

LEGAL FRAMEWORK OF CLIMATE CHANGE AND SOCIETY

DR. PRAMOD PANDHARINATH WAGHMARE

Abstract: The paper attempt to receive legal framework of climate change in concomitance with society and its impact on climate change. Climate change is expected to affect virtually every sector of society including water resources, food production, energy use transportation and commerce, recreation and even national security while some of these effects could be beneficial, particularly in the short term, many of the impacts could be costly, for reaching and damaging to local communities and society as a whole in the long term. Climate change refers to the observed increase in the average temperature of the air near earth surface and oceans in recent decades. Each year the number of human beings increases, but the amount of natural resources within to sustain this population and to improve the quality of human life remains finite. The first world climate conference took place in 1979, but for the developing world the United Nations framework convention on climate change (UNFCCC) entered into force on 21 march 1994 the ultimate objective of the convention is to stabilize greenhouse gas concentration at a level that would prevent dangerous anthropogenic interference with the climate system.

Key words: climate change, society, UNFCCC Laws.

Introduction: The greatness of a nation and its moral progress can be judged by way people treat the Environment.

Mahatma Gandhi.

Scientific studies have shown that the global atmospheric concentrations of carbon di-oxide, methane, nitrous oxide which are important greenhouse gases, have increased markedly as a result of human activities since 1750 and now for exceeding preindustrial values.

1. Intergovernmental panel on climate change (IPCC)
 - a. The intergovernmental panel on climate change is a specialized body jointly established by the United Nations Environmental programme (UNEP) and the world meteorological organizations mandated to prepare scientific assessment on various aspect of climate change.
2. The international response to climate change
 - a. The United Nations framework convention on climate change (UNFCCC)
 - b. The UNFCCC entered into force on 21st march 1994. The object of the convention is to stabilize Green House gas concentration at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.
3. The Kyoto Protocol
 - a. The Kyoto protocol is an international agreement linked to the United nations Framework convention on climate change, which commits its parties by setting internationally binding emission reduction targets.

The Kyoto protocol was adopted in Kyoto, Japan on 11 December 1997 and entered into force on 16 February 2005. This Kyoto protocol emphasis on 1) International emission trading 2)

Clean development mechanism (CDM) 3) Joint implementation.

4. The Bali road Map
 - a. The Bali road Map was adopted on 13th conference parties at 3rd meeting of the parties in December 2007 in Bali. It carves out new negotiating process designed to tackle climate change.
5. The Copenhagen Accord
 - a. The Copenhagen Accord took place in Copenhagen, Denmark in 2009 which emphasizes that the maximum global average temperature must not increase more than 2 degree Celsius.
6. The Cancun Agreement
 - a. The Cancun agreement reached on December 11 in Cancun, Mexico at the 2010 United Nations Climate change conference. The main objective was to have:-
7. Mitigation
8. Transparency of actions
9. Technology
10. Adaptation
11. Forest
12. Capacity building
13. Finance
 - a. The objective was to also to include setting up of green climate fund to disburse \$100 billion per year by 2020 to developing countries to assist them in mitigating climate change and adopting its impact.
14. The Durban Agreement
 - a. The United nations climate change conference held at Durban in 2011. The main aim was to stabilize green house concentration in the atmosphere to prevent dangerous interference with the climate system and to preserve the right to sustainable development.

15. Doha Climate Gateway

At 2012 UN climate change conference held in Doha , Qatar. Many decisions were taken in respect of pointing down green house gases and to establish financial and technology support and sustainable growth in developing countries. To make provision about adaptation of climate change, to confer power to make scheme for providing financial incentive to produce less domestic waste.

Climate change Act 2008 (UK): An act to set target for the year 2050 for the reduction of targeted greenhouse gas emission , to provide for a system of carbon budgeting to establish a committee on climate change to confer power to establish trading scheme for the purpose of limiting green house gas emission or everything that reduce such emission or remove green house gas from the atmosphere.

Population and Society : The society is dynamic and growing in the shape of population. The continued growth in India population is creating increased pressure on natural resources and thus adversely affecting sustainable developments. Growing human population affect the environment in two ways, they consume resources that is food, wood, water, oxygen and produce waste like garbage, effluent from factories, exhaust from factories. There is no specific law in India which directly regulates the population explosion of our country.

Water Resources: Changing the weather pattern affects both the amount and quality of water resources available for dwelling irrigation, fish farming, power generation, shipping recreation, and other uses. Droughts can have similar effect in areas where water supply are already scarce.

Food Production: High temperature and extreme weather can also stress livestock causing some animals to become ill or die. Fisheries could see a loss as well particularly for fish that require cold or cool water such as salmon.

Energy use and Supply: Climate change is likely to affect the amount of energy used to heat building in the winter as well as amount of energy which is used to cool them in the summer. Increased demand for air-conditioning could stress the capacity of power plants, transmission grid and distribution system causing heat waves.

Other effects: Changing climate condition can also lead to other economic costs, for example heat waves, decreased snowfall and changing wild life habitat could adversely affect hunting, fishing, tourism, wildfires and floods could damage infrastructure such as roads, railways, airports, power grids, water supply system, and sewers resulting in expansive repair costs.

Suggestion and Recommendations:

1. The major changes are essential to deal with atmospheric pollution, resource contamination drought, intermittent rainfall, water shortage and effects of climate change.
2. Toilet technology needs to be simple and affordable, study of diversity of climate, topography, architecture and social customs that characterize India.
3. Food production, natural ecosystem, freshwater supply and health must be taken care of at highest level so as to curb the climate change.
4. The issue of population stabilization is ignored. Basically population issues and climate change are often ignored resulting in inadequate assessment of the causes and consequences of climate change. The various departments i.e. Finance, Planning, Agriculture, Energy, Environment, Industry, Education, Defense, Health, work in co-ordinate manner to curb the climate change.

Firstly there could be draft text on population and climate change. Secondly at the domestic level a comprehensive legislation on climate change is needed.

Conclusion: Conservation of natural resources, prevention of pollution and restoration of the degraded environment can not be affected universally by one and the same measures.

Thus factors influence the climate change such as 1) Industrialization 2) Excessive population. Tremendous pressure is placed upon the country land and natural resources, to support the massive population. There is national consensus that the torrential increase in the population of the country must be restricted . In the December 2015 the international conference held at Paris it was held that there must be controlling of the temperature below 2°.

References

1. Columbia law school, Sabin center for climate change law assessed on 12-04-2015.
2. Center for climate change law , Columbia law school assessed on 12-4-2015.
3. Dr. Usha Tandon, Population growth and sustainable development, Indian Bar Review, VOL 13 (1 TO 4), 2006, The Bar Council of India Trust. Page 31.
4. Prof. Usha Tondon, (2016), population growth, climate change and the law with special References to India Reported in climate change, law policy and governance Eastern Book Company, page 324
5. Environmental Law Documents volume 2 part one, International Environmental law, centre for environmental education, research and advocacy,

National law school of India University,
Bangalore, compiled by Ceera research team.

6. Climate change Act 2008, (2008 C 27) Introduced
by Lord Rooker Hilary Benim Royal Assent 26 Nov
2008 wikipedia

Dr. Pramod Pandharinath Waghmare/Assistant Professor in Law/
Marathwada Shikshan Prasarak Mandal's Law College Beed/ Aurangabad/