on our world, plays a significant part in making our world uncomfortable and skewing our world's future in the wrong direction. Thus, victim protection legislation should be viewed as an independent voice charged with appropriately informing, educating, and catering to victims and would-be victims.

It is critical to creating an enabling legal and regulatory environment that allows for the establishment of standards and parameters for climate change mitigation while also providing a framework for protecting victims of climate change at all levels and holding them accountable, those charged with the cardinal responsibility of being the world's gatekeepers. This research will aid the government to understand the problems encountered by victims of global climate and how the rest of the world, particularly those with the power to interpret the law, should respond to them. The International Panel on Climate Change (IPCC) and the International Organization for Migration will benefit from this research since it paints a clear image of the laws that protect climate-induced migrants and any limits imposed by local and international law. This way, improvements can be made to how these groups deal with victims, thereby impeding human rights.

1.6 The Research Objectives

In general, this research aims to figure out how much of a threat climate change is to global security, how the international legal system is trying to deal with it, and how active and potential victims are protected. It will look closely at the following:

1. Identifying whether there are restrictive international rules that prohibit acts that exacerbate climate change.
2. Find out whether international law is sufficient to safeguard human rights from breaches caused by climate change.
3. Determine whether the current climate change regime effectively mitigates or reverses climate change.

4. Find out whether gaps or inconsistencies exist in the legislation shielding climate change victims?

1.7 The Research Questions

General or key question: What are the dangers of climate change regarding global security and the international legal system concerning how its potential victims are protected?

To contextualize the study's objectives, as mentioned earlier, the questions listed below are considered:

1. What are the restrictive international rules prohibiting acts exacerbating climate change?
2. Is international law sufficient to safeguard human rights from breaches caused by climate change?
3. How effective are the climate change laws in mitigating or reversing climate change?
4. Are there any gaps or inconsistencies in the legislation protecting climate change victims?

1.8 Research Method

The researcher employed qualitative methodologies to conduct this investigation. Qualitative investigations are more subjective text-based and are employed when in-depth information about a few cases is required. They are data enhancers that let one understand the specific or critical characteristics of the issues they analyze.

This method effectively analyses the danger of global warming to world security, including mitigation options and legal protection for prospective victims. In this light, this study is based on a design demonstrating the highest level of comprehension of the danger of global warming poses to world security, including mitigation measures and legal protection for potential victims, through an examination of the various documents about the subject.

1.9 People

This study has concerned everyone since we are all frightened about the repercussions of global warming. The acts of the nations deemed to be the biggest carbon emitters, the agencies in charge of combating global warming, and the nations most impacted by climate change are all being examined, which is of utmost importance.

1.10 Materials

To demonstrate how well the objectives and aims of this research were attained, case studies and an analysis of legal precedent were also utilized. The majority of the information utilized in this project comes from reliable sources like media-recorded video transcripts, journals, articles, publications, and textbooks.

1.11 Data Analysis Procedures

Before being used, all data were subjected to a check for accuracy and eligibility. Academic professionals such as my supervisors and perhaps the ethics committees will provide their consent. If necessary, data were collected through the methods described above.

1.12 Study Plan

My goal is to examine the data using the analytical induction method, comprehensively explaining the problem phenomenon by combining inductive reasoning with qualitative research techniques. I will be able to hypothetically describe the sensation throughout my research by first defining the difficulties, then explaining why the problems occur, and lastly, offering pertinent suggestions for the future.

1.13 Limitations

Due to the nature of this research, secondary data from different institutions about the subject were used; as a result, this research does not have direct access to the survey questions used to collect primary data for those documents. While it is true that this research was anticipated to evaluate and draw reliable conclusions from the data thoroughly, there could be minor errors in the responses to the survey's crucial questions,

the documents that were covered, and the answers gathered. The data analysis and results of this study were based on the indicators used; nevertheless, using a different set of hands or various Institutions could vary the outcome of the same research.

2.0 CHAPTER II

Literature Review

This section summarizes prior studies and conventions on environmental change and its worldwide effects. The material and diverse opinions acquired from many sources are critical in offering comprehension and illumination of this research.

2.1 Climate Change Theory and how it affects Human Rights

The releases of the Intergovernmental Panel on Climate Change have contributed to our understanding of environmental change and its effects (IPCC). The IPCC is a UN body responsible for sharing unbiased information about environmental issues and their various effects on people and the environment. According to the IPCC, global warming is "a change in the state of the climate that may be determined (for example, by statistical tests) by changes in the mean and variability of its properties over a long period, generally decades or longer." It is a term that describes any change in climate through time, whether brought on by natural cycles or human activities¹³. The United Nations Framework Convention on Climate Change (UNFCCC) says that global warming is a change in the climate that is directly or indirectly caused by human activity that changes the pattern of the earth's atmosphere. This is alongside the natural environmental issues seen over similar time intervals.¹⁴

When humankind's climate system is exposed to heat over a lengthy period, primarily due to burning fossil fuels, the climate tends to occur. In turn, this causes an environment's weather systems to alter for a considerable time¹⁵. In addition to impacting human activities, food, water, security for humans and animals, and resource competition, changes throughout the weather state like an ecosystem that disturb seasonal arrangements and concurrences can also affect human activities. Temperature changes can also be brought on by how humans survive and behave. Burning fossil fuels, habitat loss, logging, and mobility are just a few reasons attributing to the century-long increase in temperature

¹³ Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: Special Report of the Intergovernmental Panel on Climate Change 2012 (Web Page)
<https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_Full_Report-1.pdf>.

¹⁴ United Nation Framework Convention on Climate Change (n6) article 1(2).

¹⁵ United Nations Framework Convention on Climate Change (Web Page)
<<https://unfccc.int/resource/docs/convkp/conveng.pdf>>.

variations induced by human activity. These events have boosted the amount of CO₂ released in air space, which has caused sea level rise, sea acid, and coastal flooding. These effects increase storm intensity, frequency of flooding, destructive erosion, and an unstable environment for marine life. Over time, the results have dramatically risen.

According to research, CO₂ has a lengthy half-life, so even if we cease adding carbon to the atmosphere, the impacts will persist for a few years. Following its fatal consequences on everything on the earth, global warming is among the most devastating things that might happen to this world.

Since Svante Arrhenius showed that burning coal in developing industrial nations could raise atmospheric carbon dioxide concentrations and lead to global warming in 1896, the field of climate change science was born¹⁶. Until the 1950s, climate change generated little interest. By the 1970s, additional research had revealed that fossil fuel combustion processes significantly offset the heating impact of emissions of carbon dioxide¹⁷. The scholarly community has come to the consensus that artificial global warming poses a significant threat to life on Earth, based on a body of evidence accumulated over 50 years¹⁸. In 1988, the full establishment of the IPCC came to being under the aegis of the UN Environment Programme and the World Meteorological Organization. Since then, the IPCC has published several assessment reports with its latest done in 2018.

Climate change and its deleterious impacts are assumed in this research predicated upon the report of the IPCC which can be described in this manner: global warming is a once-in-a-generation phenomenon that truly exist, taking place now, and will continue for the in the near future; Human activities have a significant impact on global warming; it has a

¹⁶ Michael Oppenheimer and Jesse K. Anttila-Hughes, 'The Science of Climate Change' (2016) 26(1) The Future of Children 11.

¹⁷ Hodson Richard, 'Climate change' (2017) 550(7675) Nature S53. See also Thomas Farmer, Modern Climate Change Science An Overview of Today's Climate Change Science, SpringerBriefs in Environmental Science (Springer International Publishing, 2014).

¹⁸ An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty: Headline Statements from the Summary for Policymakers 2018 (Web Page)
<https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/sr15_headline_statements.pdf>.

profound effect on humanity, and the environment and a proactive and sustainable approach is needed to tackle the difficulties posed by climate change.

According to the most recent IPCC report, to mitigate the repercussions of global warming on mankind and the ecosystem, a ceiling temperature increase of 1.5 degrees centigrade must be avoided. Meeting this threshold will take extensive and unusual adjustments in all facets of society. It also stressed the importance of immediate measures to prevent the threshold from being overrun, noting that the present warming of one degree Celsius is indeed having negative effects such as dwindling ice in the Arctic and rising water levels. Regarding the effects, the World Meteorological Organization attributed the increase in greenhouse gases over the 20th century to "increasing energy usage and global economic expansion, which results in the build-up of human emissions, changing the atmosphere's radiative balance." Because of this, the vast majority of climate specialists believe that human activity is to blame for "climate change," that the phenomena would have disastrous consequences if much attention is given, in comparison to the expense of taking responsibility to combat inactions it is markedly smaller than the increased danger of ignoring it. A natural event that contributes to the warming of the Ground atmosphere is the greenhouse effect. The planet's surface reflects some solar radiation to space while greenhouse gases absorb and reradiate the remainder. Global warming is another well-known word used to describe climate change. Even while it is frequently used to mean same thing as a climate change, global warming is more of a contributing element. It pertains to the warming trend brought on by human-induced pollution. Land clearance, agriculture, and Combustion of fossil fuels (such as hydrocarbons, petroleum, and shale gas) all contribute to the rise in levels of atmospheric carbon dioxide and the ensuing warming of the planet ¹⁹. Therefore. Climate change is the change in the weather of a region, whereas the greenhouse effect is the warming trend brought on by an increase in air pollution that causes an alteration in the weather factors of an area, that also subsequently this causes the ecosystem's heating, wind speed, breeze, weather patterns, air humidity, and storm. The repercussions of global warming have affected every

¹⁹ Greenhouse effect Department of Environment and Energy (Web Page)
<<http://www.environment.gov.au/climate-change/climate-science-data/climate-science/greenhouse-effect>>.

livelihood, and the enjoyment of fundamental civil dignity is also greatly affected. Warmer conditions are worsening a multitude of elements that may make it more difficult for individuals to enjoy basic freedoms, according to the Panel On climate Change (IPCC). The human rights component of the global warming argument garnered more awareness as forecasts of heat waves passed through extreme weather events that raised issues, including floods, food shortages, and a poor sanitary condition. Governments have long viewed global warming as an environmental or issue of money, but attention is increasingly drawn to how it affects human rights²⁰. This is due to mounting evidence that human consequences of global warming strictly risk individual rights²¹.

As stated by the IPCC, global warming continues to threaten individual liberties. This questions whether the international human rights legislation system can shield citizens from human rights abuses brought on by climate change. The lack of progress in addressing global warming as a civil dignity issue and the difficulty in establishing a causal link between the actions or inactions that cause climate change and its detrimental effects on human rights are both contributing factors to the insufficiency of the worldwide system for human dignity in avoiding extreme weather events crimes against humanity.

Due to these factors, comparing climate change with more well-recognized human rights violations like genocide and arbitrary detention is challenging²². The best way to guarantee that individual rights are upheld in the midst of global warming will mean implementing a " program and lawmaking responses to global warming that is human rights center," that is, an style that is normatively grounded on transnational human rights canons and practically focused to endorsing and defending individual rights.²³.

2.2 The Establishment of the Global Regime of Climate Change

The pertinent worldwide environmental change accords are examined in this part to explore designing a world-wide climate change framework. The rising understanding

²⁰ Martin L. Parry, *Climate change 2007: impacts, adaptation, and vulnerability*, Intergovernmental Panel on Climate Change report. (Cambridge University Press, 2007).

²¹ Human Rights and Climate Change Global Greenhouse Warming (Web Page) <
<https://www.globalgreenhouse-warming.com/human-rights-and-climate-change.html>>.

²² Laura MacInnis, 'Climate Change Threatens Human Rights of Millions' (2008) UN' Reuters.

²³ Ibid

of global warming and its harmful implications on civil dignity as defined under civil conventions are also covered.

With the intention of "balancing pollution concentrations in the air to a point that avoids harmful human caused repercussions on the environmental system," UNFCCC was established in 1992. According to the Convention, this level should be reached in a "period sufficient to allow ecosystems to naturally respond to climatic change, to ensure that the food supply is not compromised, and to enable sustainable economic development²⁴."

