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With this thought, we hereby present to you.

**LEX BONA FIDE: LAW JOURNAL**

## **A GLIMPSE INTO THE FORMULATION OF A CONSENSUAL INTERNATIONAL ACCORD ON CLIMATE CHANGE**

Authored By-

- 1) **Swarnendu Chatterjee**, *Managing Associate – L&L Partners, New Delhi and Advocate-On-Record, Supreme Court of India*
- 2) **Arushi Bhagotra**, *2<sup>nd</sup> Year – B.A. LL.B(H) – National law Institute University, Bhopal.*

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### **INTRODUCTION**

Climate change is a market failure in the context that market activity does not address externalities (environmental costs) and thus influences global growth in anthropogenic greenhouse gas emissions, increases atmospheric concentrations, and amplifies the greenhouse effect, with negative consequences for biological, physical, and human systems and future net costs. The atmospheric patterns are evident: greater rainfall, a steady push toward warmer temperatures, rising ocean levels, and increasingly severe droughts. To deal with the expanding global environmental disruption, it is critical to consider alternate solutions to this effect. Given the life-threatening threats of climate change, academics and intellectuals strongly advocated for low-carbon production and investment at the national and international levels. [1]

Several ecological issues are linked to rising global economic activity. On the one hand, the lack of effective environmental policies can exacerbate environmental issues. Trade, on the other side, can have a beneficial impact by enhancing resource allocation, fostering economic growth, and raising overall well-being. Only a multinational response to climate change would allow us to solve these concerns effectively. A multilateral agreement involving all significant emitters would be the best placed international tool to guide other instruments, such as the World Trade Organization (WTO), along with all financial entities on how negative environmental externalities should be internationalized. Only with such a tool will we be able to move towards optimized power pricing. Likewise, only such an agreement might establish criteria for determining whether a border safeguard is environmentally sound, as will be looked into in this piece.

### **MEASURES TAKEN BY WTO IN COLLABORATION WITH OTHER INTERNATIONAL ORGANISATIONS TO FORMULATE A COLLABORATIVE FRAMEWORK IN LIEU OF THE PREVAILING CLIMATIC CONDITIONS:**

The issue of climate change overlaps with international trade in a variety of ways. While the World Trade Organization does not include regulations related to the environment, energy, or Climate Change, there is little doubt that the multilateral trading system's regulations--as a whole (i.e. the WTO "rule book") --are absolutely important to Climate Change.

To combat the rising climate change crisis, in a speech before a European Parliament subcommittee on May 29, 2008, in Brussels, the former WTO Director-General Pascal Lamy stated that one urgent commitment the WTO can make to the battle against climate change is to expand markets to "clean technology and services" through the Doha Round. He did, nevertheless, note that the WTO is still waiting for a "truly global consensus" on how to best address the issue of climate change. In reality, the WTO Agreement's Preamble specifically includes "sustainable development" as one of its essential goals. Furthermore, the WTO rule book allows its members to prioritize environmental issues as long as they do so in a non-protectionist fashion, as noted by Lamy in 2008.

The 2012 Rio+20 United Nations Conference on Sustainable Development tackled tangible elements of this complex relationship between trade and the environment. A 10-year Framework of Programs on Sustainable Consumption and Production<sup>[2]</sup> has been presented as a crucial instrument for expediting the transition of unsustainable consumption and production practices. This new approach should look beyond GDP to include broader metrics of success such as social and environmental implications. In a balanced manner, sustainable development includes three interlinked factors (economic, social, and environmental). To facilitate the transition to a green economy, systemic economic reform is required.<sup>[3]</sup> Moreover, global carbon dioxide levels in the atmosphere have lately reached a tipping point. To counteract this tendency and protect the globe from committing "ecocide" through environmental degradation, new and innovative ways are urgently needed (Ecocide Act which was used as the basis for a mock trial in the UK Supreme Court on 30 September 2011).<sup>[4]</sup>

Additionally, the structures of the World Trade Organization and the United Nations Framework Convention on Climate Change are dedicated to promoting sustainable development and combating climate change. Nevertheless, these two main multinational administrative accords are at a standstill, and if the standstill lasts much longer, the existing rule-making systems may be paralyzed and decomposed. The UNFCCC and DDA/WTO may implode, necessitating the need for international climate governance mechanisms as well as international commerce and growth.

