PISSN : 2572-0007 - EISSN : 2661-7250

International legal mechanisms to combat the phenomenon of climate change

Abd El Kader Maifi[1,*], Fathi Maifi[2]

[1] Mohamed Lamine Debaghine University - Setif 2 (Algeria), a.maifi@univ-setif2.dz

[2] Echahid Cheikh Larbi Tebessi University - Tebessa (Algeria), fathi.maifi@univ-tebessa.dz

Received: 24 / 04 / 2025 **Accepted**: 13 / 07 / 2025 **Published**: 04 / 11 / 2025

Abstract:

The phenomenon of climate change is one of the most complex environmental problems in this era, due to its multiplicity of environmental, political, economic, social, health, and security dimensions...etc. Today, the world faces many challenges that threaten human life and other living beings as a result of the great risks posed by this phenomenon, which has become the concern of the international community. Where the efforts of states tended towards formulating international legal mechanisms to confront the effects of climate change, by concluding international agreements to limit or at least reduce the seriousness of this phenomenon, which resulted in the signing of the United Nations Framework Convention on Climate Change in 1992, followed by the Kyoto Protocol of 1997, Then the Paris Climate Agreement in 2015.

Keywords: : Climate change؛ environmental pollution؛ framework Convention; the international community؛ the Kyoto Protocol؛ the Paris Agreement.

[*]Correspending Author

Introduction:

The phenomenon of climate change is considered one of the most complex environmental problems in this era due to the damages resulting from it, which man has contributed, intentionally or unintentionally, to the increase in the risks resulting from it, Unintentionally increasing the risks resulting from it. Scientific development in various fields, especially in the fields of industry, communications, and energy resources, although it has achieved a lot of success, progress, advancement, and accompanying material prosperity; However, it has caused serious damage to the environment, starting with a direct impact on human health itself. The large number of emissions of toxic gases and waste from factories and heat retention have led to great damage to the climate. The excessive use of pesticides and the increase in waste resulting from the consumption of petroleum and its derivatives have led to an increase in the volume of greenhouse gases, and with the passage of time these risks have begun to rise in a way that threatens human life. Adding to the lives of other beings.

Hence, international efforts began to take more positive stances to address these dangers, through the effective contributions of international organizations and their sponsorship of international conferences with the aim of concluding international agreements that limit the negative effects of climate deterioration and mitigate its harmful effects to the least possible degree. Many international strategies have played a prominent and important role in addressing environmental problems by intensifying the efforts of countries in the field of environmental protection. These efforts resulted in finding solutions that help protect the climate, reduce the volume of toxic gas emissions, and reduce average Earth temperatures. The international community towards formulating international legal mechanisms to confront the effects of climate change, which was led by the United Nations, which is considered the most important organization working in the field of climate protection. This is due to the global nature of this problem, which requires the availability of technical and legal capabilities that may only be available to this type of organization.

The beginning of climate protection at the international level was through international organizations, specifically in 1988, when the United Nations Environment Program (GIEC), in cooperation with the Meteorological Organization (OMM), established the Intergovernmental Panel of Climate Experts, which the world commissioned and entrusted with studying the phenomenon of climate change. According to the reports issued by this body, which showed the state of the Earth's climate, countries ratified the United Nations Convention on Climate Change in 1992, followed by the Kyoto Protocol in 1997, then the Paris Climate Agreement in 2015, and then supported all international efforts to maintain global environmental security. Accordingly, this paper seeks to answer the following problem: **What are the international legal mechanisms formulated by the international community to combat the phenomenon of climate change ?**

Section I: Climate change: one concept, many definitions

Weather fluctuations and temperature changes are considered a normal thing with different seasons, but when these changes increase in intensity and become unusual and the seasons overlap for a long period, this phenomenon is called climate change. There may be many names and terms that express this phenomenon in various references and media, but they carry the same meaning (global temperature rise, thermal identity, global warming, global warming, greenhouse effect).

The issue of climate change is considered one of the most prominent issues on the international scene, and it constitutes a challenge facing all of humanity. This phenomenon is no longer common only in the biological and ecological scientific field, but has become comprehensive in all vital fields and in all developed and

underdeveloped countries of the world, due to its dangerous dimensions and its impact on various fields (Food and Agriculture Organization, 2008).

