

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 5

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

All Talk and No Action

ANEESH KHARE¹

ABSTRACT

The world is grappling with the emergency of climate change which is no longer in the distant future but rather a looming danger on us. In this article I aim to analyse the various climate agreements and throw light on what causes these agreements to be a failure. Today it is all the more important that such flaws in the system be addressed quickly because the longer we take to solve them the longer it will take to save the planet.

I. INTRODUCTION

Ever since the late 20th Century humans started realizing that the rapid industrialization, creation of plastic, burning of fossil fuels is taking a toll for the worst on earth and our very existence. The recent news, like heat waves in Canada and the USA¹, forest fires in Siberia², flooding in Germany³ have not only shocked us all but made us realize that climate change is not only very real but is disastrous as well. The world has understood the need for a quick change and people are talking about climate change more seriously, world leaders are making more commitments towards climate change, but one must wonder is it all talk and no action?

II. OBSERVATIONS

Climate change is something that needs to be dealt with on an international level while a single country taking action against it can make a significant change but, its prevention or the mitigation of the damage caused by it can only be brought about by a co-ordinated and swift global action. Often to achieve this action world leaders have convened for climate summits or have started ensuring it is a topic of discussion at every major global summit like G 20, ASEAN, etc. The first global summit on environment took place in Stockholm in the year 1979 wherein the world recognized the need to combat climate change and made declarations to fight the climate change together. Although there have been several such summits since then sadly we haven't come as far as one would have hoped in fighting what seems to be the biggest emergency mankind will ever face. The Stockholm conference was hailed as the first Earth Summit as it made a declaration which laid down broad guidelines and goals that the States must achieve to control or prevent climate control, sadly 42 years later the speed of working

¹ Author is a student at MIT WPU School of Law, Pune, India.

towards those goals has been slow and the achievements have been meager at best. Year after year despite many summits the same promises are made but they often lack in being acted upon, for example in the last G-7 summit held in June 2021, the countries simply reaffirmed on their promise in 2009 to pledge 100 billion dollars to help developing countries move to environmental sustainability, and many activists were not satisfied with the announcement⁴. After the recent report submitted by the UN Intergovernmental Panel on Climate Change even the Secretary General of the UN warned that the report was nothing short of ‘**code red**’ for humanity⁵.

So, one might ask if there is such real concern for the planet why aren’t the necessary steps being taken to meet those targets and guidelines set out in the various climate summits? There are various answers to this question. For this let us dive down into the details of the Kyoto Protocol on Climate Change which was hailed to be one of the most important international agreements ever reached on the subject of climate change⁶. It is true that the Protocol made it binding on the countries to work on working together to solve the issue of climate change by vowing to cut emissions made by them as is stated under Article 3 of the Kyoto Protocol yet then where did the protocol fall short? For starters the protocol was only binding on the countries put under Annex B which were only developed countries, meaning all developing countries which account for more than 60% of the total countries that make up the world were left out of the protocol and hence were not bound by it. Furthermore, two of the largest parties to the protocol the United States of America and Canada refused to ratify the Protocol and didn’t meet the targets assigned them.

Another shortcoming was the fact that all countries were free to choose the year from which they wished to be evaluated from along with the emission target they wished to set for themselves, this allowed countries to set comfortable targets and evaluation periods for themselves. All these shortcomings, were coupled with the shocking clause under Article 3 clause 14 which stated that if any country fails to meet its emission target then the difference between the achieved amount and to be achieved amount shall be added to the next evaluation period at such party’s request, this meant that there was no penalty on the countries if they fail to meet the emission targets they themselves set and can simply push their responsibility onto the next evaluation period.

Sadly, these shortcomings have today caused the Kyoto Protocol to only become a relic of the past and the only achievement of it that is remembered is that it was one of the first bilateral binding agreements on climate change. Years went by, and we came onto the Paris Climate Agreement which was the successor to the Kyoto Protocol and there are only two faults of the

Kyoto protocol on which the Paris Climate agreement worked upon that is, it included developing countries and held a universal evaluation period. It also made it mandatory for developed countries to help developing nations to transition to a sustainable development. However, the seriously important issues of slow ratification by countries and no penalty or sanctions system for defaulting countries make the Paris agreement look like a drop of water on a hot stone. Is it too little too late? As per Climate change tracker and the latest report submitted by the International Panel on Climate Change only the countries of Morocco and Gambia are on track to meet the target set by the Paris Agreement of keeping temp increase below 1.5 degrees Celsius whereas all other countries including the E.U are on track to making a 3-degree increase⁷. The report doesn't have any positive changes to talk about but only one bitter sad truth to report that we are consistently failing to act on the biggest danger upon us and that is climate change.

