

A Critical Appraisal of the International and National Legal Framework on Climate Change

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Abstract

The decade starting from 2010-2020 was recorded the warmest decade in the history. The new principles such as Climate litigation, climate justice, climate legislation have been catapulted to the forefront of the environmental litigation and environmental laws. As per the United Nations Framework Convention on Climate Change (UNFCCC) the human activities is the substantial cause for increasing of Greenhouse gases in the atmosphere which would results in additional warming of the earth's surface and the atmosphere and also may adversely affect the natural eco system and human kind. Article 2 of the UNFCCC defines climate change as, a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods. Changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare are the effects of climate change. As a matter of fact climate change is the direct result of global warming and the emission of greenhouse gases to the atmosphere has escalated the earth's temperature level. The Resolution adopted by the General Assembly which includes 2030 Agenda for Sustainable Development urges States to take urgent action to combat climate. UNFCCC, Kyoto Protocol and Paris Agreement constitute the international legal regime that deals with climate change. These were the results of entering into international consensus in the aim of reducing the greenhouse emission and thereby to effectively handle the climate change impacts. The objective of the paper is centered on the appraisal of the international and national legal framework that have been enacted to curb the climate change. To this end the research paper employs a qualitative methodology. Conventions, Resolutions adopted by the United Nations, legislations such as National Environment Act, Fauna and Flora Act, Coastal Conservation Act etc , policies and regulations, case laws from foreign jurisdiction are utilized as primary sources and the scholarly articles, journals, peer reviewed articles are utilized as secondary sources. The findings of the paper emphasizes that the synergy between the international and national legislations should be strengthen if the legislature is to find prolific solutions to this complex issue. Finally the paper concludes that it must be taken into consideration that if all States are to combat this unprecedented crisis, no instrument can be ignored.

Keywords: Climate change, Climate litigation, Environment, Global warming, Sustainable development