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Discerning the Multilateral Approach towards Sustainable Development: Paris Agreement vis-à-vis Climate Change

MANASWI¹ AND YASHASWI²

ABSTRACT

One of the important principles of international environmental law is sustainable development. Like the notion of common but differentiated responsibilities and respective capabilities (CBDRRC), the concept of sustainable development is concerned with the relationship between environmental and developmental considerations. The Brundtland Commission has defined the term sustainable development as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’. The Rio Declaration uses the term ‘sustainable development’ in twelve of its twenty-seven principles. But the precise content and contours of this basic concept remains elusive. Rather offer a definition, the declaration outlines various elements of sustainable development. The Paris agreement is a clear indication that our global policy makers and stakeholders of global sustainable development are determined to mitigate the inevitable climate disaster and accelerate sustainable development for the benefit of the people and the planet. One important element is that development, while essential, must remain within the carrying capacity of the environment and, therefore, that environmental protection must be part of development process. The article precisely explores these multilateral facets of sustainable development goals.

Keywords: Paris Agreement, Climate Change, Sustainable Development, environmental protection, sustainable development.

I. INTRODUCTION

The year 2015 will be remembered for two landmark international events: the historic climate change agreement under the UN Framework Convention on Climate Change (UNFCCC) in Paris in December 2015 and the adoption of the Sustainable Development Goals in September 2015.³ The Paris Agreement on Climate Change is a ‘monumental triumph’ in international climate change law and policy. After nearly seventeen years of stalemate, 197 Parties to the

¹ Author is an Assistant Professor at Chotanagpur Law College, Ranchi, Jharkhand, India.

² Author is an Advocate at Jharkhand High Court, Ranchi, India

³ Available at: <https://www.un.org/en/conferences/environment>.

UN Framework Convention on Climate Change concluded a new international agreement at the 21st Conference of the Parties to the UNFCCC (COP21) in Paris on 12 December 2015. The Treaty aims to strengthen the global response to the threat of climate change in the context of sustainable development. It represents a confirmation that the international community will continue to approach climate change multilaterally. One of the main focus of the agreement is to hold the increase in the global average temperature to well below 2°C above pre- industrial level and on driving efforts to limit it even further to 1.5°C. The Paris Agreement sets a roadmap for all nations in the world to take actions against climate change in the post-2020 period. One of the important principles of international environmental law is sustainable development. Like the notion of common but differentiated responsibilities and respective capabilities (CBDRRC), the concept of sustainable development is concerned with the relationship between environmental and developmental considerations.⁴ The Brundtland Commission has defined the term sustainable development as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.⁵

The Rio Declaration uses the term ‘sustainable development’ in twelve of its twenty-seven principles. But the precise content and contours of this basic concept remains elusive. Rather offer a definition, the declaration outlines various elements of sustainable development. One important element is that development, while essential, must remain within the carrying capacity of the environment and, therefore, that environmental protection must be part of development process.⁶ On 25th September 2015, countries adopted a set of goals to end poverty, protect the planet and ensure prosperity for all as part of a new sustainable development agenda. Each goal has specific targets to be achieved over the next 15 years. The Millennium Development Goals (MDG) that were in place from 2000 to 2015 were replaced by the Sustainable Development Goals (SDG) with the aim of guiding the international community and national governments on a pathway towards sustainable development for the next fifteen years. A new set of 17 SDGs and 169 targets were adopted by the world governments in 2015. Goal 13 specifically provides that world community should take urgent action to combat climate change and its impacts.⁷

⁴ Daniel Bodansky, Jutta Brunnée, and Lavanya Rajamani, *International Climate Change Law*, (Oxford University Press, 2017) pp. 53-54.

