
International Politics of Climate Change: A Study of Issues and Challenges

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ABSTRACT

The problem of Climate Change has become an enormous political and policy issue, at the same time it is also a conceptual and deliberative challenge. Global temperature is increasing day by day because of human caused greenhouse gases (GHG) emissions, and this warming is affecting both nature and human wellbeing. There is an urgent need to address the problem of climate change with all its related issues. While international environmental law has achieved notable successes and International legal programs to deal with climate change are already well underway. Indian climate politics continues to be focused on climate change as a foreign policy concern, and centred on climate negotiations; in a manner that is consistent with India's development needs and foreign policy concerns. The present paper explores the international climate change politics; negotiation process and domestic policy. It also investigates the issues of fairness and equity in the international climate change law and policy.

1. INTRODUCTION

Climate change has become the greatest environmental threat, facing humanity. Scientific evidence proves that human activities have been contributing to substantial increases in the atmospheric concentrations of greenhouse gases. The Intergovernmental Panel on Climate Change (IPCC) defines climate change as 'any changes in climate over time, whether due to natural variability or as a result of human activity'. The IPCC worked on various issues relating to climate change such as; assessing scientific information related to the various aspects of climate change; assessing the environmental, economic and social impacts of climate change and formulation of strategies for the management of global climate change. The Second World Climate Conference focused further consideration on climate change in 1990. The world's climate is changing and it will keep on changing all through the 21st century and beyond. Rising temperatures and other changes are already affecting many aspects of human society and the natural world. Climate change is changing eco systems on a remarkable scale. Further, the climate change crisis will cause increased floods, droughts, storms and sea-level rise leading to starvation, increases in the range and spread of diseases exacerbating current health problems, further water scarcity and massive displacement- affecting the right to food, health,

subsistence, and the right to life for people around the world.

Climate change is not just an environmental issue, but is fast becoming the greatest human rights challenge of our time. The worst effects of climate change and associated human rights violations, however, can be prevented. The science of what is expected to prevent dangerous climate change is clear. The global temperature rise must keep as far below 2°C as possible compared to pre-industrial levels. As recognized by the United Nations Framework Convention on Climate Change (UNFCCC), UN Human Rights Council and numerous scientific bodies and governments, the impacts of climate change - as well as the responses taken to address climate change - are already affecting the enjoyment of fundamental, internationally recognized human rights. The climate crisis will lead to rising sea levels, thereby, causing the displacement of millions of people from their homes and means of making a living. For example, in the Indian subcontinent, if global temperature rises to 4-5°C, rising sea level and drought will displace about 125 million migrants from Bangladesh and other coastal areas. Thus, Climate change is a serious challenge for developing countries like India that face substantial climate changeability and are exposed to enhanced dangers from climate change. Climate change will also significantly

impact the economic growth and social development of India.

The present paper is an attempt to highlight the international climate change politics; negotiation process, issues of fairness and equity in the international climate change law, domestic policy framework and development.

2. RESEARCH METHODOLOGY

The research methodology followed in this work is purely doctrinal and does not involve any empirical approach. The major portions of sources for the completion of this study are taken from secondary sources such as the books on subject, newspaper articles, periodicals, internet sites. The paper has been mainly based on the authoritative texts on the United Nations Framework Convention on Climate Change. Besides, other important International Treaties, Conventions and Protocols have also taken into consideration for completion of this work.

3. INTERNATIONAL LEGAL FRAMEWORK ON CLIMATE CHANGE

The United Nations recognised the problem of climate change and adopted UNFCCC to address the issue of climate change on the worldwide level. It entered into force on 21 March 1994. As of October 2016, there are 197 Parties (196 States and 1 regional economic integration organization) to the UNFCCC. The scientific community frequently provides comprehensive and government affirmed assessment reports on climate change under the IPCC. These assessment reports exhibit mounting scientific evidence of a global climate crisis resulting in the increase of weather extremes, for example, droughts and floods caused by changing climate patterns. Evidence presented by the IPCC demonstrates that the human effect on the planet over the past two centuries led to environmental degradation and atmospheric modification that result in climatic changes and loss of biodiversity with irreversible patterns. Natural and social researchers concur that mankind is entering another age named the *Anthropocene*, in which human impact has become so significant that it results in “unacceptable environmental and social change”. This contribution examines the condition of international climate change politics in 2012.