The phenomenon of climate change is one of the dangerous phenomena that has become a source of concern to scientists around the world. In addition, all indicators and measurements that have been monitored indicate that the phenomenon of climate change is due to an increase in the emission of greenhouse gases resulting from increasing human activities, especially the burning of fossil fuels (Coal, oil, gas) as well as tropical deforestation(Douglas Nakashima and Others, 2012, p.29). The phenomenon of climate change also refers to seasonal changes that take place over a long period of time, and are related to the increasing accumulation of greenhouse gases in the atmosphere. Climate change is generally defined as an effective and long-term change in the average weather that occurs in a specific region, where the average weather condition includes average degrees. Temperature, rainfall rate, wind conditions and other climatic matters(IPCC, 2013, p.1535).

As for the experts of the United Nations International Panel on Climate Change (IPCC), they provide a definition that considers climate changes to be all forms of changes that can be expressed in a statistical description and that can continue for successive decades, and these changes include every change caused by natural fluctuations or human activities(IPCC, 2007). This definition refers to the changes that have been monitored through statistical research and expressed through statistics, and cannot be monitored with the naked eye. It also indicated that their causes vary between natural and human.

The World Meteorological Organization (WMO) defines climate change as long-term changes in average weather conditions, and experts in the Global Climate Observing System (GCOS) believe that climate change means "all changes in the climate system, including the drivers of change, the changes themselves, and their effects," as it is defined Climate change is a difference in usual climatic conditions, such as temperature or the fall of large meteorites, and more recently due to various human activities(Al-Aqqad, 2009, p. 4).

The United Nations Framework Convention on Climate Change defines climate change in its first paragraphs as: "those changes that are directly or indirectly attributable to human activity resulting in a change in the global atmosphere that is observed in addition to natural climate variability, and over similar time periods"(United Nations, 1992, p. 03). This definition considers human activity to be one of the most prominent causes leading to climate change. It also distinguishes between climate change and natural climate variability, and the climate is in a state of continuous change throughout Earth's history. However, most of these changes occur on astronomical or geological time scales that are so slow that they can be observed over time. Anthropogenic level, and refers to natural climate change caused by humans. This is the use adopted by the United Nations Framework Convention on Climate Change.

Climate change stems from the Earth's atmosphere, which traps the sun's thermal rays (invisible infrared rays), and the amount of heat retained depends on the levels of greenhouse gases. The most important of these gases are: primarily carbon oxide, methane, nitrogen oxide, sulfur oxide, and chlorofluorocarbons. These gases work to muffle and block the radiation reflections of solar energy and the products they carry when they bounce back into outer space after colliding with the Earth's surface, which leads to an increase in the Earth's temperature(Tawhariya, 2022, p. 352). As these gases increase in the atmosphere, global warming increases, and the Earth becomes hotter. The previously mentioned gases have a very great ability to retain heat. Nitrogen oxide retains 250 times more heat than carbon dioxide, and methane retains about 20 times more heat than carbon dioxide(Abirat, 2007, p. 48).

Therefore, the increase in greenhouse gases in the atmosphere resulting from emissions issued by industries and multiple uses leads to a rise in the Earth's temperature, as the planet's temperature has risen by 1.2 degrees Celsius compared to pre-industrial revolution levels, and scientists also expect the Earth's temperature to rise by the middle of the century. 21st by 1.5 to 4.5 degrees Celsius, which will cause sea levels to rise by half to 2 meters(Rashidi, 2020, p. 199). Climate change is now considered a scientifically established fact, although it is not easy to predict the resulting impact of greenhouse gas emissions, and there is a lot of uncertainty regarding the predictive ability of climate science, as climate change in the long term will pose a threat to human development.

Section II: United Nations Framework Convention on Climate Change 1992

The United Nations Framework Convention on Climate Change was concluded as a result of international efforts made with the aim of developing international environmental law in general, and the presence of a growing conviction on the part of states of the seriousness of the problem of climate change and the necessity of organizing its fight internationally, especially after the Intergovernmental Panel on Climate Change (IPSS) provided high-quality scientific documentation. The level in the Vienna Convention of 1985, and the Montreal Protocol of 1987, is an international legal model that could be referred to and emulated when drafting some texts of the Framework Agreement.

Preparation for drafting the texts of the Framework Convention began after the recommendations of the Second World Climate Conference in Geneva on November 17, 1990 stressed the need for countries to comply with what was recommended by the Intergovernmental Panel on Climate Change (IPSS) with regard to negotiating an international agreement concerned with protecting the climate and combating climate change. These calls coincided with what had previously emerged from the Toronto International Conference in Canada in 1988, which included the existence of a comprehensive global agreement and protocols concerned with reducing carbon emissions by 20% from their levels in 1988 by 2015(Askar, 2013, p. 629). This agreement is the first of its kind on improving cross-border air quality and reducing sulfur emissions by 30%. Article 9 of the agreement established centers to monitor and control air pollution with the contribution of 24 states that are parties to the agreement(Tariq and Al-Shalan, 2010, p. 53).