⁵ World Commission on Environment and Development, *Our Common Future*(Oxford University Press, 1987) p. 43

⁶ *Supra* note 3

⁷ Sustainable Development Goals <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> accessed on 02 January 2018

II. CLIMATE CHANGE: GREATEST THREAT TO SUSTAINABLE DEVELOPMENT

Climate change is the most important challenge to achieving sustainable development, and it threatens to drag millions of people into poverty. The Intergovernmental Panel on Climate Change (IPCC) has noted, from 1880 to 2012, average global temperatures increased by 0.85°C.⁸ Global emissions of carbon dioxide (CO₂) have increased by almost 50 per cent since 1990, and emissions grew more quickly between 2000 and 2010 than in each of the three previous decades.⁹ Developing countries will suffer most from the effects of climate change. Their economies are more dependent on natural resources, such as agriculture, forestry and fisheries, and they often lack the infrastructure, the financing and capacity to adapt to a changing climate.

Climate change has been rising on the political agenda. Climate change involves all three dimensions of sustainable development: the economic, the environmental and the social dimension. Addressing this challenge demands a long-term perspective on how our actions today will affect the lives of our children, and it also demands a dialogue with all stakeholders involved in order to reach viable solutions.¹⁰ The prevention of dangerous global warming requires the reduction and limitation of emissions of greenhouse gases. The international response to climate change began at the Rio Earth Summit in 1992, where the UN Framework on Climate Change (UNFCCC) was adopted. This convention set out a framework for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference with the climate system.” In 1997 Kyoto Protocol supplemented the framework laid out in UNFCCC, by establishing internationally negotiated, legally binding emission targets for Annex I parties.

III. PARIS AGREEMENT ON CLIMATE CHANGE

The Paris Agreement marks a historic moment in the international climate change negotiation. It signifies that the international community will continue to approach climate change multilaterally. This universal agreement will succeed the Kyoto Protocol. Unlike the Kyoto Protocol, it provides a framework for all countries to take action against climate change. Placing emphasis on concepts like climate justice and sustainable lifestyles, the Paris

⁸ Intergovernmental Panel on Climate Change, ‘Climate Change 2014 Synthesis Report’ <https://www.ipcc.ch/> accessed on 3 January 2018

⁹ Ibid

¹⁰ Keynote Speech by Angel Gurría, OECD Secretary-General, Seminar on “Sustainable Development and Climate Change: International and National Perspectives” < <http://www.oecd.org/newsroom/seminaronsustainabledevelopmentandclimatechangeinternationalandnationalperspectives.htm/>> accessed on 03 January 2018

Agreement for the first time brings together all nations for a common concern under the UNFCCC. The Paris Agreement sets an ambitious direction for the climate regime and it also establishes a common transparency and accountability framework. The Paris Agreement comprises of 29 Articles and it covers all the crucial areas recognized as essential for a comprehensive and balanced agreement, including mitigation, adaptation, loss and damage, finance, technology development and transfer, capacity building and transparency of action and support. The Paris Agreement provides a remarkably strong basis for future global action on climate change.

The Paris Agreement prescribes a multilateral framework for taking action on climate change in the post-2020 period. It recognizes that developed countries are responsible for the cumulative historic stock of greenhouse gases (GHGs) in the atmosphere and therefore must take the lead in climate actions and also provide financial, technological and capacity building support to developing countries with respect to both mitigation and adaptation. The imperative would be to ensure that UNFCCC and Paris Agreement continue to take cognizance of the fact that developing countries have unique vulnerabilities, special circumstances, and development priorities like eradication of poverty, food security, energy access etc.¹¹ There is no question about the Paris Agreement's legal force under international law. After entry into force by 2020, the agreement will be a legally binding multilateral treaty within the meaning of the Vienna Convention on the Law of Treaties. The agreement's provisions on signature, ratification and entry into force, remove any doubt about the intent of the parties to the agreement to be bound under, and hence governed by, international law.¹²

