

CLIMATE CHANGE ACTION AND STATE SOVEREIGNTY

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Abstract

Climate change is a reality recognized globally. Although global efforts are accelerating, there are fears in the underdeveloped world regarding the erosion of their sovereignty through climate change action and response mechanisms. Remedial actions taken at various levels are not a compensating reflection of this reality. There is a need to establish a well-thought-out mechanism and support fast-track climate change action and responses. This study, therefore, highlights the impact of climate change action on state sovereignty through in-depth analysis by interviewing climate experts and officials. It reckons that the issue revolves around interference in internal policies through the prism of climate change action incorporating world organisations. It concludes that developing states may have fears regarding the overreach of developed states in their remedial actions, as seen in the Global South and Global North divide.

Keywords: Climate Change, State Sovereignty, Global South, Global North, IPCC.

Introduction

Climate change is adversely affecting the world at various levels. The Intergovernmental Panel on Climate Change (IPCC) reports have given a red code alert in this regard. They fear that global surface temperatures may rise even under strict mitigation conditions. IPCC strongly believes that global temperatures will increase more than 1.5°C by the end of the century. Without any intervention, global temperatures will likely rise more than 2°C.¹ The international mean sea level will also surge somewhere between 0.26 and 0.82 metres by the end of the century, thus, threatening the territorial sovereignty of many island-states.² These climatic variations will not be observed symmetrically across all regions resulting in complex effects, including stressors and unfavourable outcomes.

Recent examples of fires, heatwaves, floods, and hurricanes across the globe are only a precursor to an impending storm. There is a dire need for collective efforts to mitigate climate change's adverse effects as it does not know state boundaries. Though the US, Europe, and China use coals and fossil fuels, nations of the Global South feel the worst climatic effects. It has now been acknowledged that the developed

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world (the US, Canada, Europe, China, Japan, Korea, etc.) has been responsible for such climatic effects over the years; yet, developing nations (mainly Asian and African) are facing the worst. It has given rise to climate discrimination (a sort of racism). According to the World Bank, 143 million people could leave their homes by 2050 due to climate-driven problems. Nations responsible for climate change are again at the forefront of suggesting and imposing rules and regulations, underlying the role of imperialism in climate change action. Addressing state issues in this regard is a complex phenomenon; this paper, therefore, analyses the situation and effects of climate change action on state sovereignty.

This study highlights the damaging climate change impacts on vulnerable states and global actors' role in mitigating those. It relies upon document analysis and open-ended interviews of climate change experts and officials working in the UN. It also focuses on developed states' climate change actions and abrasion of state sovereignty of vulnerable. It establishes that global climate change action does not conflict with state sovereignty; instead, a myopic view by a few states has further compounded the situation due to a lack of accurate scientific data.

State Sovereignty

The treaty of Westphalia, signed in 1648, is regarded as the beginning of the sovereign state concept. Various challenges to national sovereignty as a primary premise for organising global society have emerged throughout 350 years. Steinberger refers to it in the Encyclopaedia of Public International Law as “the most glittering and controversial notion in international law history, doctrine, and practice.”³ The concept of sovereignty is neither unambiguous nor indisputable; however, it elicits multiple disputes and, as a result, necessitates significant elaboration, including diverse approaches to the classification of sovereign nations themselves. Even the demise of the concept of a sovereign state is probable in a contemporary global environment; therefore, a relevant definition of state sovereignty is discussed to avoid historical underpinnings.