In 1997 governments agreed on the Kyoto Protocol as the first global climate treaty requiring industrialized countries to reduce their greenhouse gas emissions by a total of 5 percent over the 5 year period from 2008-2012 based on their 1990 emissions. The Kyoto Protocol had various shortcomings and these are; the early expiration

date, the US withdrew its participation and the path-dependent agreement to only account for the emissions of countries considered as industrialised countries in the early 1990s, the so-called Annex-1 countries. This way reliance makes it difficult to consider the significant emitters of greenhouse gases of the 21st century; for examples, in 2010 China represented for 29 percent and India for 6 percent of global emissions, while the EU-27, Russia and Japan, as the three major actors covered under the Kyoto Protocol, joined record for just 20 percent of global emissions.

Given the lapse date of the Kyoto Protocol, nations agreed in the 2007 Bali Roadmap to negotiate a post-2012 climate agreement until the 15th Conference of the Parties (COP-15) to be held in December 2009 in Copenhagen. In Bali Action Plan, all developed country Parties consented to quantified emission limitation and reduction objectives, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances. Developing nation Parties concurred to “Nationally Appropriate Mitigation Actions (NAMAs) context of sustainable development, supported and empowered by technology, financing and capacity-building, in a measurable, reportable and verifiable manner.” Many parts of the Copenhagen Accord were brought into the formal UNFCCC process as part of the Cancun agreements. The 2010 Cancun Agreement fortified the substance of the Copenhagen Accords. These mark the initial steps on the way towards a global climate design that includes both developed and developing countries and in this way signals a departure from the selective Kyoto Protocol approach of setting the sole responsibility for mitigation on the industrialised countries’ shoulders. States agreed for the first time that global temperature increase is to be kept below 2°C and that all, even the developing countries, should contribute to achieving this objective, within the limits of common but differentiated responsibilities, by nationally appropriate mitigation activities and stronger action on forests. To accomplish this target, industrialised countries provide financial assistance by means of the Global Climate Fund; encourage the transfer of low carbon technologies and support capacity-building. Therefore, a patchwork of different mitigation and adaptation efforts is emerging referred to as climate regime complex or as building block of diffuse, disintegrated individual actions setting humanity on an emission trajectory towards 3-5 degree temperature increases by the end of the 21st century. The 2011 negotiations in Durban, South Africa resulted in a second commitment period of the Kyoto Protocol (however, without the participation of the United States, Canada and Japan)

and the “Durban Platform on Enhanced Action”. This was made conceivable by the European Union that consented to a second commitment period of the Kyoto Protocol – the major demand of the G77 developing countries – in exchange for India, China and the United States agreeing to negotiate a subsequent treaty by 2015 producing results in 2020, which includes all major emitters of greenhouse gases.

The international climate politics and negotiations have too long been viewed as an unsolvable problem in a deadlock circumstance, particularly after the apparent disappointment of the Copenhagen summit. Eventually, this study comes at an important juncture in international climate diplomacy, as on 12 December 2015 in a historic accord to end COP 21 in Paris, 195 nations approved a deal to keep global temperature rise below 2 degree Celsius. According to the UNFCCC, pledges from the 148 countries to cut GHGs by 2030 are inefficient to limit global warming to 2°C above pre-industrial levels. Thus, the Paris Agreement on climate change marks a milestone in preserving the earth’s temperature and provides a floor on which to ambition and action. The Paris Agreement was opened for signature on 22 April 2016 at a high-level signature ceremony convened by the Secretary General in New York. The Agreement will enter into force on 4 November 2016, thirty days after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 % of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession with the Depositary. Presently, there are 191 signatories to the Paris Agreement. Of these, 74 Parties to the Convention have also deposited their instruments of ratification, acceptance or approval. A total of 58.82 % of the total global greenhouse gas emissions has been achieved. The latest instrument of ratification was received on 5 October 2016.