The analyses provided in this session pay close attention to the four guiding principles of the UNFCCC:

- I. The Pact aims to shield the current and the generations of humanity to come reasonably. It introduced the idea of complementary but separate commitments as a result. The idea of "shared but differentiated duty" holds that different factions have varying degrees of responsibility depending on their status as parties to the Convention and their capacities. This is true even if all parties hold responsibility for resolving climate change problems. The majority of parties are categorized as developed or developing.
- II. The Convention makes an effort to guarantee that the unique requirements and circumstances of developing states are adequately considered. The Convention makes an effort to ensure that its parties take preventative measures to foresee, stop, or lessen the reasons and impacts of global warming.
- III. Parties are expected to pursue sustainable development due to the Convention. in this case, the advanced participating parties bear the burden of finding answers to the problems caused by environmental issues, leaving creating member parties to watch and reap the benefits of the developed countries' selfless generosity, says the UNFCCC. To meet the agreed-upon total cost incurred by developing member parties in fulfilling the Convention's criteria, the Convention requires developed member parties to contribute new and additional financial resources. Additionally, developed member parties are required to help developing member parties reduce the expense of adapting to the adverse effects of climate change. The Convention also mandates that industrialized nations take all feasible measures to encourage,

²⁴ United Nations Framework Convention on Climate Change (n11) article 2.

facilitate, and subsidize, as necessary, the transfer of technology and knowledge to other parties, particularly developing member Parties. The developed member parties' commitment will define how much they are willing to commit compared to the developing member parties. This notion is justified by the idea that the developed member parties' principal duties are to promote economic and social development and eradicate poverty. In Kyoto in 1997, the UNFCCC Protocol was legally adopted, and it went into effect in 2005. The Protocol stipulated in Annex B that developed member Parties must accept commitments for measurable emission limitations or reductions. The Marrakesh Accords, often known as the Protocol's implementation rules, were approved in 2001. To encourage successful participation in the Kyoto Protocol, the specifics include the creation of a framework for capacity building in developing nations and economies in transition. Furthermore, it offered a framework for creating and disseminating significant technologies that will help the UNFCCC achieve its goals. The Kyoto Protocol and the Convention have been criticized for not being clear enough on the parties' obligations. They contend that while UNFCCC member states must consent to be bound by its protocols, the Convention lacks a process for establishing the scope of each party's obligations. Critics also draw attention to the fact that the Protocol emphasizes the commitment of developed country parties to carrying out the Convention's policies and processes without putting equivalent obligations on developing country parties.

- IV. The Denmark Pact backed the extension of the protocols resulting from Kyoto, in 2009. It emphasizes the significance of having a strong political will to handle climate change immediately in line with shared but distinct capacities and responsibilities.
- V. In the context of sustainable development to tackle environmental pollution, it recognizes the scholarly agreement that global warming hikes must therefore be kept to less than 2 degrees Celsius. The Accord also states that for developing countries to lessen vulnerability and increase resilience, improved action and global collaboration on adaptation are crucial²⁵.

²⁵ Ibid article 3 (1).

- VI. Developed nations must provide developing countries with enough reliable and robust technological advancements, financial capacity, and capacity-building to assist them in implementing proactive steps. The fact that State Parties pledged to reduce emissions and made commitments to do so is a significant accomplishment of the Accord. Doubters of The Accord did point out that since it is not an enshrined in-law climate pact, it lacks sufficient room for control and enforcement tools for participating partners' carbon commitments. The international community made significant steps in 2010 to address serious protracted difficulties posed by global warming during the accord in Cancun. This new Agreement held in Cancun set forth specific goals and procedures for realizing them. It set for a clear intention of lowering human-caused greenhouse gas emissions to maintain the temperature below the stated 2-degree threshold. As a result, it required that all nations cut their emissions of greenhouse gases by their particular obligations and capacities. Building capacity is another essential component of this Agreement, as it guarantees developing countries' ability to cut greenhouse gas emissions. The accord also established powerful institutions and procedures to ensure the pact's goals are carried out correctly and offer a transparent method for routinely reviewing global progress.
- VII. Cancun hosted the largest gathering to present a coordinated effort to reduce emissions of pollutants in a way that held both sides accountable. The Deal was the largest set of regulations implemented by Communities to help emerging countries combat the problem of global warming. The accord will give these developing countries the crucial funding, advanced equipment assistance, and peak power assistance they need to hasten their transition to carbon-free societies. The deal also contains An "immediate roadmap" for participants in the global warming accord to assess their advancement toward achieving their individual uttered goals and evaluate if those goals should be enhanced in light of the most recent scientific research. The importance of creating a framework for a new global, legally binding agreement to address climate change beyond 2020, in which everyone contributes to the greatest extent possible and equally shares in the benefits of success, was acknowledged at the United Nations Climate Change

Conference in Durban. Since all governments agreed in Durban to a comprehensive plan that would move the Climate Change Convention closer to attaining its ultimate goal over time, the United Nations saw this summit as a turning point in the climate change negotiations²⁶.

2.3 Significance of Human Rights Law to Climate Change

Lewis claims that Regardless of the obvious value of human dignity and global warming, the global community did not previously consider it to be a severe issue²⁷. One of the early mentions of civil liberties and global warming was decided when the Small Island Developing States (SIDS) assembled in Male, Pakistan, almost at the end of 2007 to endorse the Human Dimension of Global issues surrounding changes in the climate which is known as the Male Declaration²⁸. Since then, it has been the most outspoken regarding addressing climate change from a human rights standpoint.

The above-mentioned group mandated the High Commissioner for Human Rights (OHCHR) Office to conduct a thorough inquiry into the connections between individual freedoms and environmental issues. Two years later, the required institution came to the opinion that global warming impacts several individual freedoms, notably survival, well-being, access to adequate nutrition and water, shelter, and self-consciousness. The institution further stressed that it is incumbent upon States to shield people from avoidable perils brought on by global warming, to offer information and enable people to take part in properly planning regarding such issues and to work together collectively to combat global warming.

Furthermore, in 2015, the preamble of the pact held in Paris made references allusions to civil liberties in the discourse on environmental issues. According to the accord, states are required to "defend, promote, and take into account civil dignity in their response to global warming," focusing on the freedom of homegrown individuals, females, migrants, children, and others who are vulnerable²⁹. As stated by Duyck, the pact held in Paris

²⁶ Ibid article 3(2).

²⁷ Bridget Lewis, *Environmental Human Rights and Climate Change* (Singapore: Springer Nature, 2018), 188.

²⁸ Dewaele Janne, "The Use of Human Rights Law in Climate Change Litigation," (Master's Thesis, University of Montpellier, 2019), 22.

²⁹ "Paris Agreement," United Nations, 2015, 1-27.

contains the strongest language on civil liberties of any resolution on global warming to date³⁰.

In 2016, the lead reporter on the United Nations on civil liberties and nature, Knox stated, “regions should cooperate to meet their promises made during the accord in Paris to avoid negative individual freedom consequences from global warming.” Significant connection between global warming and human impacts certain individual rights (such as the freedom to safety, wellbeing, water, food, and an appropriate living conditions).

2.4 The Nature of International Law

The argument of the thesis centers on the international legal system, therefore it is essential to elaborate on the nature of international law, its applicability to civil liberties and climate change, the justifications for sovereign states' deference to international law, the methods for holding private entities responsible under instruments of international tenets and the execution of various global law commitments (lenient and severe laws). The discussions in this section will mostly center on how to apply the concept of civil conventions to global warming and civil dignity due to the extensive and complex intensity of worldwide law. The collection of rules or concepts that regulate States' rights and obligations, particularly in conducting interactions with other Countries and their inhabitants, may be referred to as the "fundamental core of international law"³¹. Consequently, worldwide law is a set of standards that sovereign governments voluntarily agree to apply to their dealings with other sovereign states³².

International law has existed in the past to enable interactions between independent governments. Nevertheless, despite the idea that international law only permits State parties to treaty agreements, It now encompasses private entities such as multinational corporations and transnational organizations. It has become necessary to broaden the application for law of international concern to include both public and private players due to the growing presence of private entities on global decision-making. Numerous instances

³⁰ Sebastien Duyck, Sebastien Jodoin and Alyssa Johl, *Routledge Handbook of Human Rights and Climate Governance* (London and New York: Routledge Taylor & Francis Group, 2018), 146.

³¹ Sara C. Aminzadeh, 'A moral imperative: the human rights implications of climate change (2007) 30(2) *Hastings International and Comparative Law Review* 231.

³² Vaughan Lowe, *The Scope and Nature of International Law* (Oxford University Press, 2007) 5.

have disproven the idea that states can successfully control all entities under their jurisdiction. As a result, direct interactions with private entities must be covered by the purview of international law³³.

As global concerns of shared concern change over time, international law is dynamic in its approach to contemporary events. For instance, when the United Nations was established in 1945, climate change was not a concern, but it is now significant³⁴.

In 1948, human rights were incorporated into the law of international concern, which has become one of its most important tenets. Since the 1948 the Declaration of Human Rights Universally (UDHR), global law on civil dignity has significantly changed, emphasizing the actualization of constitutional provisions, such as the entitlement to food, housing, and wellbeing.

Global warming is already impacting, among other things, the freedom to wellbeing, food, liquid, and cleanliness, and it will continue to do so at an alarming rate in the years to come, according to international law. As a result, creating a legally mandatory blueprint (mostly in the context of a contract) that would offer remedies to global warming's dangers to the pleasure of civil liberties will constitute a remedy to the peril to individual dignity posed by global warming. However, several circumstances initiate it challenging to reach a legally mandatory framework on the infringement of individual liberties caused by global warming under the law of international concern. In this thesis, these aspects will be looked at in more detail. Private organizations substantially increase the air pollution emissions that fuel the effects of global warming. They should therefore be included in a practical human rights framework that guarantees the rights of people are been enjoyed.

Even though private organizations are prohibited from participating in treaties, recent advances in international law have made it possible to enter into contracts on international level that do not have mandatory promises that impose rules on private organizations. In international law, these non-binding agreements are known as "soft laws," whereas "hard laws" are binding treaties.

³³ Dinah Shelton, *Commitment and compliance: the role of non-binding norms in the international legal system* (Oxford University Press, 2000).

³⁴ See Yael Ronen, 'Human rights obligations of territorial non-state actors' (2013) 46(1) *Cornell International Law Journal* 21.

2.5 Observance of International Law

International law lacks a system of checks and balances since it relies on the consent of the State parties to engage in accords, unlike domestic laws that have established enforcement procedures. Why, then, would a State Party join a treaty and, more crucially, uphold its responsibilities, especially if doing so would result in increased demands on limited resources? It is crucial to remember that signing a treaty does not ensure that its obligations or goals will be fulfilled or carried out. The main drivers of State membership in and adherence to international treaties are covered in the following section. First off, since international law is a voluntary system, there is a higher probability that parties will endorse only accords which they can honor. States are inclined to approve contracts that support their domestic interests and worldwide reputation because no international body compels them to accept treaties. Put another way, "a Party might choose to join a deal if it considers that the treaty would provide more benefits than harm, taking into account that all treaties include some degree of give and take between parties³⁵." On the other side, a treaty won't be ratified if it seems to have a higher chance of doing more harm than good³⁶. Second, international law establishes the framework to achieve predetermined global objectives. For instance, governments can still ratify international agreements and incorporate them into national legislation even if they lack the expertise, resources, or technology necessary to create a framework for addressing a specific global concern, such as climate change. This might be more prevalent in underdeveloped countries because they lack the resources necessary to create a strong foundation for addressing pertinent concerns.

2.6 International Law's Position on Soft Regulations (Norms and Guidelines)

The analysis of the thesis depends on this part for two main reasons. First, most international environmental treaties increasingly adopt soft rules as their legal basis.

³⁵ Ryan Goodman and Derek Jinks, 'Measuring the Effects of Human Rights Treaties' (2003) 14(1) *European Journal Of International Law* 171.

³⁶ Lowe (n 21) 19.

34**ibid.**

Second, weak rules allow private organizations to be held morally blameworthy for some responsibility relating to climate change.