Internally, sovereignty refers to a state administration as the final authority inside its borders and jurisdiction.⁴ In international relations, sovereignty denotes independence, a right to perform state functions independently, excluding any other state. The sole right to exhibit a state's actions is territorial sovereignty.⁵ State sovereignty relies on its input and output legitimacy. The ability of a state to give its citizens a say in how to be governed is known as input legitimacy (e.g., vote and legal recourse). The capacity of a state to fulfil its inhabitants' demands for essential resources or prosperity (e.g., food, water, energy, employment, etc.) is known as output legitimacy.⁶

Globalization is the consequence of a complex mix of civilizational, political, social, economic, and other modern-day events.⁷ It leads to the transformation and contraction of the sovereign national authority.⁸ The concept and nature of

sovereignty are changing from what was initially thought for a nation-state, especially in globalization, strengthening of world bodies, and unipolarity of world order. With the advent of globalization, the spectrum of a state's internal affairs in which no one intervenes and is governed only by domestic laws and traditions is shrinking, while international law or law of a specific community (of collective involvement) is growing. In the modern world, sovereign rights have been reduced substantially. Several key authorities are promptly transferred from states to supranational organizations and institutions. Supranational, national, sub-national, and occasionally, regional and municipal units share sovereignty more often.⁹ Globalization is, however, important because climate change action (to be discussed in the subsequent paragraphs) requires global and collective efforts.

Climate Change Action

Climate change is one of the defining issues of the present era and must be addressed all at once by understanding the linkages between people, the environment, and the economy.¹⁰ A developed society responds to the issue of climate change by making worldwide treaties and national and sub-national strategies aimed at mitigating effects by lowering greenhouse gas (GHG) emissions and increasing sinks (areas that absorb CO₂, such as forests and seas). Some are considering adaptation strategies to avoid, prepare for, or respond to possible adverse effects of climate change. While public organizations' activities may differ, they aim to eliminate public health and safety hazards.¹¹ The global community has vowed to fight climate change and meet the Sustainable Development Goals (SDGs).

SDG-13 is related to climate action, which defines "stepped-up efforts to reduce greenhouse gas emissions and strengthen resilience and adaptive capacity to climate-induced impacts, including climate-related hazards in all countries, integrating climate change measures into national policies, strategies and planning, and improving education, awareness-raising and human and institutional capacity concerning climate change mitigation, adaptation, impact reduction, and early warning. It requires mobilizing \$100 billion annually to address the needs of developing states in moving towards a low-carbon economy."¹² World Bank suggests aligning with development, prioritizing key-systems transitions, and financing to support transitions for effective climate change action. There is a new paradigm of how strategists and policymakers solve climate change issues. The solution lies in turning from erstwhile GDP to Green growth. The national and global economy can continue expanding and dispel the warming earth's threat by rapid, market-led technological innovation and environmental action. Human Development Index (HDI) is more important than per capita income. The concept is 'Less is More.'

A substantial effort is needed with sincere output from all stakeholders to minimize climate change damages, as it is a marathon of emerging severe challenges for the entire world. IPCC was established in 1988 to mitigate climate change. Its formulation was a joint venture of the UN Environment Program and the World

Meteorological Organization. The first IPCC report managed to cast deep imprints on the world's relevant think tanks. It led them to formulate UN Framework Convention on Climate Change (UNFCCC) in 1992 and its extending institution known as Kyoto Protocol. It was the first time the world showed interest in climate change impacts. The UN legal instruments, including UNFCCC, Kyoto Protocol, and Paris Agreement (a landmark agreement among 188 nations to check CO₂ emissions), had been actively involved in accessing climate change impacts and mitigation measures (Figure 1). Moreover, these gatherings with regional groups like G8 countries and civil society organizations galvanized to formulate and implement climate policies and actions against climate change vulnerabilities.

Figure-1: UN Institutional Arrangements for Climate Change



(Source: Authors' Compilation)

After issuing the 1990-IPCC report, UNFCCC was introduced to deal with climate change impacts globally. Later, it was forwarded to members for signatures during the Earth Summit in Rio de Janeiro in June 1992;¹³ and enforced on March 21, 1994. The primary objective of this organization was to prevent humans from hazardous interferences to safeguard the earth from climate change impacts and to a steady concentration of GHGs in the air.¹⁴ Furthermore, UNFCCC remained focused on the contribution of developed states, urging them to counter the global threat and directing all parties to undertake precautionary and preventive measures to mitigate climate change impacts. It has also promoted sustainable development policy mechanisms to protect the environment in an era of industrialization.¹⁵