4 ISSUES AND CHALLENGES IN CONTEMPORARY GLOBAL CLIMATE CRISIS

There are number of issues and challenges at international and national levels faced by the parties to UNFCCC, while addressing the global climate change problem. For the purpose of convenience of study, the following points are discussed as below;

4.1. Equity and Fairness in negotiation on global climate change law and policy framework

The issue of equity in assigning state obligations to mitigate climate change and help in climate adaptation has come to the forefront of global climate change negotiations and the adopting legal framework. The principle of “Common but

Differentiated Responsibilities” (CBDR), as specified in Principle 7 of the Rio Declaration on Environment and Development and in Article 3 of the UNFCCC envisages these equity dimensions. It recognizes common responsibilities shared by all States for protecting the global environment, the need to consider the varying levels of historical and present contributions to the climate change problem, and States’ differing capacities to respond to climate change effects. The substance of this principle has turned into a profoundly contested battleground in climate negotiations, especially between developed and developing nations. As the ultimate objective of UNFCCC and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. Fairness claims and discourse are a main part of the climate change regime. For as far back as a quarter century, developing countries contended for equity, framed as reasonable distribution of the Earth’s capacity to absorb human greenhouse gases. However, position has remained to a great extent a political stance, instead of a basis of for discourse in negotiations. The UNFCCC, which is the multilateral reason for action to combat climate change, itself, assigns a prominent place to equity. Therefore, it is desirable to enhance our comprehension of the dimensions and application of fairness concepts in climate negotiations. Understanding fairness in climate change is all the more essential as negotiators, policy makers, and supporters turn to consider extending and expanding the climate change regime after the end of the first commitment period of the Kyoto Protocol in 2012. Fairness can be expected to come to the fore even more in light of the fact that the future phases of the international effort to battle climate change will require some form of GHG control for all countries, not only the group of industrialized countries covered under the Kyoto Protocol. Questions of equity and fairness are very crucial to the challenge of tackling global climate change. The unpredictability of the question emerges from the global and long term nature of the issue. Some observers have argued that questions of fairness are of secondary, largely rhetorical significance: willingness to pay is what matters. Such perspectives develop from a realist point of view on the relations between states and scepticism about international law.

The way that UNFCCC came into force three years after the fact in 1994, is the foundation of the global response to climate change. The agreement itself set no binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. In that sense, the treaty is considered legally non-binding. Instead, the treaty provides a framework for negotiating specific international treaties that may set binding limits on greenhouse gases. Thus, it does not contain binding emission targets. For this reason, nations initiated a negotiating process that culminated in the adoption of the Kyoto Protocol in 1997. The Protocol, which entered into force in February 2005, commits industrialized countries to reduce their GHG emissions by an average of 5.2 percent from 1990 levels during the first commitment period from 2008 to 2012.

The discourse on fairness is woven into the political process of the climate change regime. It has been observed that international environmental negotiations among developing countries have regularly cast their contentions in terms of justice and fairness. Developing countries have viewed climate change with regards to their economic and social development. Imposing limits on their growth is regarded as unfair, given that they have not yet accomplished the level of development of industrialized countries. Therefore, Developing countries do not want to be held responsible for remedying a problem largely not of their making. Accordingly, they emphasize industrialized countries' dominant share of cumulative carbon dioxide emissions 76 percent. Meanwhile, 140 countries are responsible for only 10 percent of annual emissions. The argument from historical responsibility has evident attractions in the international climate change discourse. At face value, essential ideas of fairness appear to propose that the main contributors to a problem should be the ones carrying out abatement.