Private organizations such as businesses and global companies add greatly to rising temperatures, as was previously mentioned in this paper. Without requiring private entities to adhere to a certain level of lasting growth improvement norms, there won't be a great effect on minimizing the severe effects of global warming on the pleasure of civil liberties³⁷. In terms of international law, soft norms are now the most practical way to create such a framework for sustainable development³⁸.

Complex laws are treaties and other legally binding international agreements, whereas "soft laws" are non-binding international standards. The characteristics of the obligations imposed and how they are upheld distinguish soft laws from hard ones. Hard laws provide standards that must be adhered to and frequently come with sanctions for breaking them. While soft laws also need compliance, they allow for a more adaptable degree of compliance-driven by altruistic values instead of judicial penalties. It is difficult to distinguish between moral obligations and law of international concern because of the structure of the global legal order, which makes it "sometimes not fairly obvious under which legislation comes to a head and lenient rule usually starts"³⁹. The above differences are much hazier when it comes to global climate change expectations.

Furthermore, "convention methods are adding more "friendly" undertakings, like commitments to cooperate, while non-binding instruments are incorporating supervision procedures often seen in hard law texts"⁴⁰. Accordingly, the following section will address the following issues: what purpose do contracts that are mandatory and friendly rules serve since adherence is not been upheld? Also why are players compelled to follow soft laws or non-binding agreements? These two problems are intricately linked because understanding the first helps to understand the second. Therefore, it makes more sense to begin looking at a number of the factors contributing to friendly rules' growing significance in international law.

³⁷ "Sustainable Development". UNESCO. 3 August 2015. Retrieved 20 January 2022.

³⁸ See United Nations General Principles on Business and Human rights United Nations (Web Page) <http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

³⁹ Shelton (n 22) 8.

⁴⁰ Ibid, 10.

Thirdly, there are international issues that different nations cannot resolve on their own. Individual governments cannot, for instance, handle global issues like global warming consequence of each government's excess environmental impacts affect global temperatures. To effectively address climate change's challenges, states must keep in mind that some governments implement comparable green policy to lower the global air temperature average. In other words, it serves states' interests to encourage other nations to adopt a well-defined framework for policymaking that aids in addressing international issues, especially those with extraterritorial implications.

The fluid nature of international challenges new, intricate, and technically complex concerns, like climate change, are constantly putting international law to the test. This calls for creating different, specialized groups or committees tasked with creating a workable framework for the problem⁴¹. Due partly to their lack of understanding of the issues, politicians generally find it difficult, if possible, to make these specialized frameworks enforceable. If an agreement's conditions are not binding, politicians (those who conclude these international agreements) are more inclined to approve them⁴².

The practical impossibility of committing to strict compliance: Growing concerns like global warming make it challenging to develop well-meaning strategies that don't necessitate significant sacrifices by the pertinent entities. As a result, the thesis contends that governments could be reluctant to consent to measures that demand stringent adherence due to the penalties for breaking the law's or agreement's terms. Therefore, even if they are keen on the specifics of the interstate compacts' structures, Nations are more willing to consider lenient rules since they anticipate not being able to uphold all of their terms. There are several explanations why parties would want to avoid being obligated by an agreement that they find essential. The necessary parties agree to a binding contract based on the available information, for instance, if the deal focuses on solutions to climate change concerns, a recent or contested topic. It may be difficult for relevant players to secure the resources required to fulfill the agreement's responsibilities. In the case of State

⁴¹ Ibid

⁴² Charles Lipson, 'Why are some international agreements informal?' (1991) 45(4) International Organization 495.

actors, they may not have the political clout necessary to enforce such contracts domestically.

Actors might only be driven by the possibility of agreeing to non-binding terms. Since hard law forms would not be used, adopting a soft law approach is likely to lead to the adoption of more progressive standards.

The framework can also assist non-state actors in conducting their operations charitable, practical, and long-lasting, even if an agreement's rules are not binding on them. Therefore, non-binding contracts can force parties to follow particular regulations within a predetermined framework. Actors may agree to soft laws if compliance is not needed.

Non-binding instruments can be used to tackle problems without clear legal repercussions, but that yet call for quick action to prevent or worsen a current or imminent problem: Contextually, it is established that man-made global warming is occurring and has harmful implications. The precise contribution of each individual's actions and inactions to climate change and how these actions and inactions may imperil the exercise of human rights are still subject to debate. Soft-law instruments can offer a framework for tackling climate change that helps prevent or mitigate human rights violations while gaining further data and crafting a legally enforceable device on rising temperatures and the protection of freedoms.

The above is not intended to imply that non- legally binding instruments are preferable to mandatory ones. This article argues that mandatory contracts are significantly successful than soft law ones due to the required character of demands and the possibility of punishments for non-compliance. In the short term, soft law instruments may restrict enforcement options (i.e., there is no legal basis for taking legal action), However, it also cannot negate the presence of requirements for adherence across the parameters of of certain friendly rule frameworks' standards.

It is essential to look at why relevant actors follow these soft laws after understanding why parties may select non-binding agreements/existing legal framework. Because there is no clear framework for soft-law compliance in international law, different players uphold particular soft laws for various reasons. Soft law compliance is entirely optional. While some non-state companies may adopt compliance to achieve their financial goals, some

States may do so to serve their national interests. Here are a few explanations of why state and non-state actors abide by soft law provisions.

1. Observing and confirming: Keeping a positive reputation domestically, nationally, and globally is a concern for many public and private institutions. As a result, the obligation to acquire a positive review from monitoring organizations might be a solid motivator to follow the guidelines of applicable soft laws. Additionally, monitoring bodies' practical expectations can promote compliance by ensuring that parties know what is expected of them to comply. Numerous non-governmental organizations can track compliance with the criteria of those environmental standards and recommendations, and many of them have capabilities for monitoring ecological qualities. Since responsible special interests are more likely to guarantee thorough oversight than the agreement's standards for monitoring internally, this is crucial for compliance.
2. Important parties' vested interests: If compliance with soft regulations reflects their altruistic views, government and non-government actors could well be encouraged to do so. For instance, even when using solar energy results in a lower profit margin, a company may decide to follow sustainable development guidelines. Some governments will also abide by Existing legal frameworks because they support their goal of building national competence, which is impossible without adequate funding. The following chapter will examine the development of global warming and its real meaning to civil dignity legislation. The relevant academic works would be studied to create a framework for the analysis and conclusion of the article.

2.7 Towards Relative Normativity in International Law

Famous French legal scholar Prosper Weil has a lot to say about soft law and how it impacts international law. In his article "Towards Relative Normativity in International Law," Prosper Weil looked at whether recent changes to international law, such as the jus cogens theory, the difference between international crimes and international delicts, the idea of a rule of general international law, and the idea of obligation erga omnes, pose a particularly serious threat to the further development of international law.

Weil was the first to call attention to the phenomenon of the fuzziness of the line between legal and non-legal criteria in international law, particularly with regard to the delegation of lawmaking authority to international bodies. The majority of his article is devoted to a second phenomenon, which was a more recent trend at the time but which he viewed as a conceptual flaw: the variable normativity that results from establishing a hierarchy among legal norms through concepts such as *jus cogens* and from watering down normativity through *erga omnes* obligations and other forms of legal expansion that make it difficult to determine who is bound and in whose favor.

This astute French lawyer's argument may be divided into three distinct parts: the pathology of the international normative system, graduated normativity, and diluted normativity.

Pathology of the International normative System (I): If the worldwide judicial framework is to achieve its objectives, its constituent standards must be of the greatest quality. Without high-quality norms, international law is a meaningless weapon; hence, we cannot afford to remain indifferent to anything that might alter them. It is difficult to determine who is required to do what to whom and who has the ability to do what as a result of the international legal system's vaguely worded rules. It is simple to identify instances of this "fragile," "weak," or "soft" guideline. To preserve national interests, the ability to withdraw from the 1963 Moscow Treaty forbidding certain nuclear weapon tests is included.

The growth of so-called "soft norms" weakens the international normative framework in international law. Not only are there operational flaws, but there are also conceptual flaws that attorneys should try to correct. Given the diversity of international law subjects and their acts, it is difficult for a jurist to decide on a single definitional standard. When does a handshake agreement become a contract, and when does a promise become an act of free will? The problem of the normative authority of international organizations cannot be reduced to a simple yes/no answer; rather, it is a matter of degree.

Resolutions, even if they don't end up having much of an impact, might be thought of as "nascent legal force" or "quasi-legal regulations" until they mature into something more definitive. Some authors have proposed the concept of "permissive" or "abrogation" force in an effort to define the issue more precisely. This amounts to giving unqualified

normative force to certain decisions. No one can really dispute the fact that certain resolutions help pave the way for the repeal of old rules or the creation of new ones. They are not, however, the official foundation upon which new standards are built.

Non-law and pre-law cannot be combined to produce law any more than three times as much as nothing. This indicates that the assumption that normative solutions may be miraculously turned into non-normative ones is erroneous. In "development law" or "environmental law," it is undesirable to give conventional or customary norms and non-normative conclusions the same weight. Other scholars contend that there is no difference between norms and non-norms, despite the fact that countries continue to perceive one. The global norm is becoming a particularly elusive prey, or maybe it is just too prevalent to be separated. This time, it's not simply about where one legal norm ends and another begins; the whole international normative framework is being questioned.

In a nutshell, what is the objective of international law? With the fall of the Roman Empire, a new generation of varied and equal governments joined the world's legal landscape. The creation of legal rules to alleviate this condition of "anarchy" (in its proper sense) has always been motivated by a mix of causes. To reduce the probability of anarchy, the formation of ordered interactions among independent and equal state units was a fundamental objective. The second objective was to ensure that conflicting interests, which should all be protected by law, could coexist without conflict.

The historic twin goal of international law is more important than ever in a global society created more diverse than ever before by the emergence of one hundred new states. International law continues to regulate a diverse and diversified society by sustaining the core principles of "relations" and "coexistence" (now termed "friendly" and "peaceful") (now translated into "cooperation" on the other). Vattel asserts that rather than seeing one another as Christians or Muslims, countries view one another as "bodies of men." Guggenheim, Paul. Examining the great variety of moral and religious orientations held by the different states that comprise the international community makes it evident why international law must be secularized. The strictness and breadth of the distinction between *lex lata* and *lex ferenda* must not be diminished.

Graduated normativity is gradually supplanting the formerly prevalent, uniform view of normativity. Currently, certain standards are seen as more significant and compulsory than

others. The normativity scale has been effectively projected and extended into the normative domain, after finding popularity in the sub-normative domain. After the relativization of international personality comes international normativity. By emphasizing "legal conscience," we may guarantee that morality trumps the dryness of positive law. Some may even see it as a welcome return to the unexpected historical foundations of international law.

Normativity Graduated (II): Jus cogens and International Crimes - Two concepts that question the basis of international law are the jus cogens theory and the difference between international crimes and international delicts. In order to show the legality of treaties that codify standards contradictory to those deemed superior, they strive to isolate certain norms from the extensive variety of international norms. The idea of crimes and delicts attempts to differentiate between various international commitments. The distinguishing characteristic has nothing to do with biology or convention. The International Law Commission has emphasized the difference between duties whose violation is a crime and those whose violation is just a delict.

As it has always been, the genesis of an international duty has no bearing on a state's international responsibility for a breached international commitment. According to the ICJ, every nation is subject to international obligations and must execute its international obligations. Nonetheless, without enough organic representation, this group seems untraceable. The International Law Commission has made it very apparent that nations are the only bodies permitted to formulate international law, excluding international organizations. There are no characteristics that distinguish a state as a member of this set of "essential components."

However, nothing will be able to halt the GIL guidelines' inexorable ascent into the area of better norms. It is likely that meeting the stated requirements is a transitory prerequisite for progress. In the first, all states, whether or not they are signatories to a convention, are bound by the same standards; in the second, only convention signatories are bound. Peremptory and ordinary norms are interchangeable in international law because they share the same ethical concern and put a premium on being recognized by other states. If these rules are deemed to be part of international law as a whole, may they be challenged?