UNFCCC provides a platform for the states committed to adopting specific policy measures to mitigate climate change impacts to achieve its objectives. It offers guidelines to control GHGs emissions and improve climate literacy. It also gives direction for developing environment-friendly technology for all sectors (energy, transportation, agriculture, waste management, and forestry), encouraging eco-friendly sustainable development and water management of coastal areas. UNFCCC emphasizes formulating national policy infrastructure to minimize negative impacts of climate change on a state's national economy, environment, and health sectors. There is a consistent research and observation process about climate change, cooperation among nations to improve climate literacy at local, national, and regional levels, and the exchange of modern technologies to forecast and confront global climate change threats.¹⁶

The convention also advised developed states to reduce GHGs emissions and formulate policies to limit its emissions in the future, being the real contributor to the increasing concentration of GHGs in the atmosphere. Moreover, it emphasized

helping states by providing financial and technological assistance to compete against climate change threats.¹⁷ The convention introduced a Conference of Parties (COP) system to implement its mandate and progress achieved by the parties. COP-26 was held in November 2021, bringing parties together to accelerate action towards the goals of the Paris Agreement and UNFCCC. It is widely expressed that this is the time for action. With a change in administration, a more environmentally conscious regime, and Chinese Premier Xi Jinping pledges, the US has returned to climate change.

Kyoto Protocol primarily highlights the real contributor of GHGs emissions by claiming that the role of developed states is significant in this context. It also claims that these states are factually responsible for the growth of existing points of GHGs in the air. The Protocol considers these states as game-changer by arguing that their constructive steps could be helpful to cut GHGs emissions in the environment. Therefore, it motivates states for joint actions to mitigate the impacts of climate change because it is hard for an individual state to defeat climate change threats in isolation. A total of two commitments of the Kyoto Protocol have surfaced. One has completed its term from 2008 to 2012, whereas the second started in 2012. The first commitment sets GHG emissions goals for 37 developed nations and the European community (15 states).¹⁸

On December 12, 2015, Paris Agreement was made for “enhancing the implementation of policy mechanism of UNFCCC, its objective and aims to strengthen global response to counter climate change threats.”¹⁹ It is an arrangement that covers global issues mainly linked to climate change, including its mitigation measures for GHG emission, revision of climate-friendly approaches, and financial assistance. During COP-21, 196 state representatives participated and termed the best opportunity because “this agreement represents the best chance we have to save the one planet that we've got.”²⁰

During the 2019-General Assembly session, the primary exertion was to galvanize multilateral efforts for poverty eradication, quality education, and climate action. King Mswati III of Eswatini required the UN to transform words into actions. He stressed that ending poverty remains a serious challenge, but it has multiplied in the face of climate change and resulted in food insecurity as applicable to his nation. Therefore, he called for more investments by rich states contributing to carbon emissions to build stable societies and protection systems.²¹ Liberia’s President, George Weah, depicted the requirement of additional weightage to climate change and hinted at inadvertent advances of developed states, conflicting with state sovereignty of vulnerable states.²² Ghana’s President Nana Akufo-Addo highlighted that while rich resources of Africa are being exploited, African nations do not get their proportionate share, and the environment is left devastated. It acts as an impediment in reducing poverty and addressing the climate crisis.²³ Seychelles’ President Danny Faure explained that humanity could not simply ‘plunder indiscriminately’ under the guise of development for the sake of short-term profit. “Through exploitation, we are dooming

future generations to a planet beyond their ability to repair,” he warned, adding that “bringing law and good governance to the ocean is the only way we can ensure our collective survival.” Thus, hinting at the need of bringing climate action as per laws for the sovereignty of affected nations.²⁴

During the 2021-General Assembly session, the one common agenda at the forefront was climate action. The world community has had severe momentum in climate change action in the last three decades. However, the movement is still being affected by many factors like national interests, politics, financial constraints, change in commitment with change in government, and many more other factors. Climate change is not an issue for one state or organization; therefore, the action starts from the global community collectively at the state, organizational, unit, and even individual levels.