The UNFCCC also addresses issues of equity and solidarity, providing that vulnerable countries, especially Small Island Developing States and Least Developed Countries (LDCs), because some countries are more vulnerable and less ready to take adaptive measures than others, and should be helped in adapting to the adverse impacts of climate change. Due to their vulnerability to climate impacts, over the long term, LDCs stand to gain from stringent emission limitations by major emitters. In fact, the individual and total GHG emissions of this group of countries are almost negligible. The issue is even more pressing for small Island countries and have been the most vocal in calling for strict emission limitations. And their claim for fairness is directly or indirectly based on the existential

threat posed by climate change. They have enhanced their own bargaining power by using hard and soft strategies. The evolving negotiating strategies in Russia, India and the Association of Small Island States (AOSIS) have been examined in this special issue in order to focus on the current hurdles and opportunities in the negotiation process and to analyse the changing country and coalition techniques and strategies.

The above negotiations take place between state actors and within the scope of the law of treaties and the formal rules of procedure that operate within the UN system, the analysis also make use of the relevant legal literature. It is contended that a fundamental problem in climate change negotiations has been disagreement about the principles assign to allocate responsibility between nations. This difference needs to be confronted and dealt with if any progress is to be made in the climate change negotiations. Thus, Climate change law is a new and rapidly developing area of law.

4.2. Climate Change and Development

As discussed earlier, developing countries have seen climate change with regards to their economic and social development. Imposing limits on their development is viewed as out of line, given that they have not yet accomplished the level of development of industrialized nations. While not discounting supposed cleaner types of improvement, they don't wish to manage any extra cost, especially when the developed countries accomplished their status with few, assuming any, environmental constraints. From the point of view of creating nations, the guarantee of these arrangements has not been satisfied. And Developing countries do not want to be held responsible for remedying a problem largely not of their making. At Berlin, Cancun and Durban, the development needs of developing country parties were repeated. For instance, the Durban Platform reaffirms that social and economic development and poverty eradication are the first and abrogating needs of developing country Parties, and that a low-emission development strategy is a key to sustainable development, and that the share of global emissions originating in developing countries will grow to meet their social and development needs. At the G20 inaugural session in Antalya (Turkey), On November 15, 2015 it was said that India has anticipated a solid result at the Paris conference on climate talks within the framework of UN convention on climate change that should have an appropriate balance of collective action: equity and common but differentiated responsibility and respective capabilities. Further, it declared that while it had 'ambitious' plans for addressing the challenges of climate change, it did not see

development and climate change as a competing objectives.

By a few assessments, emissions from developing countries of carbon dioxide, the most important GHG, will in the next decade exceed the share from industrialized countries. Developed countries contend that reduction measures therefore are only meaningful if developing countries are set up to trim their emissions. In turn, developing countries look forward, battling that they should not to bear the burden of abatement at this basic stage in their development. They point also to the historical responsibility of the developed countries, invoking the polluter pays principle. Small islands and other especially helpless developing countries seek to emphasize worldwide solidarity and fairness when pressing claims for assistance to adapt to the unfavourable effects of climate change. These are just a portion of the issues weaved in the debate on climate change that lead, directly or indirectly, to the question of fairness. As Climate change comes from the exercises at the very heart of our economies and lifestyle. Around 85 per cent of world energy is supplied from fossil fuels. Altogether, carbon dioxide from the burning of fossil fuels is responsible for more than half of all GHG outflows; approximately another quarter originate from carbon dioxide discharged during the time spent deforestation and from different gasses discharged from agricultural and other activities. Numerous environmental issues originate from human activity, but none relate so directly to the driving force of modern economies.

4.3. Domestic politics and Climate Change

India's emissions are ranked the third highest in the world today but as a developing economy whose industrial process began only in the latter half of 20th century, it does not bear historical responsibility for emission reduction targets. Further, India's contribution to the combined global CO₂ emissions is just 5 per cent. India is a party to both the UNFCCC and the Kyoto Protocol. Although neither the Protocol nor UNFCCC obligate India to check its greenhouse gas emissions, the administration is undertaking several voluntary measures to curb its emissions. As a developing country, India has no binding emissions limits under the Protocol. India is an active participant in the Clean Development Mechanisms (CDM) established under the Protocol. Over several decades India has pursued policies and publicly funded programs focused on energy conservation and deployment of renewable energy technologies. This has been backed by legislation, regulation and tariffs arrangements. India has pledged to reduce the emissions intensity of its GDP by 20-25% below 2005 by 2025.