Both obligatory norms and basic responsibilities are surrounded by considerable ambiguity. The Traction Judgment is often referenced in issues about obligatory or legally punishable norms. Paranormal entities are deemed ipso jure opposable by all governments, even those that first opposed their recognition. It is difficult to emphasize the questions that the fragmentation of normativity casts on the international normative framework.

Normativity Diluted (III): Not only is it difficult to determine what a standard consists of, but also whom it ties and to whom, after the norm's legal status has been established. In other words, there is no legislative requirement whose completion can be expected by all states without exception, and no state may be deemed to have a legal right, *Le*, in the observance of any international commitment by the country or countries that are obligated to do so. According to the 1970 Traction Judgment, "all states have a legal interest in their protection; they are responsibilities *erga omnes*." According to the International Law Commission, this implies that the State, together with the rest of the international community, is liable for any transgressions of these obligations. Do you intend to apply conventional solutions?

However, despite the fact that acceptance has always been central to the conventional concept of custom, it is now experiencing fast change. We now refer to "general rules" rather than "customary norms," and we study general rules as "universal laws" that apply equally to all nations. For customary practice to be "consistent," "settled," and "constant and uniform," it must be the body of established standards. Customary norms may develop from a wide but not necessarily universal agreement. The capacity of some states to opt out of a customary rule is the litmus test for custom's involuntary nature.

States may only circumvent the application of the classic principle if they proclaim their determination to do so openly. As a consequence of the Court's recent decisions on "immediate custom," according to which treaties adopted by a large number of nations are presumed to be binding on all others, new conceptions of international law have been established. The concept of custom has undergone a genuine revolution, not merely an acceleration of the formation of new customs. Prior to the implementation of the rules, they already reflected "the widespread, or almost universal *opinio Juris* on what should

henceforth" govern any international military confrontation (C 1969 1CJ REP, at 41 and 45). The complexity of this concept of quasi-universal treaties scarcely requires elaboration.

How many people must attend for a conference to be called "extensive and representative"? International customary law applies to all states, as opposed to regional or bilateral law. This change in nomenclature is meant to underline the difference between conventional rule and customary international law. What was originally deemed generic is now universally recognized as universal, in the sense that it is unchanging. In the *Barcelona Traction* Judgment, the Court was to decide that a set of rules could have been established only with the consent of all parties.

This language is plainly intended to discourage the habit of announcing exceptions to formal but insubstantial regulations. The idea that universal standards must be adhered to is irrelevant. The normal method has been evaded rather than directly questioned. To make the customary rule reliant on the conventional rule, the customary rule must undergo a modification. Treaty clauses that "declare" extant customary norms, "crystallize" growing customary norms, or "attract" behaviors that are compatible with the treaty "like iron filings to a magnet." Iran's breach of the Vienna Convention on the Conduct of its People is primarily responsible for the worldwide adoption of universal rules.

Emerging standards in treaty law are experiencing profound transformation. The conventional norm, which was formerly exalted by the sanctity of agreement but is now succumbing to the allure of the fundamental rule, is losing ground to other sources of law. Close agreements and completed agreements are largely similar at this point. Multiple pillars of international law are under a general erosion. A provision of a treaty that is recognized to be a rule of general international law cannot be subject to reservations. One shudder to consider the possible complications that may result from the applicability of certain clauses of the Agreement on the Law of the Sea to non-signatory states.⁴³

⁴³The American Journal of International Law Vol. 77, No.3 (Jul., 1983), PP. 413-442 (30pages) Published By: Cambridge University Press
<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/towardsrelative-normativity-in-international-law/D494CB41D732291285CBC9F5424FF11C#:~:text=1%20Guggenheim%2C,of%20Dec.%2020>

In a nutshell, Weil concluded by stating that a lawyer is a person of law by profession, but that the tendency toward gradations of normativity, which both narrows and broadens the scope of normativity *ratione personae*, is unsettling. If we succumb to the temptations of loose thinking, the ethical basis of international law risks being set on an irreversible march toward the relative and unpredictable. It would be a big step in the right direction if the emphasis of international law were switched from individual states to the international community. People throughout the globe would celebrate the achievement of a long-held goal for global peace and the victory of universal moral ideals if this were to materialize. Far from flawlessly carrying out its tasks, international law has failed to prevent wars and is exploitable. While it is true that conventional international law has been too readily abused in the past, this does not diminish the severity of the choice to reject its inherent advantages in the present and future.

The connection amid human rights, international law, and climate change has not been investigated from the point of view that this research is attempting to contribute to, nor has it been done so at the institutions being studied. As a result, I defend my work's uniqueness and that it will bridge the existing knowledge gap.

3.0 CHAPTER III

Findings and Discussion

The study's results and findings are presented in this chapter. The display and discussion of the results are two things that the data analysis is concerned with. All of the inquiries were open-ended by the qualitative research methodology. Below is an analysis of the data that these questions yielded. The bearing of global warming on global security is discussed in this chapter, focusing on the most susceptible region of the world, before providing the data findings and discussion.

3.1 Impact of Climate Change on Global Security: Emphasis on Africa - Hotspots for regional climate security

It is now undeniably clear how rising temperatures is affecting global security. However, it cannot be denied that the planet's biodiversity has suffered significantly due to climate change brought on by human activities⁴⁴. Genes first influence specific species, communities of species, and finally, the entire ecosystem (interaction between plants and animals). As a result of this, the safety of the globe is now significantly jeopardized. Few regions of the world are affected directly, while others are affected indirectly. Undoubtedly, certain areas are more affected than others, but this is a global phenomenon slowly affecting every part of the earth⁴⁵.

Global warming will significantly impact the area around the Mediterranean Sea, including the regions of three major Continents of the world-Asia Africa and part of Europe. Changes in rainfall patterns and melting snow and glaciers are expected to worsen the pressure on limited water resources melt water. This makes desertification, lack of water, and food production even worse⁴⁶.

⁴⁴ Damian Carrington, 'what is biodiversity, and why does it matter to us? The Guardian (March 2018)<<https://www.theguardian.com/news/2018/mar/12/what-is-biodiversity-and-why-does-it-matter-to-us>> accessed 09/07/2022

⁴⁵ Coleen Vogel, 'why Africa is particularly vulnerable to climate change' the conversation (2015)<<https://theconversation.com/why-africa-is-particularly-vulnerable-to-climate-change-41775#:~:text=In%20the%20of%20climate,extreme%20droughts%2C%20of%20flooding%20and%20storms>> accessed 09/07/2022

⁴⁶ Brauch et al. 2003; Giannakopoulos et al. 2005; IPCC 2007; Stern et al. 2006.

Water scarcity impairs arable, and natural vegetation yields and diminishes how much pumped hydro production can be made. Weather events and bush fires kill plants and compound the hazards that already exist in the environment.

Changes in ecosystems affect the quality and amount of water in the soil, the organic material, and the spatial variations. Water supplies are all under stressed by population growth and water-intensive activities like irrigation.

This is not good for people's health, ecosystems, and the businesses of different areas. There are considerable variances about how vulnerable people are and how well they can solve problems in the basin of the Mediterranean. Southern Europe has relatively strong financial and social strengths, and could be further aided by EU support, on the other hand, environmental⁴⁷.

Africa is still seeing the worst of its effects since it has historically been prone regions to climate change. There is a lot more to talk about regarding Africa since it is the continent that is greatly impacted by rising temperature, its aftereffects, and how to balance these effects with the COP26 outcomes, even though some regions of Asia and island countries are also affected.

Despite producing significantly few carbon emissions compared to other continents, Africa suffers tremendously from climate change and has been subjected to drought, intense flooding, and storms. Many explanations have been offered as to why climate change has affected Africa more severely than other regions. First, scientists asserted that due to its extreme poverty, heavy dependence on agricultural products, poor technological growth, and fragile economic and financial system, Africa was least equipped to respond to rising temperature and was most exposed to its effects⁴⁸.

In general, countries in Africa that significantly rely on agriculture as a foundation of employment, state revenue, and food source for both people and animals also benefit from the improved balance of payments due to the importation of modern technological equipment. In Africa, agriculture is responsible for 60% of jobs, while in other nations,

⁴⁷ Brauch, Hans Günter, 2006a: Regional expertise - Destabilisierungs- und Konfliktpotential prognostizierter Umweltveränderungen in der Region Südeuropa und Nordafrika bis 2020/2050. Expert Study for the German Advisory Council on Global Change; at: <http://www.wbgu.de/wbgu_jg2007_ex01.pdf>.

⁴⁸ Collier and others, 'Climate Change and Africa'(2008) Oxford Review of Economic Policy, 24(2), 337-353<<https://sci-hub-hkvisa.net/10.1093/oXrep/grn019>> accessed 09/07/2022

agriculture expansion is responsible for 50% of GDP. Simply put, this link will infer that the shift in the agricultural season throughout Africa negatively affects everything that has already been said, creating the effect worse compared to what happens in nations with greater wealth⁴⁹.

Conflict is among the significant repercussions of global warming on Africa in the most vulnerable locations. According to the IPCC, considerable population changes, migrations, and relocations may be some of the leading causes of conflict. Soil erosion and dry weather exacerbate the shortages of food, water, and other environmental assets⁵⁰. There are a lot of conflicts in Africa that can be directly linked to climate change. Although the Darfur conflict began in 1960, the terrible incident that sparked its escalation in 2003 is closely related to environmental deterioration, fierce competition for the region's limited natural resources, social injustices, persecution, and other issues. One of these is the Darfur conflict in western Sudan, which is currently the biggest humanitarian crisis on earth. The UN has also labeled this war genocide, and the 1994 genocide in Rwanda is regularly brought up in comparison. The Nigerian farmers and herders' war, which has been connected to climate change, has killed more people than the Boko Haram insurgency, displaced more people, imperiled the country, and split ethnic groupings, religions, and regions. Conflicts are linked to the Sahara Desert's incursion into Nigeria's northern territory due to a prolonged drought that caused herders to move to the southern forest zone to feed their livestock⁵¹.

In many different countries, evidences of violent conflict have been tied to global warming. After a devastating wet season, there is a perception that Mali's atmosphere is conducive to recruitment on the part of terrorist and extremist groups. According to the Institute for Security Studies (ISS), due to the frequent conflicts in some countries worsened by rising temperature, the majority of the security personnel for the UN are

⁴⁹ IPCC, Synthesis Report' (Climate change2017) IPCC Geneva<https://www.ipcc.ch/site/assets/uploads/2018/02/ar4_syr_full_report.pdf> accessed 09/07/2022

⁵⁰ Ahmad Sikainga, 'the world's worst humanitarian Crisis': Understanding the Darfur conflict'(2009)<https://origins-osu.edu/article/worlds-humanitarian-crisis-understanding-darfur-conflict?language_content_entity=en> accessed 09/07/2022

⁵¹ Ojemire B. Daniel, 'Climate change and Farmers- Herders conflict in Nigeria'(2021)<<https://www.newsecuritybeat.org/11/Climate-Change-farmers-herders-conflict-nigeria/>> accessed 09/07/2022

based in areas that are most susceptible to the repercussions of rising temperature. This is because the phenomenon primarily impacts these regions⁵².

Egypt is another place in Africa that is greatly threatened by climate change. If there is less water for a long time, there could be trouble between the countries in the Nile basin⁵³. Egypt gets 95% of its drinking water and water for industry from the Nile. Countries upstream that use the river's water could threaten Egypt. This makes it more likely that there will be a political crisis or a violent fight⁵⁴, but it also makes it more critical for agreements to be made about how water is shared. People must leave rural areas and move to cities because there is not enough land or water to use. However, the river delta, which is very good for farming, is at risk from rising sea levels and salinization⁵⁵.

Rising temperature is going to have many adverse repercussions on Egypt, especially on Cairo. It is thought that Egypt's agricultural output could drop significantly because of climate change-related water shortages and land degradation. Egypt could make much less wheat and maize by the midpoint of the current dispensation. Because if the population was not growing, this could make it harder for people to get the last arable land.