State Sovereignty and Climate Change Action

In the contemporary world, the impact of climate change on natural resources is crucial for our understanding of state sovereignty and the international order that depends on that sovereignty.²⁵ The damages of climate change, such as rising sea levels and extreme weather conditions, endanger the habitability of land and human rights, such as the right to self-determination.²⁶ Extraterritorial activities to achieve economic, social, cultural, and civil liberties threatened by climate change are dealt with by customary international law and international human rights law. The international law framework shapes a legal, political governance system based on state sovereignty to mediate the vertical connection between the state and its citizen.²⁷

Multilateral treaties, supply chains, and IT infrastructure exemplify a web of interconnectedness and reciprocity. The dangers and difficulties it faces are frequently just as complicated, with climate change being a malicious problem due to numerous uncertainties, diffuse consequences, and ever-changing hazards. At present, there are multiple well-documented risks to the current world order. A largely underexplored stressor is the impact of climate change on the supply of food and water and how these changes affect nation-states' sovereignty.²⁸ Climate change has severe implications for the internal dimensions of states.²⁹ Few nations feel that the aim and objectives of climate response go far beyond and are in contravention to their national ambitions. The Brazilian President's treatment of Amazon forests is a case in point. Boutros Boutros-Ghali, a former UN Secretary-General, dilates that time of complete and exclusive sovereignty has faded away; additionally, he remarked that theory never matches by reality on this aspect.³⁰ While quoting UN Environment Programme, Time magazine claims that most “G20 countries aren't following through on their promises.”³¹ States being subjects of international law are independent in decision-making within their territory as per their domestic laws.³² However, climate protocols are binding on nations and tangent with national aspirations.³³ These are interference in internal domains and, if followed, would ultimately be a sovereignty threat as it affects the economy, industry, and human resources.³⁴

The coal era is gradually ending under the Paris Agreement's climate protocols. Australia, for example, is the world's largest exporter of coal. If coal extraction is blocked, it may result in thousands of jobs cut among Australians. Coal royalties for Queensland have approached \$4 billion in 2019.³⁵ Mining policy can still decide elections in Australia, and the present government is determined to do the bare minimum on climate change.³⁶ In 2017, Prime Minister Scott Morrison held up a hunk of coal in parliament, declaring, 'don't be scared.' Resultantly, there have been protests declaring climate change a hoax.³⁷ At the same time, it is a death blow for the individuals connected with mining, transporting it to ports, and shipping it to major coal importers, China, India, Japan, and South Korea. Similar is the case in Poland, where limiting coal mining for climate concerns can reasonably affect elections results.

Brazil is home to the Amazon forests, which act as the world's lungs and absorb carbon dioxide³⁸ while providing livelihood to inhabitants. Timber business is a significant source of income, and areas cleared of forests are cultivated and brought under settlements.³⁹ Both conflict with each other; if Brazil goes for the world's greater good following climate protocols and policies, it adversely affects its local population.⁴⁰ There are protests against climate policies that become detrimental to national interests and considered interference in sovereign states' internal matters. Conversely, at the international level, Brazilian President Jair Bolsonaro is criticized for lacking action on Amazon forests and converting carbon sink to carbon sources in Amazon.⁴¹

The contemporary concept of state sovereignty comprises four elements, i.e., authority, territory, population, and recognition.⁴² By sovereignty, the state is entitled to the right to international personality (quality of a subject of international law), a status respected for territorial integrity, right to self-defence, and right to determine the political and social system to use it freely. Though debatable, it is universal that climate change exacerbates strains on state natural resources, presenting a substantial threat to state sovereignty and peaceful world order.⁴³ While acting on climate action, states' authority is curbed and confined. Regulations enforced and likely to be implemented through global climate action in the next few decades can reduce the status of state sovereignty in internal matters.