Much of Indian climate politics continues to be focused on climate change as a foreign policy concern, and focused on climate negotiations. The long-held Indian negotiating position has contended that India cannot sensibly be interpreted as a 'major emitter' of GHG, that equity contemplations should frame the foundation of a global climate regime, and subsequently, that Indian domestic policy should a great extent be offended from the prerequisite of climate negotiation. Instability over the international negotiations process also leads sustainable development realists to control their dynamic nature to forcefully advance a local co-advantage plan. The most facilitators of this move is the confining of India's domestic climate policy within the structure of 'co-benefits'. Initially brought into policy discourse through the National Action Plan on Climate Change, co-benefits are 'measures that promote our development objectives while also yielding co-benefit for addressing climate change effectively.' The prioritization is deliberate and unequivocal: development objectives are primary and climate change is secondary co-benefit. Most vital, a co-benefit approach is consistent with India's core negotiation principle of 'common but differentiated responsibility and respective capacities'. It permits exploration of domestic policy changes, but in manner that is driven by domestic development objectives. The challenges ahead for sustainable development advocates; whether of the realists or internationalists sort, is to deepen and operationalize the concept of climate co-benefits, and work it into a broader political vision of a sustainable and inclusive society? Only such broad vision can be effectively brings climate change closer India's political standard.

In India, the climate change debate has firmly been joined. While North-South parts of climate equity have dominated the Indian discourse, but the presentation of intra-country equity across income classes- 'the Hiding behind the Poor' debate- as a significant new development in Indian climate change politics. Since 2007, the Indian Parliament has witnessed many and heated debates over what India's role should be in the global climate negotiations. In the last couple of years, climate change concerns have turned out to be more standard, to some degree driven by the growing attention to national policies in the global negotiations. Accordingly, enthusiasm for climate change has broadened, as policy makers, journalists, business leaders and civil society activists all try to comprehend what climate change implies for their areas of focus. From various perspectives, the debate has shifted from whether to engage with climate change, to how to do so in a manner that is

consistent with India's development needs and foreign policy concerns.

Climate change is an enormous political and policy issue, at the same time, it involves a conceptual and deliberative challenge. Diverse frames for climate change can prompt distinctive political and policy solutions. Remarkably, environment versus development frames of the problem, which frequently guide to northern versus southern perspectives, give altogether different political and policy focuses. As far as degree, it covers both the worldwide negotiation process and domestic policy and politics. The international negotiations process has dominated the previous decade and a half of climate debate. The following, Copenhagen (2009) and Cancun (2010) climate negotiations, the global regime seems to be moving relentlessly toward discovering methods for recognizing, sanctifying and accounting for national actions, instead of driving national change through international agreement in spite of the fact that there is savage contradiction in the global debate on whether this good or bad result. However, paying attention to domestic policy goes beyond a perusing of tea leaves on the course of the global regime. Eventually, policies addressing climate change have to be internalised within national political economies and institutionalized within national laws, policies and regulations, in a way consistent with domestic politics and aspirations. In Paris conference on climate talks within the framework of UN convention on climate change, India has followed the principles of equity and common but differentiated responsibility and respective capabilities. Further, it affirmed that while India had 'ambitious' plans for addressing the challenges of climate change, it did not find development and climate change as a competing objectives. Thus, it is important for India to adhere to the principle of common but differentiated responsibility in its negotiations and to take forward the concept of equalising per capita emissions of countries proposed by the Prime Minister of India. On 2 October 2016, India ratified the Paris Agreement on Climate Change by depositing the instrument of ratification with the United Nations and it is the 62nd Country to ratify the agreement, which will enter into force one month after 55 countries that account for 55 per cent of global emissions ratify the agreement. India's decision to join, overcoming a reticence that was apparently linked to the failure to enter to the Nuclear Supplier Group, is commendable. However, India has denied the allegation that there is any link between the ratification of Paris Agreement and membership issue of Nuclear Supplier Group.