The city's fast growth is already putting pressure on the capital's infrastructure, especially in terms of water, sanitation, waste disposal, and housing. Changes in the climate are likely to make problems even worse. If the level of the Mediterranean Sea rises by 0.5m, between two and four million Egyptians will have to move⁵⁶. Most of them will try to find safety in the suburbs of Cairo. In the Upper Nile area, where there is not enough water and agriculture is not as productive, people may move from the countryside to Cairo. This could also make sanitation worse and cause more social unrest.

⁵² ISS, „Climate change and violence in Africa“ (May 2021)<https://issafrica.org/iss-today/climate-change-and-violence-in-africa-no-time-to-lose>[12:56 PM, 11/8/2022]:

⁵³ Mason, Simon A., 2004: From conflict to cooperation in the Nile Basin. Interaction between water availability, water management in Egypt and Sudan, and international

⁵⁴ Brauch, Hans Günter, 2006a: Regionalexpertise - Destabilisierungs- und Konfliktpotential prognostizierter Umweltveränderungen in der Region Südeuropa und Nordafrika bis 2020/2050. Expert Study for the German Advisory Council on Global Change; at: <http://www.wbgu.de/wbgu_jg2007_ex01.pdf>.

⁵⁵ WBGU, 2007: World in Transition - Climate Change as a Security Risk - Summary for Policymakers (Berlin: Springer).

⁵⁶ FoEME, 2007: Climate Change: A New Threat to Middle East Security; at: <http://www.foeme.org/index_images/dinamicas/publications/publ78_1.pdf>.

From the arm of the COP, improved climate technology and the dissemination of new technologies is one of the COP26 resolutions, which tackles some of the issues previously mentioned on the impact of intense warming in Africa. It is optional to stress the importance of developing climate technology in regions lacking it. Everyone will not be ready to tackle this humiliating crisis when their continued existence is in doubt before even acknowledging and finding solutions to the dispute; lack of environmental assets, food insecurity, malnourishment, etc., were instigated by global warming.

Therefore, it could essentially be a pointless exercise to inspire the global warming technology center and system to strengthen their empowerment avenues in spreading awareness about global warming through the utilization of devices.

However, the fight against climate change is moving slowly due to Africa's underdevelopment, lack of technological empowerment, and lack of knowledge about how to adapt and build resistance to climate change. Africa is suffering from a situation to which they have made little contribution. And since the effects are becoming apparent, nothing is being done to remedy them. The implications of climate change were first discussed via the African Union and Security Council (AUPSC) in 2021, but the problem has long existed. It has been argued that climate change has made things worse, even while these problems—such as corruption and bad governance—have inadvertently made the situation worse in certain respects. The central subject of the COP26 summit, climate change, went unresolved. Ignoring significant concerns will highlight the COP's naturally unbalanced state. Sadly, the situation in these countries is somewhat diverse and some are likely to deteriorate owing to high increases in poverty. As the situation worsens, it will spread across to neighboring countries and subsequently extend to the rest of the world. Let it be known that Africa is a hot zone for climate security. For instance, the Darfur region of Sudan is deeply engulfed in conflict that has ripped apart every aspect of life and can be compared to a failed state, suggesting that legal processes are further weak or nonexistent. Nigeria is the next, and I believe that there is an urgent need for much greater legal attention, not just for the issue of farm land disputes in the north of the country but also because this country is home to around 200 million people, 63% of whom live in squalor. If caution is not taken, the impact from Nigeria would be enormous. Egypt is a considerably less extreme example of a country with a significant potential for adaptation

and mitigation due to the state of their economy and the effective mechanisms in place. Furthermore, because their debt portfolio is much smaller than Nigeria's, they have a better chance of getting a loan to create a far stronger defense. Importantly, their management strategy is more likely to succeed when they forge a solid relationship in both the territory of a country's legal framework and the worldwide system of justice regarding climate change.

3.2 Findings for Research Question I

Analysis of International Laws that Prohibit Acts that Exacerbate Climate Change

There are international accords that are crafted with the good intentions of prohibiting acts that exacerbate climate change for the standard safety of our world, and these accords are reviewed herein: In the very beginning, protecting wildlife, reducing water pollution, and preserving the ocean has long been the driving forces behind environmental conservation. Treaties and bilateral agreements have been signed when necessary, going back to the 19th century (ad hoc). The whaling convention, signed in 1931 to protect aquatic life from exploitation, was one of the earliest treaties. The main goal of the 1902 Bird Convention was to protect certain bird species and keep them from going extinct. It allowed scientists to do detailed research and influenced the 1992 agreement on species and habitat. Often these agreements about the environment were between two countries. In 1900, the first regional agreement was made to simultaneously safeguard the environment in Africa and most European colonies. But many European countries still needed to sign it, so it was never implemented. The marine demarcation deal with both Canada and the U.S., and the negotiations would keep oil from polluting the seas were two other examples of bilateral treaties that were not signed.

Even though it is hard to set up international groups to protect the environment, two critical complaints were sent to the global adjudication panel. Great Britain and the US engaged in the Arbitration seal fur Pacific as the first. This established a model for upcoming matters involving the quality of the environmental reserve outside of a state's control and showed how international law could be used to settle them. In the second arbitration, which involved Canada and the United States, the case of Smelter Trail, the panel stated that "no government has the authority to utilize its sphere of influence in a

manner that it brings harm to the borders of another where there is concrete proof of posing a peril." The inaugural global declaration on environmental protection was established in 1972 due to the accords with institutions for ecological protection, even though many of them were never put into effect and had no legal force. They helped raise consciousness about the dangers posed by global warming over the years ⁵⁷.

For the first time on a global scale, the Stockholm Declaration from the inaugural World Conference on Human Environment in 1972 recognized the importance of a healthy environment.

This declaration set the idea of collaboration between states to preserve the ecosystem's health, establishing an obligation among nations to guarantee the security of other parties' domains by abstaining from actions that have the tendency to cause injury to other provinces. The United Nations Environment Programme (UNEP) is also responsible for environmental protection and was established by the UN General Assembly. Brundtland Commission, a global commission on environment and development established by the United Nations General Assembly in 1987, published a report in 1989 titled "Our Common Future" that introduced the idea of sustainable development by promoting the protection of the environment for future generations (1987).

Along with the Agreement on Natural Resources and the UNFCCC's adoption, the Rio Declaration of 1992 marked another noteworthy turning point regarding the evolution of ecofriendly protection law. The Declaration that came out the conference held in Brazil established the agenda 21 plan for ecological conservation. The tenth principle recognized that everyone has an access to information, involvement, and fairness in matters of environmental concerns and conservation principles ⁵⁸.

3.3 From Rio declaration to COP

The UNFCCC was established and ratified by 196 nations at the Rio de Janeiro Earth Summit in 1992. It entered into force in 1994, with the Conference of the Parties

⁵⁷ United States v. Canada) (1938 and 1941) 3 R.I.A.A 1905

⁵⁸ Phillips sands, 'principles of international environmental law' (2nd edition Cambridge University Press 2003) part 2, page 25-30

(COP) serving as the convention's top decision-making body. In 1995, it hosted a way on climate change and had since met annually. The Kyoto Protocol was introduced under the UNFCCC framework in 1997, and despite its failure to reduce Air pollution, it continues to be the first global accord to impose industrialized states with a legally enforceable commitment to reduce GHG emissions⁵⁹.

The major policymaking arm of the UN Convention Framework on global warming is the COP. This intergovernmental group is responsible for recognizing the weather and the consequences of global warming, along with making a place so nations can negotiate how to protect and heal the globe from the impact of environmental changes.

The parties' primary duty of the conference is to evaluate the accomplishments and shortcomings of the steps taken by parties to meet the UNFCCC's goal of minimizing global warming. Due to this, the conference of the parties must review the approaches, examine discoveries, examine adaptation procedures, and evaluate the parties' financial resources. Central, Eastern, and Western Europe, Latin America, the Caribbean, Asia, and Africa, are the five (5) UN regions represented by rotating venues for these annual sessions⁶⁰.

The UNFCCC, the Kyoto Protocol, the Paris Agreement, and other agreements are governed by the COP, composed of members chosen or nominated annually from the five (5) UN regions and other regions. The president and a total of eleven others serve at the top of the COP's leadership for a maximum of two (2) years. Additionally, each year, the five (5) UN regions alternate holding the presidency of the COP. The bureau assists the president by advising parties, managing undertakings, inspecting NGOs and IGOs, and presenting the findings at meetings⁶¹.

The first conference of the parties, or COP-1, took place in 1995 in Berlin from March 28 to April 7, during which negotiations about the location of the permanent secretariat and a joint project agreement were resolved. But perhaps most importantly, a consensus

⁵⁹ Norton Rose Fulbright, 'Historical overview of COP 2009-2017(climate change & sustainability2018<[https://unfccc.int/process/Supreme-bodies/conference-of-the-parties-cop](https://nortonrosefulbright.com/en/knowledge/publications/6d484a90/historical-overview-of-cop-2009-2017#:~:text=) [12:56 PM, 11/8/2022]:

⁶¹ UNFCCC, 'Election and Membership'(Conference of the parties2021)<<https://unfccc.int/process-and-meetings/bodies/election-and-membership>>

regarding the steps to be followed in the aftermath of the year 2000, that will also serve as the foundation for subsequent COPs. Up until 2015, the COPs were still held annually. The Paris accord, a term used to refer to the COP held in the French capital, was touted as a mandatory Pact for all convention participants⁶².

Despite the phrase "legally binding" being challenged by many experts due to the lack of an independent regulatory body, a measuring phase was created in order for parties to design unique approaches, termed nationally determined contributions (NDCs), to tackle pollution beneath 2C.

Because it took place in Glasgow from October 31 to November 12, 2021, the 26th Meeting of the Parties is also known as the Glasgow Climate Conference. During COP26, numerous determinations to prevent Pollution to 1.5C were made, including a nation's consensus to establish resilience, adjustability, and responsiveness against global warming, bridging the void of financial instability in emerging regions by advanced countries by fulfilling their commitments to donate \$100 billion annually to developing nations, and establishing a compromise in both the aim to cut emissions and the measures it would actually take to cut carbon pollution, among other things⁶³.

Among the most important decisions made at COP26 seems to be the openness order for reporting, progress, the support given and received, and effluents and harm done by the mitigation process. This was about the Paris agreement's rule book, which uses a method other than the market to cut Air pollutants. This was required by Article 6(2) of the accord held in France, and it had to be done in order to fully implement the Paris agreement⁶⁴.

COP27 is the latest climate change conference. From November 6 to November 18, 2022, the United Nations held a climate change summit. At the conclusion of the COP27 climate meeting in Sharm el-Sheikh, Egypt, a significant agreement was struck to assist affected areas in coping with damages and losses caused by climate change. However,

⁶² UNFCCC, 'provision agenda annotations, including suggestions for the organization of work'(conference of the parties first session 1995)
FCCC/CP/1995/1<<https://unfccc.in/cop3/resource/docs/COP1/01.htm>

⁶³ UNFCCC, 'The Glasgow Climate Pact- Key outcomes from COP26'(Conference of the parties 2021)<<https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-Cop26>> accessed 09/10/2022

⁶⁴ Gauthier Van Thuyne, 'The Paris Rule Book after COP26'(Allen and Overy 2021)<<https://www.allenoverly.com/en-gb/global/blogs/countdown-to-COP/the-Paris-rule-book-after-cop26>>

many participants were dissatisfied with the negotiations because no new, significant steps were taken to stop global warming, which is necessary if we are to limit global warming below 1.5 degrees Celsius (2.7 degrees Fahrenheit) and preserve the earth from a much more dangerous future. There were some silver linings, but overall, the rate of adaptation was modest.