States are social edifices imperceptible in a natural realm, indivisible in state sovereignty.⁴⁴ A state is an obstinate and subjective reference point in an active earth structure. It brings an intrinsic challenging situation to the normative system upon which the authority lies.⁴⁵ In the case of climate change, it entails a solitary reorientation of neighbouring states' perceptions and an innovative, thoughtful understanding of the place of human social order as a wholly-owned subsidiary of the natural world. Therefore, the stage on which the concert of international relations occurs and the actor's role are changing wherein states feel threatened because of indirect actions to limit carbon emissions and effects of climate change.

According to the Montevideo Convention on Rights and Duties of States, a state must possess a defined territory for its inhabitants to occupy in the realm of human security.⁴⁶ Due to increasing sea levels resulting from climate change,

international law faces challenges in addressing the threatened sovereignty of island-states, such as Tuvalu, the Maldives, and Kiribati, as an intensifying human security concern.⁴⁷ The current state of international environmental law and human rights law has limited utility in protecting these human security issues and the territorial integrity of the states.⁴⁸ Artificial islands, land acquisition, and individual or collective resettlement need to be discussed in the UN as a possible option to address human security and respect state sovereignty.⁴⁹

Nations, complacent about global climate change, need to articulate climate geopolitics for understanding why climate challenge is enormous, complex, and vital to human survival – yet soluble only if all nations forgoing their independent interests pay attention to it now. Against the backdrop of climate scepticism, campaigns, national economic interests, and human security issues dominate perceptions of global vulnerabilities. Both realist and liberal elucidations of state behaviour and international cooperation prospects rely on state interest.⁵⁰ Nathaniel Rich's book titled "Losing Earth" and Gwynne Dyer's "Climate Wars" reveal nations dwelling on their national interests in contravention to global attractions as per the laid down regulations wake on empirical scientific data. Thus, it is not only the state but, more concurrently and importantly, human security, which is direly affected by the laws implemented in climate protocols. In the socio-political context, Fridays are protest days for climate action and demonstrations by have-nots as climate change threatens their livelihoods. The mill workers, oil drillers, carbon-emitting factory workers think that policies will harm them beyond any shadow of a doubt.⁵¹

The case of Pakistan, whose contribution to global emissions is negligible, ranks among the top ten countries vulnerable to climate change. Although Pakistan has taken several steps, such as the Ten Billion Tree Tsunami (TBTT) project, floating green bonds, Recharge Pakistan Programme, enhancing water conservation, reducing carbon emission, etc., these are insufficient to steer climate action. There is a growing need for participation of those states which are more prominent contributors to carbon footprints. Thinking beyond myopic solutions, climate action that too at the global level with regulations on all is the requirement if we want to save a better future for the next generations

The study's findings reveal that climate change is a reality. The sooner governments realize it at the state level through a collective binding mechanism and at the individual level by including climate literacy in policymaking, the better it would be. The COP participants agreed that climate change action is slow but not late yet. Therefore, the lethargy at the global level can attribute to many factors. Among which state sovereignty is the significant one. The developing states are still struggling to ensure their authority, whereas worldwide action against climate change requires commitment from the developed world. There is a convergence of interests for action against climate change; still, there is fear of greater involvement of developed world and international bodies in the affairs of the underdeveloped world.

Conclusions

The world is a global village, and the international community has a more magnified role owing to independent and readily accessible media. If climate issues are not addressed effectively, they can hurt and become their Achilles heel in this modern world. Though global leaders and developed nations try to control this danger through various international institutions, the international community also needs to be at the forefront and play its role. There is a need for a well-established mechanism for climate change action while ensuring the sovereignty of vulnerable states. Whatever solution is employed, it is critical to secure the meaningful involvement and empowerment of persons and communities impacted by climate change, particularly those already socioeconomically and politically linked within the international community. Inclusion and mutual consultation may pave the way for an effective mechanism for climate change action. We pose the greatest threat to our planet; we need to manage the unavoidable to avoid the unmanageable collectively.

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