1. Objectives of the agreement:

This agreement, according to its second article, aims to establish a general framework for countries to confront the phenomenon of climate change at the global level, in order to limit and reduce greenhouse gas emissions into the atmosphere to prevent damage to the climate system, and so that ecosystems can adapt to climate changes naturally, so that It does not lead to affecting sustainable development, or compromising food security, as the agreement represents a new trend in international action in the environmental field.

The agreement included 26 articles and two annexes, which established the basic principles for combating the phenomenon of climate change, contributed to raising global public opinion's awareness of climate change issues, and indicated that developed countries bear responsibility for the occurrence of climate change due to gases emitted from factories. The United Nations Convention on Climate Change has been described as a framework because it included mentioning some general principles and directives that serve as a basis for cooperation between states parties in a certain field and are not legal obligations. Its scope is limited to mentioning the principles and mechanisms that make it possible to achieve the goals that it set itself, which are Behind

this, it seeks to bring the largest number of countries to join this agreement, taking into account the sensitivity and importance of the topic.

2. The legal principles governing the agreement:

The United Nations Framework Convention on Climate Change includes a number of principles that States Parties must take into account in order to achieve the goal of the Convention and implement its provisions, which can be summarized as follows:

2.1. The principle of diverging responsibilities: According to Article 3/2 of the Convention, this principle is considered one of the principles on which the international system for climate protection is based, as a basic necessity due to the difference in economic conditions between countries, which makes the responsibility imposed on each party differ in terms of technological, financial, artistic and technical capabilities and capabilities. Especially since developed countries are the primary cause of environmental pollution and depletion of their natural resources due to the large volume of gases emitted from their factories and facilities. The specific circumstances and needs of developing countries prevent them from addressing the harmful effects resulting from climate change, especially because they lack the financial resources necessary for that, which requires them to bear a disproportionate or unusual burden, compared to developed countries that have many qualifications to confront the challenges of climate change, as long as they Developed countries enjoy great economic growth and many benefits through the depletion of natural resources. They have an obligation to help and support poor countries to advance the process of sustainable development.

2.2. The precautionary principle: The precautionary principle has been considered one of the basic principles in environmental law since the beginning of the 1980s to confront the dangers facing the environment before they occur. Referring to the content of the text of Article 3/3 of the United Nations Framework Convention on Climate Change, we find that States Parties must take proactive preventive measures to confront the causes of climate change or reduce its effects, and scientific uncertainty should not be invoked or invoked as a justification for postponing and delaying taking the necessary and effective measures to confront it. The issue of climate damage, which leads to achieving comprehensive positive results at a lower cost by taking policies and measures that are appropriate and compatible with social and economic conditions.

2.3. The principle of sustainable development: The need to support sustainable development has become an urgent necessity, especially with the widening gap between developed countries and developing countries. One of the most prominent areas of supporting sustainable development is protecting the climate system for the benefit of present and future generations, on a fair basis and in accordance with the common responsibility of all party countries, even if it differs in that. This responsibility is carried out by each according to his capabilities and capabilities, provided that developed countries take the initiative and leadership in confronting climate change and the negative effects that result from it(Juwaili, 2002, p. 31).

The right of countries to sustainable development was also emphasized without conflicting with the procedures and measures that must be followed for effective climate protection, and this was through Article 3/4 of the United Nations Framework Convention on Climate Change, which stipulated that “Parties have the right to promote sustainable development and must This duty. Policies and measures taken to protect the climate system from human-induced change should be appropriate to the specific circumstances of each Party and should be integrated with national development programmes, bearing in mind that economic development is essential for measures to address climate change.”

2.4. Principle of international cooperation: Article 3/5 of the United Nations Framework Convention on Climate Change states that Parties should cooperate to promote a supportive and open international economic system that is conducive to sustainable economic growth and development for all Parties, in particular developing country Parties, and thus allows It has more potential to address climate change problems. Measures taken to combat climate change, including unilateral measures, should not be a means of arbitrary or unjustified discrimination or a disguised restriction of international trade.