During the climate summit, notable events took place, including a visit by incoming Brazilian President Luiz Inácio Lula da Silva, a renewed focus on the Bridgetown Agenda, the global financial system reform plan proposed by Barbados Prime Minister Mia Mottley and the resumption of climate talks between China and the United States. The agreement on loss and damage finance demonstrates that, despite significant geopolitical fragmentation, the summit demonstrated that international collaboration on climate change can still be profitable. In the coming year, there will be numerous opportunities for this type of critical collective work to make significant progress.⁶⁴⁶⁵

Here are key takeaways from the COP27 climate summit, and where the world needs to go next:

❖ **Fund Established to Aid Countries Facing Severe Damage from Climate Change**

During COP27, countries reached an agreement on funding arrangements for a special fund for loss and damage. This was a significant victory for an issue that had been neglected for too long in UN climate change debates. The governance structure and host selection process for the Santiago Network on Loss and Damage will be fully functioning by COP28. The United Kingdom, France, Denmark, Belgium, Scotland, Austria, New Zealand, Canada, Ireland, the United States, Spain, and the European Union have all committed financial assistance to assist with losses and damages. Outside of the UNFCCC, the majority of loss and damage mitigation techniques are incorporated into wider financial systems. Now that the fund has been formed, the process of planning and, eventually, funding it can begin.

⁶⁵COP27 https://en.wikipedia.org/wiki/2022_United_Nations_Climate_Change_Conference#:~:text=%22S%20harm%20el%2D%20Sheikh%20Climate%20Change%20Conference%20%E2%80%93%20November%202022%3A%206%20Nov%20%E2%80%93%2020%20Nov%202022%22.%20unfccc.int.%20Retrieved%202022%2D11%2D05

❖ **Progress on Adaptation, but not at the Scale or Speed Necessary**

Developed countries did not make significant headway towards honoring their commitment to double adaptation finance by 2025. Parties failed to agree on defining the Global Goal on Adaptation, the Paris Agreement's equivalent to the 1.5-degree-C (2.7 degrees F) target for mitigation. The Sharm El-Sheikh Adaptation Agenda was launched, rallying both state and non-state actors to work towards achieving them by 2030. At COP27, governments were entrusted with the task of advancing the Paris Agreement's Global Goal on Adaptation, which replaces the 1.5°C (2.7°F) mitigation target. The parties were unable to agree on a precise definition of the aim, but they agreed on a framework for constructing one. The finer details of how this agenda will be implemented and progress monitored are yet to be worked out.

❖ **Climate Finance Reforms Gained Traction**

This year's talks focused mostly on climate funding. The decision reached at COP27 emphasizes the significant concern of impoverished nations that wealthy nations have not yet fulfilled their vow to provide \$100 billion per year, despite the ever-growing need for funds. COP28 will need to deepen our understanding of Article 2.1(c) of the Paris Agreement and the most effective implementation strategies in light of the two workshops planned for 2023. The ultimate amount of money committed to addressing climate change was less than anticipated, and many governments are still awaiting the fulfillment of their initial climate finance obligations. When the year 2023 arrives, we will know whether affluent countries fulfill their pledge to pay \$100 billion per year to impoverished nations.

❖ **Emission Cuts Didn't Add Up**

Despite a substantial emissions gap between present national climate plans and what is required to prevent temperature increase to 1.5 degrees C, nations at COP27 agreed to results reflecting only moderate, incremental progress on lowering emissions (2.7 degrees F). The Glasgow Climate Pact of COP26 asked governments to "revise and strengthen their 2030 pledges" so that they align with the Paris Agreement's temperature target. The Mitigation Work Programme will support at least two conversations each year, with a summary report to be considered at the political level by nations. As a consequence of the discussions, the Programme will be in existence until at least 2026, will cover all sectors,

and will make recommendations for yearly COP decisions. The process will be prohibited from establishing new emission reduction targets.

The Global Methane Pledge, which was announced at COP26, has pledged to reduce their methane emissions by 30% by 2030. The Mitigation Work Programme, established at COP27 with the objective of boosting ambition and implementation in this decade, saw some promising improvements. To drive the changes necessary to limit temperature rise to 1.5 degrees C, governments must present robust and aspirational climate plans.

❖ **Debate Lingered on Accelerating the Energy Transition**

During COP27, the transition away from fossil fuels became a key topic of discussion. A compromise was reached at COP26 that called for a "step down" of unlimited coal power. 80 countries supported India's decision to extend the phase-down to include all fossil fuels. There are also unsolved questions about the progress governments have made in meeting their obligations to phase out coal. South Africa has produced a comprehensive investment plan for a fair energy transition.

Donor countries have only committed \$8.5 billion, of which only 2.7% would be in the form of grants. Next year's COP28 will focus on whether or not all fossil fuels, not just coal, should be phased out or eliminated.

❖ **The Global Stocktake Shifts from the Technical to the Political**

During COP27, countries discussed how they may address climate action gaps in reduction, adaptation, and support. During COP27, all countries agreed it was vital to prepare for COP28 in the UAE, the climax of the political phase of the process. Countries should strive for a politically significant outcome from the Global Stocktake, rather than a mere information-sharing exercise with nebulous suggestions.

❖ **Important New African Initiatives Launched**

COP27 has been labeled the "African COP," and numerous initiatives have gained substantial attention. Three AFR100 financial partners have devised a \$2 billion blended financing mechanism to facilitate and speed locally-driven repair. 32 African nations have pledged to rehabilitate over 120 million hectares of damaged land by 2030. Through grants totaling \$222 million and direct investments of \$288 million, the Fund intends to have assisted 100 African cities to establish resilient water solutions by 2032.

❖ **Carbon Market Rules Raise Concerns**

It was hoped that COP27 would clarify the nitty-gritty details of how carbon markets operate in Egypt, but instead, they chose to continue discussions for two more years. There were no decisions or clarifications regarding the double counting of emission reductions between countries (as part of their NDCs) and non-state actors such as corporations. Even high-quality carbon credits cannot compensate for the emissions reductions necessary to attain net-zero targets.

❖ **Nature-Based Solutions are Elevated**

During COP27, for the first time, a resolution addressing climate change talks at the United Nations included ideas for adopting reforms with no negative environmental effects. In the end, efforts to increase the relationship between environmental conditions and temperature levels when voting on the cover were unsuccessful. As the partnership's strategy evolves, it will be more crucial that locals play a central role. If they presented a unified front, several countries with tropical forests might be able to get much-needed money. Countries have promised \$12 billion between 2021 and 2026 to conserve, restore, and sustainably manage forests; according to sources, \$2.67 billion has already been spent. The amount of money committed by Germany rose from €1 billion to €2 billion. The total money committed for security and renovation in Glasgow was \$7.2 billion, with private parties contributing an extra \$3.6 billion. During COP27's Biodiversity Day, 350.org urged nations to create a treaty similar to the Paris Agreement in order to halt biodiversity loss.

3.4 Findings for Research Question II

Analysis of International Law Sufficiently Safeguarding Human Rights Breaches caused by Climate Change

To begin with, "Fundamental rights are rights that all people have by being human, irrespective of gender, citizenship, home address, sex, ethnicity, color, religion, language, or any other status." These human rights are universally guaranteed to all people without exception. Additionally, "These rights are all interconnected, reliant, and indivisible⁶⁶."

⁶⁶ Pagden, Anthony. "Human rights, natural rights, and Europe's imperial legacy." *Political theory* 31.2 (2003): 171-199.

They are unearned rights that aren't unilaterally snatched by any means or designed by another individual or proper guardians because they are given to everyone simply by being human. In accords, general principles of international law, customary international law, and other sources of international law, international human rights are frequently expressed and safeguarded by legislation. In making ensure the equal enjoyment of all humans, universal human rights law imposes responsibilities on governments to take specific actions or refrain from taking certain steps. In light of this, the following paragraphs will explain whether or not international law has been able to adequately defend individual rights against violations brought on by global warming.

The Paris pact, the first legally binding international agreement to include human rights provisions, is an improvement over earlier climate change agreements in protecting human rights. It is one document that could respond to the inquiry of how civil liberties are protected from violations brought on by global warming. Civil dignities are addressed explicitly in the very beginning of the Paris Agreement, yet this thesis argues that the existing climate change framework falls short of adequately protecting them⁶⁷.

Individual rights are not explicitly mentioned in the Agreement, which means that they do not "assist in imposing obligations on parties, but rather in outlining the deal's intent and significance and its surrounds." Given the numerous assertions made in IPCC reports claiming the danger that global warming poses to exercising human rights, the text's exclusion of human rights is puzzling.

The foreword's reference rights of individual is another proof of how rising temperature crisis restricts the exercise of rights of human⁶⁸.

Despite this acknowledgment, the climate change regime still needs to develop a strategy for fixing these issues. As human rights would expose parties to legal action and ensure that they meet the fundamental minimum standards for the satisfaction of individual rights, there have been speculations that human rights were purposefully left out of the Agreement to persuade governments to ratify it. The thesis asserts that despite the

⁶⁷ Sam Adelman, 'Human Rights in the Paris Agreement: Too Little, Too Late?' (2018) *Transnational Environmental Law*, Cambridge University Press,17.

⁶⁸ Alan Boyle, 'Climate Change, The Paris Agreement and Human Rights' (2018) *International and Comparative Law Quarterly* Cambridge University Press.,769.

difficulties, including human rights in a framework for combating climate change is essential for fulfilling any climate change accord⁶⁹.

To translate theoretical research results about the drivers and consequences of global warming into practical issues for people and the planet, defending the rights of individuals in the face of change in the climate is essential. Key parties will be required to agree to an admissible emission level to considerably minimizing the negative consequences of global warming on the exercise of freedoms if human rights are included in a climate agreement. In addition, it is impossible to properly handle individual rights, given the foundation of the worldwide system on global warming, judging from background law. The current approach is focused on altruism while also being on the one hand on economic concerns. While the Paris Agreement acknowledges the urgent need for significant cut down in air pollutions, it also mandates that each signatory establish its own emissions goals by acting "right." A paradigm for addressing climate change that gives parties the freedom to pick between their financial interests and the degree of altruistic sacrifice they are ready to make is neither realistic nor workable⁷⁰.

Human rights will be better preserved in the face of global warming if a framework is developed based on human rights. This is because a basic dignity framework could produce parameters for determining the necessary emission threshold that is more practical and suitable than the current structure of emission obligations, which is insufficient to achieve the 1.5-degree Celsius climate goal.

Concerns about global warming have yet to be successfully addressed in a contemporary way and will not be. It is therefore argued that even assuming all Stakeholders satisfy their carbon minimum goals as specified in pact held in France, the global temperature will rise above the new threshold of 1.5 degrees Celsius (for example).

The Paris Agreement, in the opinion of the lead reporter on the obligations and civil liberties related to the comfort of a secure, decent, nutritious, and friendly atmosphere, is insufficient to address the issue of ensuring that the exercise of the rights of human is not jeopardized by global warming. Therefore, to guarantee that the Article 2 aim of the Paris

⁶⁹ Adelman (n 78).

⁷⁰Special Rapporteur's Report on human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment 2016 (Web Page)
<https://www.ohchr.org/EN/HRBodies/.../A%20HRC%2031%2052_E.docx>.

Agreement is attained, it is crucial to implement and strengthen current intended contributions. Because it was not designed with that goal in mind, the nations' framework convention on climate system does a poor job of protecting individual rights in the context of climate change⁷¹.

3.5 Findings for Research Question III

Examining the Effectiveness of the Climate Change Law

Since many years ago, the debate has switched from whether or not there exist international laws that prevent or reverse climate change to whether or not those laws are implemented effectively and efficiently. A law is considered adequate when it has a binding impact and is upholdable by those who enacted it, but could this be said of international laws, particularly those about mitigating climate change?

A grouping of people, organizations, states, non-state entities, and other kinds of legal identities is defined as the "global community." The sources of law offer a justification for the ability of international law to rule, and this justification exists in the heads of law. In Article 38(1) of its founding document, the International Court of Justice (ICJ) describes how it applies treaty obligations (pacts), customs, general legal principles, and judicial decisions in the exercise of its authority over the acts and omissions of Public and private entities by international law⁷².

The most common understanding of international law is that it is a regulation that applies to all governments and regulates interactions between them. We can infer from this that the essential element of global law is the cooperative effort of sovereign states to formulate rules and responsibilities that govern their interactions with one another because there would be no such thing as global law in the absence of sovereign states. International legal organizations, such as the International Court of Justice (ICJ), utilize the actions (customary law), agreements (treaties), and judgements of individual governments to

⁷¹ Special Rapporteur's Report on human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment 2016 (Web Page)
<https://www.ohchr.org/EN/HRBodies/.../A%20HRC%2031%2052_E.docx>.