5. CONCLUSION AND SUGGESTIONS

Extreme weather are expanding because of global warming and Climate change is turning out to be progressively certain with more extraordinary events happening around the world. The issue of equity in allotting state obligations to mitigate climate change and help in climate adaptation has come to the front line of global climate change negotiations and the adopting legal framework. The principle of CBDR, as articulated in Principle 7 of the Rio Declaration on Environment and Development and Article 3 of the U.N. Framework embodies these equity aspects. It recognizes common responsibilities shared by all States for ensuring the global environment, the need to consider the varying levels of historical and present contributions to the climate change problem, and States contrasting capacities to react climate change impacts. The content of this principle has turned into a profoundly challenged battleground in climate negotiations, particularly between developed and developing countries. All developed country parties have consented to measured emission limitation and reduction objectives, while guaranteeing the equivalence of endeavours among them, considering contrasts in their national conditions as a component of the Bali Action Plan embraced in 2007. Developing country Parties agreed to nationally appropriate mitigation actions setting of sustainable development, supported and empowered by technology, financing and capacity-building, in a quantifiable, reportable and evident manner. As part of the Cancun agreements, developed and developing countries have submitted mitigation plans to the UNFCCC. These arrangements are accumulated with those made as a component of the Bali Action Plan. Thus, the 2010 Cancun Agreement strengthened the substance of the Copenhagen Accords. These mark the initial steps on the way towards a worldwide atmosphere engineering that incorporates industrialized and developing countries alike. And in this manner, signals a departure from the selective Kyoto Protocol approach of setting the sole responsibility for mitigation on the industrialised nations' shoulders. The Countries agreed that global temperature increase is to be kept below 2°C and to this end; even the developing countries should add to achieving this objective, within the breaking points of common but differentiated responsibilities, by nationally appropriate mitigation activities and stronger action on forests. To accomplish this objective, industrialised countries give financial assistance via the Global Climate Fund; facilitate the transfer of low carbon technologies and support capacity-building. From the outside point of view, it is conceivable to construe

on the present condition of climate politics that progress is slow and there is still no legally binding global agreement that dependably confines greenhouse gas emissions to safe models proposed by the IPCC, in this way climate change politics has failed. From the insider viewpoint acquainted with the UNFCCC's administration structure just prepared to do extremely steps because of national sovereignty and state's self-interest, the COP-17 result denote a break through. As on 12 December 2015 in a historic accord to end COP 21 in Paris, 195 countries affirmed an arrangement to keep global temperature rise below 2 degree Celsius. Government of India in its Intended National Determined Contribution expressed ahead of the COP-21 in Paris made a commitment to create an additional forest cover by 2030 through existing different projects. Small islands and other especially vulnerable developing countries try to stress worldwide solidarity and decency when pressing claims for help to adapt to the adverse impacts of climate change.

The following are suggestions to address and improve the problems of climate change:

- Legally restricting global agreement as per limitations prescribed and to safe standards proposed by the IPCC that reliably limits global greenhouse gas emissions.
- All countries should enact a comprehensive national legislation on climate change to address climate change problem.
- Adopt urgent and aspiring mitigation action and provide scaled-up support and resources as means of preventing the most catastrophic effects of climate change.
- Establish safeguards and accountability procedures to guarantee that climate policies are outlined, executed and monitored in a manner that protects the privileges of affected people and groups.
- It is desirable to apply the concept of equity and fairness in climate change law, policies and negotiations.
- Immediately, industrialised countries should provide different aids to developing countries like financial assistance; facilitate the transfer of low carbon technologies and support capacity-building.
- All countries should adopt the concept of sustainable development. Further, they should take steps at national level by nationally appropriate mitigation activities and extensive action on forests. For India to accomplish an extra forest cover has to implement the

existing programmes and schemes, undertaken by the Central Government and States Governments.

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