There is no doubt that acknowledging the principle of cooperation is a necessity imposed by the issue of climate change as it is a multi-dimensional problem (scientific, technical, legal, economic, social and even political), and that the damages resulting from climate pollution are a direct threat to humanity and nature, which requires countries to come together and negotiate. In this regard, this indicates the extent of international interest in collective participation and cooperation to put an end to such risks, despite the difference in the degrees of intervention to confront this phenomenon between developed and developing countries. Everyone is concerned as an effective and influential party due to the global nature of this issue that includes all Persons of international law(Laurens, 2009, p 54).

3. Obligations on States Parties: The 1992 United Nations Framework Convention on Climate Change established obligations on States Parties that must be implemented in order to address greenhouse gas emissions in a way that prevents climate change. These obligations were specifically stated in Article 4/1 of the Convention, which includes all obligations that It is the responsibility of its parties, but it involved division and disparity between the parties to the agreement in terms of bearing obligations, and it divided the countries concerned with its provisions into three categories: all party states, annex I countries, and annex II countries, and this is explained as follows:

3.1. General obligations on all states parties: The Framework Agreement included, through Article 4/1, a set of general obligations that fall on all states parties to the agreement, which are:

- Establishing lists of anthropogenic greenhouse gases that are not governed by the Montreal Protocol.
- Prepare national and, where appropriate, regional programmes, including measures to mitigate climate change by addressing anthropogenic emissions of greenhouse gases not governed by the Montreal Protocol.
- Cooperation among countries to apply and disseminate technology and practices that curb and prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture and waste management sectors.
- Promote sustainable development and cooperation to conserve and enhance sinks and reservoirs of greenhouse gases, including biomass, forests, oceans and ecosystems.
- Cooperation among countries in order to adapt to climate change, by developing appropriate and integrated plans to manage coastal areas, water and agricultural resources and to protect areas affected by drought, desertification and floods.
- International cooperation and exchange of information related to conducting scientific and technological research related to the mitigation of greenhouse gases.
- Work to develop and enhance education, training and public awareness related to climate change, and encourage the broadest participation in this field, including participation by non-governmental organizations.
- Informing the Conferences of the Parties of information related to implementation in accordance with the text of Article 12 of the Convention.

3.2. Obligations of developed countries: Annex I countries are the industrialized countries responsible for the rise in global temperature and include advanced industrial countries and countries that are undergoing a market economy transition. The

framework agreement specified the obligations of developed countries listed in Annex I within Article 4/2 of the agreement, which are:

- Adopting national policies to mitigate climate change by reducing anthropogenic greenhouse gas emissions and protecting its banks and reservoirs.
- Inform the Conference of the Parties within six months of the entry into force of the Convention and periodically thereafter on the policies and measures referred to in the Convention.
- Commitment, collectively or individually, to return the level of anthropogenic greenhouse gas emissions to what it was in 1990.
- Adopting the best available knowledge in calculating the proportions of anthropogenic greenhouse gas emissions.

These above obligations, specified in Article 4/2, concern all countries listed in Annex I of the Convention, whether rich ones or those undergoing a transition to a market economy. Paragraph 11 of the same article singled out this last category with its own exceptional provisions, allowing it a degree of flexibility in implementing its obligations under Paragraph 12 of Article 4, taking into account its modest capabilities compared to other developed countries listed in the same annex.

3.3. Obligations of countries included in Annex II: Annex II countries include rich industrialized countries that belonged to the Organization for Economic Cooperation and Development, that is, countries that do not pass through the stage of a market economy. These countries have been excluded from Annex I because they have a special obligation, which is to provide new and additional financial resources to developing countries in accordance with the text of Article 4/3 of the Framework Convention. The obligation that falls on Annex II countries includes two basic parts. The first part is the commitment of these countries to provide the necessary financial resources to enhance the ability of developing countries to address the effects of climate change and participate in combating it. The second part, which includes the transfer of advanced and clean technology to developing countries, in addition to these countries bearing all the general obligations borne by all states parties to the agreement. The discrepancy in the obligations borne by States Parties is due to several reasons, perhaps the most important of which are the following:

- The responsibility of developed countries for the problem of climate change.
- Implementing the principle of dismissal.
- Taking into account the differences in economic growth between countries.
- Ensuring the participation of developing countries in climate protection.