⁷² Statute of the International Court of Justice 1920, Art.38(1)

decide legal issues. This will imply that states can act differently because they are in charge of creating laws (unmake unfavorable laws).

State assent is required to enact enforceable laws, establish an international legal duty, and for efficient dispute resolution processes under international law since international law acknowledges states as being legally autonomous and sovereign. This holds for resolving all worldwide concerns, including global warming mitigation and the protection of the world around us⁷³.

International law seeks to clarify the obligations states have to one another and encourage cooperation in resolving common global problems. Although these goals are attainable, the primary issue with international law is that it depends on states' willingness to accept legal responsibilities in the form of treaties, norms, and general principles. Under international law, besides the states, no other entity can enact laws.

The World Body (UN) is a super-state organization whose laws are widely recognized due to states' involvement in decision-making. Still, it lacks legislative authority, which limits the enforceability and the binding effects. The Montreal Protocol of 1987, which addressed the chemical that contributes to the undermining of the earth's crust, was among the organization's early and most important steps. It has been at the forefront of global environmental protection and pioneered the idea of global warming restoration. It is among the very relevant because all nations ratified it, eliminating 99% of ozone-depleting compounds⁷⁴.

As the first international climate deal with legal force, the UNFCCC's 1997 Kyoto Protocol is notable for mandating industrialized nations cut their GHG emissions by 5% while keeping track of their progress. It is said that the Kyoto Protocol ignores some developing countries that are also big emitters of carbon, such as China. Despite the Kyoto Protocol being a binding contract, the United States decided not to ratify the accord. The fact that other big emitters are not included in the Kyoto accord is among its most glaring flaws, which demonstrates the constitutional freedom of states to choose whether or not to participate in the establishment of a law body with international status. The delegates

⁷³ Alexandre Kiss, Dinah Shelton, *Guide to International Environmental Law* (Martinus Nijhoff Publishers, Leiden Boston 2007) Chap1, page 1-11

⁷⁴ Lindsay Maizland, 'Global Climate Agreement: Successes and failures' (council on foreign Relations, November 2021)<https://www.cfr.org/backgrounder/paris-global-climate-change-agreements>

to the accord did not amend the Kyoto Protocol Compliance Mechanism, which renders the Adherence Technique a political agreement with no status as a legally binding instrument under international law⁷⁵.

The 2015 Paris Deal, which required nations to set goals known as NDCs and reduce GHG below 2°C, continues to be the most significant climate change agreement to date. However, no system is in place to ensure that states reach their goals. The Climate Deal held in France also wants to get to a point where the number of greenhouse gases (GHGs) released and captured are equal.

The Paris Agreement has yet to receive formal approval from several states. In general, the conference of parties is a multilateral convention that resulted from a determination of the UN General Assembly. Although statutory and specialized bodies support it, their decisions and norms, as well as those of defense attorneys, are placing demand on the main players. Legal validity of pact is often times in question⁷⁶.

Since then, soft laws like agreements, rulings, and action programs that are not legally binding have been used to create environmental protection legislation. The Arctic ecological protection policy, which the Conference of the Parties agreed on in 1972, and Agenda 21, endorsed at the 1972 Rio Conference on Environment and Development, are examples of soft laws. Undoubtedly, it is more adaptable and enables the involvement of various non-state players, specialists, legal individuals, and private organizations. However, it is the conduct and adherence of governments that give international agreements their legal force. Since then, soft environmental protection laws have been made using non-binding documents, including decisions, judgments, and action plans. The Arctic ecological protection policy, which the Conference of the Parties agreed on in 1972, and Agenda 21, endorsed at the 1972 Rio Conference on Environment and Development, are examples of soft laws. Undoubtedly, it is more adaptable and enables the involvement of various non-state players, specialists, legal individuals, and non-governmental organizations. However, it is the conduct and adherence of governments

⁷⁵ Hannah Chang, A. "Legally Binding" climate agreement: what does it mean? Why does it matters? (Columbia climate School 2010)<https://news.climate.columbia.edu/2010/02/23/a-%E2%80%9Clegally-binding%80%9D-Climatagreement-what-does-it-mean-why-does-it-matters>

⁷⁶ Alexandre Kiss, Dinah Shelton, Guide to International Environmental Law (Martinus Nijhoff Publishers, Leiden Boston 2007) Chap1, page 1-11

that give international agreements their legal force. It is also true that under international law, the fact that a contract is legally binding is not a sufficient justification for state compliance. Other factors that drive states include advancing political objectives, enhancing economic and military might, and self-interest. Nations' chances of achieving the worldwide goal of achieving a carbon-neutral state are dim because international regulations depend on states' agreement and cooperation. In light of those above, it can be claimed that legislation addressing climate change is ineffective since they are not being enforced⁷⁷.

3.6 Findings for Research Question IV

Analysis of the Gaps in existing Legislation Protecting Climate Change Victims

There are concerns about the effectiveness of the current climate legislation. Still, there also appears to be a significant gap between the various agreements, as there is no provision for individuals who are already affected by or will be harmed by climate activities. To build a convincing case, let's consider the assertion made by Antonio Guterres, the United Nations High Commissioner for Refugees: "Climate change is currently one of the major causes of forced relocation, both directly through its effects on the environment—preventing people from continuing to reside in their native areas—and as a catalyst for extreme poverty and violence." However, neither the legal system of the world nor U.S. immigration law recognizes climate-related migrants as a "protected class" of individuals, nor neither is there a particular legal system or organization that should be held accountable for their eviction⁷⁸.

In keeping with the legal system of the world, the cornerstone document is the 1951 Convention Relating to the Status of Refugees, which defines "refugee" as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality,

⁷⁷ Hannah Chang, A. "Legally Binding" climate agreement: what does it mean? Why does it matter? (Columbia climate School 2010) <https://news.climate.columbia.edu/2010/02/23/a-%E2%80%9Clegally-binding%80%9D-climate-agreement-what-does-it-mean-why-does-it-matters>

⁷⁸ "Conflicts Fuelled by Climate Change Causing New Refugee Crisis, Warns UN," by Julian Borger, The Guardian, (June 17, 2008), available online at <http://www.guardian.co.uk/environment/2008/jun/17/climatechange.food>. See also United Nations High Commissioner on Refugees, THE STATE OF THE WORLD'S REFUGEES 2012: IN SEARCH OF SOLIDARITY ch. 7 ("Displacement, Climate Change, and Natural Disasters"), summary available at <http://www.unhcr.org/publications/unhcr/sowr2012>.

membership of a particular social group, or political opinion, is outside the country of his nationality." Climate change refugees are not likely to fit this definition because they do not face "persecution," at least not for the reasons given. Also, most people believe that most people displaced by climate change will stay in their own countries for the foreseeable future. This means that they do not meet the definition of a refugee because they are not "outside the country of [their] nationality."⁷⁹

3.7 The Impact of Climate Change on Global Migration

The most severe impacts of climate change on human migration won't happen until 2050, based on the Intergovernmental Panel on Climate Change (IPCC). The IPCC projects that by then, natural calamities, including floods, droughts, erosion, and problems with maintaining an efficient agricultural system, will have uprooted 200 million people and forced them to move⁸⁰.

By 2050, 1 in 45 individuals will have moved due to climate change, predicts the IPCC. According to a study from the middle of the 1990s, environmental degradation forced half of 50m individuals to relocate in difference areas of the world⁸¹. The amount was more significant than the global total of refugees linked to political persecution, war, and violence at the time.

Scholars like Dr. Myers challenged the forecast above, saying that while it may not be inaccurate, no one can predict how climate change will affect the world population by 2050⁸².

⁷⁹ The United States is not a party to the 1951 Convention but is a party to the 1967 Protocol Relating to the Status of Refugees, which amends the Convention. 19 U.S. Treaties 6223.

⁸⁰ International Organization for 'Migration and Climate Change.' (International Organization for Migration Geneva 2008) NO31 <file:///C:/Users/ACER%20USER/Downloads/5866%20(2).pdf> accessed 09/07/2022

⁸¹ Steve Lonergan, 'The of Environmental Degradation in Population Displacement'(1998) ACF1493,Page515https://oceanfdn.org/default/files/The%20Role%20of%20Environmental%20Degradati on%20in%20Population%20Displacement.pdf accessed 09/07/2022

⁸² Jeremy Lowell, 'Climate change to make one billion refugees-agency.'(London, May 2014)https://www.reuters.com/article/idUSL10710325 Accessed 09/07/2022

Despite this, the IOM claimed in 2020 that there are 281 million migrants, a rise of 128 million from 1990 and a threefold increase from 1970 in the number of individuals expected to reside outside their own country⁸³.

Climate migration is undoubtedly a result of climate change, but establishing a straight link between the two will be challenging, just like doing so for the connection between war and climate change. For instance, if heavy rainfall has no adverse effects, leaving a place simply because it receives more rain than another region would be absurd. Between global warming and migration, there exist a close connection in both the processes and the consequences of global warming on the planet. In many cases, these processes lead to actual events in the end. The events are caused by slow climate change that makes a particular location uninhabitable for a protracted period. The lack of surface and subsurface water in an area over an extended period, which results in drought, is an example of a climate process. Another illustration is the gradual rising sea level, which results in beach erosion, overflowing, etc.

Climate events can occasionally be brought on by climate change and the abrupt advent of a natural hazard that causes people to leave a particular location, even though climate change occurs slowly over a lengthy period. Various climate occurrences include floods, storms, hurricanes, and others. Climatic occurrences impact people's residences, lands, nations, and lives more than climate operations do. Vivid illustration of how devastating climate disasters can be is Hurricane Katrina, which hit Louisiana in 2005. Two hurricanes that struck the region between August 29 and September 24 killed over 2,000 people and cost more than \$91 billion in damage. The theory behind climate change-related natural disasters is that the effects are worse when they strike an area that is currently weak, where adaptive environmental capacity has not been established, where people have not been educated about conservational matters and in what way to solve them, and where signs of an impending hazard are not present. Many locations where climate change disasters have occurred have long been at risk. Many other places still don't know how to increase resilience against climate change because they haven't yet experienced these calamities⁸⁴.

⁸³ International Organization for Migration, IOM Definition of Migrant'(2022)<https://www.iom.int/about-migration> accessed 09/10/2022

⁸⁴ Oli Brown, 'Migration and Climate Change.' (2008)

No31<file:///C:/Users/ACER%20USER/Downloads/5866.pdf> accessed 09/10/2022

3.8 Climate-induced migrants and International Law

In terms of international law, climate change is nothing new. Since there has been concern about it, climate migration has been discussed alongside other factors influencing migration.

Since migration is triggered by some of the difficulties the agenda is meant to solve, it is an integral part of nearly all of the 17 UN sustainable development objectives. Global warming mitigation and welcoming victims are among the top priorities of the UN migration network.

A subject matter can have a legal definition if it can generate the power of law with international status on it, according to worldwide legal system. In other words, the phrase "climate migrant" must be defined by international law. The precise definition of a migrant leaving his home country due to the effects of global warming is not mandatorily classified within any status in the body of global law, and this creates a significant gap when compared to the types of people who are outside their borders for safety, such as refugees and asylum seekers who are adequately recognized and guarded under the refugee's pact held in 1951 which was followed its additional convention 1967⁸⁵.

In 1985, Essam El-Hinnawi came up with the classification of "people who have been forced to leave their native habitat, either temporarily or permanently, because of a significant environmental disruption (caused by a natural disaster or human activity) that has put their lives in danger or made them live in a much worse way⁸⁶." According to the description given above, an environmental migrant is a person who leaves their country because of environmental degradation, which has made it impossible for them to maintain a living. The Agency responsible Refugee within UN (UNHCR) did not acknowledge the description as some been induced by climate actions as a mandatory term under law with international concern, despite acknowledging the relevance of the environmental and climatic factors driving displacement⁸⁷.