The focus of the Paris Agreement is on a process for achieving the well below 2°C target. Key to that process is the bottom up submission by parties of “Nationally Determined Contributions” (NDCs).¹³ NDCs are high level policy plans setting out what approach each country will take to reduce emissions and contribute to the global well below 2°C goal. The Paris Agreement requires that when countries submit their longer term NDCs, they ensure that the revised commitments reflect the “highest possible ambition”.¹⁴ Each NDC is also to be revised every five years “with a view to enhancing the level of ambition”.¹⁵

¹¹ Climate Change, Sustainable Development and Energy, Economic Survey 2016-17, Volume 2, p. 119

¹² Ladan, Muhammed Tawfiq, Review of the Paris Agreement: The Heart of the Post-2020 International Legal Regime on Climate Change and its Implications for Sustainable Development Goals and the Energy Sector <<https://ssrn.com/abstract=2814652>> accessed on 03 January 2018.

¹³ Article 4

¹⁴ Article 4(3)

¹⁵ Supra note 11

IV. PARIS AGREEMENT AND SUSTAINABLE DEVELOPMENT GOALS

The Paris Agreement is a complimentary mechanism to the SDG's goals that addresses climate change. The SDGs were arrived at through a unique global process, centring on an open working group of member states and consultation with a broad range of stakeholders. The text was subsequently agreed on by all UN member states in the General Assembly in September 2015. While the 2030 Agenda is global in its ambition and universally applicable, it is up to countries to decide how to implement it, and how to prioritize goals and targets, depending on national needs and ambitions. They are free to set up their own national and sub national implementation structures and plans. Countries are also encouraged to work in partnership to learn and assist each other.¹⁶

The SDGs aim at tackling key systemic barriers to sustainable development, such as poverty, inequality, unsustainable consumption and production patterns, inadequate infrastructure, climate change and lack of decent jobs. The SDGs provide useful guidance for shaping law, policy and practice for implementation of effective and ambitious climate change action. Tackling climate change and fostering sustainable development are two mutually reinforcing sides of the same coin. Sustainable Development cannot be achieved without climate action, as many of the SDGs are actually addressing the core drivers of climate.¹⁷

The 17 SDG's are global agenda intended to guide action that balances human needs with environment protection. The problem of climate change can be addressed by SDG's and, if unaddressed, will cause new ones. The coordination between the Paris Agreement and SDG's can achieve the targets necessary to keep the global temperature low enough that society can correct the inequalities that burden our world. The Paris Agreement is an ambitious climate agreement that is critical to achieve the SDGs by 2030. It apparently provides a clear policy framework and legal basis for action on climate change.

V. CONCLUSION

The world is facing the challenge of sustaining its economic growth while dealing with the global threat of climate change. Climate change impacts are part of the larger question of how complex social, economic, and environmental sub-systems interact and shape prospects for sustainable development. The solution to this problem lies in a multilateral action which is positive, constructive and forward looking under the United Nations Framework Convention

¹⁶ Exploring connections between the Paris Agreement and the 2030 Agenda for Sustainable Development, Stockholm Environment Institute < <https://www.sei-international.org/mediamanager/documents/Publications/SEI-PB-2017-NDC-SDG-Connections.pdf> > accessed on 05 January 2018.

¹⁷ Supra note 12

on Climate Change. The Paris Agreement is an important step in the right direction. The world has realized and is completely convinced that climate change is affecting global health, poverty, food security, and national and global security.

The Paris agreement is a clear indication that our global policy makers and stakeholders of global sustainable development are determined to mitigate the inevitable climate disaster and accelerate sustainable development for the benefit of the people and the planet. The Paris agreement contains ambitious goals, extensive obligations and comparatively rigorous oversight. Taking into account SDG commitments can help countries to ensure that climate actions promote wider social, economic and environmental ambitions. It is now up to the individual countries to adopt concrete mitigation and adaptation measures. If all the stakeholders of global sustainable development proceed with their respective tasks for the achievement of SDGs, then we will certainly accomplish them in time which will help to improve the lives of people and to build a better and safer future with no one left behind.