In my opinion there can be the following changes to international law to act on climate change, first especially for agreements in relation to climate change countries should adopt a monist approach and not dualist approach and the countries should bind themselves by signing and not by slowly ratifying the agreement in their legislatures, countries should be flexible in this regard implement the new guidelines set by the agreements and not spend years passing bills through their respective legislatures.

Next, can we envisage a World Environment Organization? While it is true that the United Nations Environment Program exists it also cannot be denied that the Organization can only advise or suggest and is not powerful. We need a powerful organization like the WTO which

¹The Visual Journalism Team, US-Canada Heatwave: Visual guide to the Causes, BBC, (09th August, 2021, 11:00 AM), <https://www.bbc.com/news/world-us-canada-57665715>.

²Andrew Roth, 'Everything is on fire: Siberia hit by unprecedented burning, the Guardian, (09th August, 2021, 11:30 AM), <https://www.theguardian.com/world/2021/jul/20/everything-is-on-fire-siberia-hit-by-unprecedented-burning>.

³Alice Cuddy, Germany floods: How a country was taken by surprise, BBC, (9th August, 2021, 11:40 AM), <https://www.bbc.com/news/world-europe-57867773>.

⁴G-7 summit: Leaders pledge climate action but disappoint activists, BBC, (10th August, 12:30 PM), <https://www.bbc.com/news/world-57461670>.

⁵Kevin O'Sullivan, 'Code red for humanity': UN Secretary General responds to climate report, The Irish Times (9th August, 2021, 12:00 PM), <https://www.irishtimes.com/news/environment/code-red-for-humanity-un-secretary-general-responds-to-climate-report-1.4642695>.

⁶Kyoto Protocol, United Nations, (09th August, 2021, 12:30 PM), <https://unfccc.int/sites/default/files/resource/docs/cop3/107a01.pdf>.

⁷Climate Change Tracker, (10th August, 11:00 AM), <https://climateactiontracker.org/countries/>.

⁸ Andrew MacAskill, Britain to ban all new diesel and petrol heavy goods vehicles from 2040, Reuters, (10th August, 2021, 12:00 PM), <https://www.reuters.com/business/aerospace-defense/britain-ban-all-new-diesel-petrol-heavy-goods-vehicles-2040-2021-07-13/>.

⁹Brianne West, Protecting 30 Percent of the Oceans by 2030- what can you do to make it happen, Stuff, (30th August, 2021, 11:50 PM), <https://www.stuff.co.nz/environment/climate-news/300374470/protecting-30-percent-of-the-oceans-by-2030--what-can-you-do-to-help-make-it-happen>.

can not only act as a permanent platform for countries to raise issues with regards to climate change but also hold countries responsible towards their climate change targets. It is high time that countries have some kind of penalty, sanctions or fine that they face for not achieving the targets they themselves set for them. Furthermore, just like the UNSC this organization's decisions should be full, final and binding on all UN members. Furthermore, the organization's representatives shall have unrestricted access when it comes to evaluation of countries performance with regards to their emission targets including the power to investigate in person.

III. CONCLUSION

While this Organization may sound too powerful sadly we need the UN to come up with something like this, we don't need more talks on more ambitious targets which we fail to meet we need to think of action plans that help us achieve our old targets first. Dilly dallying and waiting for each country to make up its mind at its own sweet pace is not something that we as humanity can afford. It shouldn't be a choice when it comes to a choice between development and saving the planet as every natural disaster that happened took away millions of dollars of that very same development. Countries should force the corporate sector to go green like the UK did by ordering a ban on manufacture and usage of heavy goods vehicles running on fossil fuels by the year 2040⁸. Cutting emissions is just the start of the solution, overfishing is also a threat to our world that has gone largely unnoticed, with no comprehensive international agreement to control fishing in the oceans, entire eco systems in the oceans are dying which may cause the oceans' capacity to reduce carbon and absorb heat in the atmosphere to collapse⁹. Problems like these also require a swift global action and it is high time that summits are not just places of talks but of action as well. In the end, we humans must realize this is not about saving the planet it is about saving ourselves because we the creators of this problem shall also be its worst victims and pray then we shouldn't look at ourselves and ask the all-important question, **'Why didn't we do anything to stop this?'**