⁸⁵ The UN refugee agency, 'convention and protocol relating to the status of refugees (Resolution 2198(XXI) adopted by the United Nations General Assembly)<https://www.unhcr.org/3b66c2aa10> [12:56 PM, 11/8/2022]:

⁸⁶ Elena Piasentin, 'Freedom from fear' (Nov 2016)Volume2016, Issue 12, , p. 32-39[1:09 PM,11/8/2022]:

⁸⁷ Brian Gorlick, 'Environmentally Displaced Persons:a UNHCR perspective'(2009)<https://perma.cc/47UZ-V2J6> [1:28 PM, 11/8/2022]

Even though there have been attempts to determine whether or not the word "environmental refugee" is recognized under international law, People have been arguing for years about how climate change affects the legal status of an environmental refugee. During the late 1990's, Kibreab noted that the coining of the phrase "refugee induced by climate actions " was made up to remove politics from the reasons people move and make it easier for countries to avoid their international legal duty to give asylum⁸⁸.

Castle argued in 2002 that because receiving states already have obligations to refugees, they would choose to preserve the true essence of a refugee induced by climatic action as something that is not accepted and recognized therefore it cannot be mandatory in scope of current global status of law. It is not economically in the state's best interest to open its doors to yet another group of displaced people under the guise of refugees⁸⁹.

These numerous claims also suggest a significant gap in the laws addressing climate change, especially those that safeguard current or potential victims. I am sure that those in charge of formulating policy on climate change tend to group or identify climate victims in entirely reasonable ways. Still, acceptance by all people is where the concern resides. Wealthy nations that have already seen pressure from refugees and asylum seekers, particularly in Europe and other developed regions, can easily envision the tremendous pressure they may experience if rules designed to protect migrants brought on by climate change are widely embraced.

The landmark case that best describe the situation was witnessed in 2015, the first to address global warming and a displaced person in the context of international law, provides one example. This case does not only show that there is a gap in the laws protecting climate change victims, but it also shows gross disrespect for human dignity. It displays the limitation of the framework that provide protection for the rights of individual. The trauma associated with Ioane, his wife, and their three children returning is severe, and it violates the enjoyment of natural rights, particularly for the young children

⁸⁸ Kibreab, G. ", 'Environmental causes and impact of refugee movements: a critique of the current debate" , (1997) *Disasters* 21(1), pp.20-38.<doi:10.1111/1467-7717.00042[12:56 PM, 11/8/2022]:

⁸⁹ Stephen Castles, 'Environmental change and force migration, making sense of the debate'(2002)UNHCR Refugee Research Paper No7<https://www.refworld.org/pdfid/4ff3f8022.pdf>. [12:56 PM, 11/8/2022]:

who will have to endure the embarrassment and misery they incurred with their parents for a protracted period and it has the tendency to impact their growth.

Kiribatian national Ioane Teitiota and his family were deported back to his home country after rejected their application for refugee status. The Tribunal came to this determination after establishing that the applicant did not present enough proof supporting his claim that he was seriously at the brink of possible danger in a situation where his safety was threatening due to environmental deterioration.

Ioane Teitiota sent a letter to the Committee asserting his return would violate Article 6 of the International Covenant on Civil and Political Rights, which says that everyone has the right to life (ICCPR). The United Nations Human Rights Committee decided on January 7, 2020, that climate- Because of this, climatic conditions have the potential to call for non-refoulement responsibilities, even though the question of whether he faces a significant danger of irreversible damage" there wasn't enough proof to answer his questions about his ability to live in Kiribati. Human rights activists and advocates for refugees' rights welcomed the move as a "pioneering" decision that paves the way for individuals whose lives are threatened due to global warming to make future protection claims.

3.9 Methods to Mitigate Security Risks and Conflicts caused by Climate Change

Climate change poses many security risks and significant problems for humanity's ability to solve problems. Due to the size of the possible threats of global warming, there are clear ideas to deal with it all forms, in a truly innovative, well-thought-out supranational system that combines development policy, workable conservational plan, and precautionary safety strategy. Universal negotiation is needed to stop climate-related conflicts, come up with ways to assist individuals out there who have been hurt by these overwhelming disasters, design a universal framework intently for migrant, and take steps to keep the world stable for everyone⁹⁰.

To reduce the risks to our security from global warming and the number of wars brought on by different pollutions, we need a plan of actions that deal with both the drivers and

⁹⁰ WBGU, 2007: World in Transition - Climate Change as a Security Risk - Summary for Policymakers (Berlin: Springer).

the consequences of the situation. enduring weather plans of any kind must consider how long it takes emissions to decline and how they impact the social and climate systems⁹¹. The longer a policymaker has to decide, the more unknowns he or she has to deal with. We do not know much about climate thresholds because we need to learn more about systems or probability functions. The ideas outlined in the preceding section make up the conceptual framework, plans, and strategies to address how global warming will affect society, stability, and security⁹².

The main goal is to establish, via the use of essential fundamental components of a multicultural context by using flexible and participatory leadership. In the long term, scientists will try to compare how climate changes affect people's safety and the stability of society in climate hot spots. Before coming up with a scientifically efficient and effective system and approaches that are geared to improve the connection in both peace and sustainability, you have to look at the international security and conflict dimensions. These comparisons will look at indicators to measure and discuss how climate change affects security in various parts of the globe.

Among the things that can be used as valuable indicators are the effects of weather patterns and events in terms of the hazards they cause. This shows the damage that is anticipated to occur in the absence of adjustment, which depends on how vulnerable and sensitive a region is to the climate event.

Also interesting is how well the region can adapt to climate-related events and how much the risk goes down. Also, the level of conflict caused by climate-related events can be different. This number is crucial because it considers how likely a conflict is now and how much it might grow or shrink depending on what happens. The amount of force used or the number of people hurt by violent acts could be signed. Lastly, knowing what kinds of partnership, peace building, and security policies could help prevent, manage, or end violent conflicts is essential.

The information contained in here can be the basis for addressing regions with climate-induced conflict, which are used to figure out how stable society will be in different future

⁹¹ Scheffran, J., 2008a: "Climate change and security", in: Bulletin of the Atomic Scientists, 64,2: 19-25.

⁹² Lempert, R.; Scheffran, J.; Sprinz, D. F., 2009: "Methods for Long-Term Environmental Policy Challenges", in: Global Environmental Politics, 9,3: 106-133.

climate and population scenarios. Then, foregoing can be utilized to figure out possible critical thresholds or unstable social conditions. Humans face a myriad of issues because of global warming. Adapting to crucial changes on the planet can only be accomplished successfully if nations avert violence and conflict using the right legal strategies framework that links possible climate change scenarios with human actions and interactions can help decision-makers develop methods that can safeguard the world from climatic risk.

4.0 CHAPTER IV

Conclusion and Recommendations

This chapter offers conclusions in accordance with the research findings and also provides recommendations for possible ways forward.

4.1 Conclusion

The IPCC report demonstrates a causal correlation in both human activity and rising global temperatures. Climate change is the idea that temperatures are rising and that this impacts the environment. The bulk of climate scientists' beliefs forms the foundation for the assumptions made in this study about climate change (caused by humans is happening). So, disputing the reality of global warming was not the lead argument of this work. Instead, it examined the degree to which climate change threatens global security, the mitigating measures via international law lens, and the protection law affords to actual or potential victims.

The findings show that there is no question climate warming put the wellbeing and security in harm way and is induced by human conduct; the world is now gravely in danger consequently. Certain parts of the world are affected directly, while others are affected indirectly. Undoubtedly, some regions are more affected than others, but this is a global phenomenon slowly affecting every part of the planet. Additional investigation has shown that it has human repercussions, such as forced migration, economic repercussions, health repercussions, air pollution, and the physical consequences of sea level rise, droughts, storms, floods, deserts, heatwaves, and wildfires, as well as water pollution. It is impossible to overstate the danger.

The study also finds out that the majority of the steps to alleviate/lessen global warming and its impacts on the earth have been implemented through international laws, mainly those referencing the United Nations Framework convention on climate change (UNFCCC), the organization in charge of reducing climate change and its effects on the world. Fair play to the UNFCCC, which has made significant strides toward advancing policies that would outlaw any behavior that contributes to exacerbating global warming and its effects since its founding in 1992. The UNFCCC launched its activities by establishing the conference of the parties, an annual worldwide gathering of world leaders

to examine climate change and give solutions to lessen its effects globally. The Kyoto Protocol, the renowned Paris Agreement, and the recently concluded COP26 held in Glasgow are just a few examples of the precedents the UNFCCC has created and established that significantly protect human actions.

However, the study discovered that even though these regulations are in place, the globe still faces grave threats of disasters in the future because of intensifying effects of global warming. The causes and effects of climate change are frequently not adequately addressed by the laws that are now in place. First, the laws already in place are ineffective due to their limited enforcement mechanism and binding nature. Second, it cannot effectively preserve individual rights in the face of the catastrophic consequences of global warming. Third, there is a significant legal void; no statute appears to preserve climate change victims explicitly.

Furthermore, nations' participation and cooperation are required not only for establishing international law but also for its efficient application. Hence, the underlying difficulties are deeply rooted in its character. At this stage, the interaction of state interests becomes unavoidable, lingering in the corridors of no man's land of crucial legislation that should help prevent climate change and its repercussions.

To take it even further, the principal decision-makers are the global elites and multinational companies, leading proponents of extinction and cataclysms. Therefore, climate security has also become a complex problem because they are the main carbon emitters, but they do not experience any immediate or severe consequences to their economic stability. In the end, third-world nations, particularly African nations, have emerged as the primary victims of calamities brought on by climate change. Sadly, they have not yet developed the necessary strategic thinking to make the required argument for a powerful, decisive position.

4.2 Recommendations

Changes in the climate are one of the most crucial dangers to the continuation of life on Earth. Suppose climate change is addressed, which can be done by passing more robust measures. In that case, the struggle against present and future natural and artificial disasters, including poverty, starvation, diseases of all types, mental health stress, forced

migration, and many others, will be minimized. Due to effect of this raging danger, a more detailed investigation of the role played by international law in domestic litigation is required. Because Climate change law likely affects more public and private legal sectors than any other field of law.

An essential component of a society's ability to change in response to social, environmental, and economic factors is its legal institutions. Climate change adaptation measures' timeliness and efficacy will be influenced by the legal system's responsiveness, sturdiness, and accountability, which includes both written and informal regulations, as well as the organizations in charge of their creation and application. In times of fast change and uncertainty, a well-functioning legal system can offer stability, a moral basis from which to implement necessary reforms, and a mechanism to uphold people's human rights.

Even while having a legally enforceable international agreement does not guarantee its efficacy, having a deal with no clear status that only depends on states' promises and permission to be effective is worse than having no laws. Relevant international agreements haven't worked because the rules aren't strict enough, and there isn't a way for states and other international actors to enforce them. As a way to deal with the global environmental issue of climate change, worldwide legal action is essential; regional solutions will not suffice. According to both, this requires a high level of international collaboration that respects the sovereignty of states.

Henceforth, I have drawn the following conclusions from this study and made the following recommendations based on the aims and findings to achieve the most excellent possible application of climate change laws:

- ❖ In addition to having alternative legal tools to punish parties not complying with their commitments and the terms of the accords, it is recommended that the international courts be given the duty of enforcing compliance with the Paris Agreements, the most recent COP26, and other future laws.
- ❖ That to considerably lessen global warming effects on human rights, the international climate change regime should embrace a climate change framework that is human rights-focused.

- ❖ That all governments, especially those in the global south, should domesticate these legal agreements to protect themselves from actions that will exacerbate climate change and to stop all other states from doing any infringing measures.
- ❖ The same safeguards international law provides to refugees and asylum seekers should be given to climate-induced migrants. When implemented, this may deter industrialized nations from continuing their anti-climactic conduct and thus will be compelled to reduce their emissions.

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AN ASSESSMENT OF THE THREAT CLIMATE CHANGE POSES TO GLOBAL SECURITY:
MITIGATING MEASURES AND LEGAL PROTECTION FOR POTENTIAL VICTIMS

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