Alternatively, the WTO may disintegrate into a tapestry of FTAs/RTAs, diluting into disconnected international relations in which key superpowers could be lured to resort to old-style domination and "take-it-or-leave-it" bilateral international ties.

On the other hand, the implementation of a trade measure will be a crucial consideration for the dispute settlement body since the justification for such measures is insufficient. Furthermore, to prevent de facto discrimination, it is vital to justify how they would be implemented. Although there is an opportunity for unilateral tariff reductions, the Doha Round's completion remains a collective action issue. As such, it avoids the United Nations Framework Convention on Climate Change (UNFCCC) procedure, which is based on the notion of "shared but differentiated duties." Nevertheless, the issue of whether "common but differentiated responsibilities" should be imposed at the national or sectoral levels remains unclear. Both the WTO and the UNFCCC negotiations face the same challenges: both have highly diverse members with very varied interests who must establish a compromise.

Conclusively, The UNFCCC has not tackled trade properly. Although nation group commitments under the UNFCCC are closely trade-related issues (e.g., TRIPS and TRIMS concerns), the UNFCCC does not include adequate legal measures to connect climate change and trade. Trade references are few; the ideal way would be to concentrate on the WTO and seek answers to climate change, for example, inside a newly united Committee on Trade, Development, and Environment. To achieve a long-term resolution to climate change, a plurilateral green agreement including energy, environment, and development is required.

Similarly, a green approach to TRIPS and TRIMS Agreements could provide a framework to facilitate technology transfer into LDCs and LDCs to boost the low-carbon industry to combat climate change. Nevertheless, a green plurilateral pact could aid in closing the development gap between industrialized and poor countries for the sake of ensuring sustainability and halting climate change.

Moreover, it is necessary to promote information exchange to encourage green investments and production in LI-DCs and LDCs. Green technologies should be made accessible to assist extremely contaminated metropolises in halting and reducing unsustainable levels of carbon emissions. Plurilateral proposals such as the International Services Agreements and the Trans-Pacific Partnership, which were reportedly debated among some WTO Members, recommend that a Green Plurilateral+++ Agreement on energy, environment, and development within the WTO could be an alternative plurilateral approach to nurture green investment and assist a cohesive and sustainable solution to climate change.

Lastly, the WTO framework needs to be further greened to decrease barriers to global trade in environmental goods and services. GATT and GATS must adopt a more environmentally friendly strategy. Whereas a comprehensive green plurilateral agreement would improve access to clean energy, a green approach to TRIMS and TRIPS will also enable developing nations to fully transition to a green economy by encouraging low-carbon investment and production.

## **CONCLUSION AND SUGGESTIONS**

It is clear, that as long as no remedies to the never-ending increase in carbon and greenhouse gas emissions are discovered, more certain climate change will become. Technical solutions did not aid in the fight against climate change. There is a need for severe and conventional answers. Simpler remedies are required rather than sophisticated technical solutions at the micro-level, which are well-intended but do not provide a significant reduction in climate warming. In this scenario, there is an immediate need to review TRIMS and TRIPS Agreements to encourage green investment and allow for local content standards to assure the greening of global value chains.

It is noted that a cross-regime accord or collaboration among trade governance (WTO) and climate change (UNFCCC) might be an important determinant and predictor of low carbon investment. Distinct international organizations, world leaders, civil society organizations, and academy members have made ideas tackling green investment concerns, but from different cross-regime views. Nevertheless, in some circumstances, the narratives make no mention of WTO norms or the UNFCCC framework.

Greater "out of the box thinking" is required. The vast bulk of nations stick to the WTO but do not wish to assure the successful closing of the DDA, risking the rump WTO's future operation. A sizable number of Members are worried about environmental deterioration and want to mitigate the negative effects of climate change, but they are unable to reach an agreement on mitigation, adaptation, and additional obligations. Further efforts by the WTO, UNFCCC and other regional and international stakeholders can not only help the Member States to reach an effective solution but can also facilitate the process of curtailing the increasing amount of global Climate Change.

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