4. **Mechanisms for implementing the Framework Convention on Climate Change:** The Framework Convention established an advanced institutional framework, as is the case in most environmental agreements of an international nature, represented by the "Conference of the Parties" (the highest body of the Convention), which carries out an organized review with the aim of implementing the Convention in a manner that achieves the goal for which it was established. For this purpose, and within the limits of the powers granted to it, it shall take the necessary decisions to enhance the effective implementation of the Convention in a way that prevents anthropogenic activity from affecting the global climate system. To achieve this goal, the Conference of the Parties shall take several measures specified in Article 7/2 of the Convention, the most important of which are:

- Periodic examination of Parties' obligations and institutional arrangements under the Convention, in light of the objective of the Convention, the experience gained in its implementation, and the development of scientific and technological knowledge.
- Promoting and facilitating the exchange of information on measures adopted by Parties to address climate change and its impacts, taking into account the different circumstances, responsibilities and capacities of Parties and the obligations each Party bears under the Convention.
- Upon the request of two or more Parties, facilitate the coordination of the measures they adopt to address climate change and its impacts, taking into account the different circumstances, responsibilities and capacities of the Parties and the obligations that each Party bears under the Agreement.
- Promote and guide the development of comparable methodologies, agreed upon by the Conference of the Parties, to, inter alia, inventory greenhouse gas emissions at sources, remove them by sinks, and evaluate the effectiveness of measures to reduce emissions and promote the removal of these gases.
- Conduct an assessment on the basis of all available information in accordance with the provisions of the Agreement of the implementation of the Agreement by the Parties, as well as of the comprehensive impacts resulting from the measures taken pursuant to the Agreement, in particular the environmental, economic and social impacts, as well as their cumulative effects and the extent of progress towards the objective of the Agreement.

Section III : Kyoto Protocol 1997

In view of the seriousness of the phenomenon of climate change due to atmospheric pollution and its negative repercussions on humanity, the international community moved towards greater efforts in adopting a protective climate legal system, culminating in the holding of the Third Conference of States Parties to the United Nations Framework Convention on Climate Change in Kyoto, Japan, on the 11th. December 1997, and entered into force in 2005. It is an agreement that is an extension of the 1992 Framework Convention on Climate Change. However, it included specific obligations and pledges other than the aforementioned agreement, whereby the party states are committed to reducing emissions of gases resulting from the manufacturing process by 50% of their level in 1990, and this in the period extending from 2008 to 2012.

The importance of the Protocol is not only estimated as a complement and annex to the Framework Convention, but it also includes an implementation formula for it in line with developments proven by scientific development regarding the emission of polluting gases resulting from human activities, especially the high rates of greenhouse gases, the global warming they cause to our planet, and the environmental disasters they will result in. Different, and that is why the new endeavors included in the Kyoto Protocol as a global humanitarian demand were necessary to preserve the environment, the vessel of life within which man lives(Marah, 2010, p. 417).

1. Obligations arranged by the Kyoto Protocol: What can be noted with regard to the obligations arranged by the Kyoto Protocol is that it made two types of obligations available to the state parties, making obligations fall on all states and others unique to the developed countries on the basis of common but differentiated responsibility, given that the latter bears the greatest responsibility. countries account for most greenhouse gas emissions, and also have the institutional and financial means to reduce them.

1.1. Obligations of all States Parties: By extrapolating the text of Articles 10 and 11 of the Kyoto Protocol, each party to the Protocol must commit to the following:

- Preparing national inventories of anthropogenic emissions and eliminating them as greenhouse gas sinks.

- Implementing and disseminating national and regional programs in order to facilitate adaptation to the phenomenon of climate change.
- Cooperation in the field of technology, scientific and technical studies and research related to climate change, and working to transfer them to developing countries for the sake of a healthy environment.
- Promoting and developing educational and training programs, exchanging experiences in the field of climate change, and raising public awareness.
- Providing developing countries with the new and additional financial resources they need to fulfill their obligations as contained in the agreement.

1.2. Obligations imposed on developed countries: Developed countries undertake a number of obligations that must be observed, which are specified by the agreement in Article Three as follows:

- Reducing greenhouse gas emissions.
- Financing and facilitating the transfer of environmentally friendly technology to developing countries.
- Progressively ending market imperfections, tax incentives and subsidies that are inconsistent with the objective of the agreement in all greenhouse gas sectors.
- The protocol obligated developed countries to pay for scientific and technical research and to strive to find new sources of energy and environmentally sound technology, as well as to finance their transfer to developing countries.

2. Ways to activate the Kyoto Protocol: In order to fulfill the international obligations stipulated in the heart of the Kyoto Protocol, national and international measures and procedures must be taken that are the subject of international consensus without harming the interests of various countries (developed and developing), and without affecting the economies of these countries by seeking to reduce greenhouse gas emissions without High cost.

The Protocol specifies, among the important means for achieving the reduction goals, “flexibility mechanisms” as an economic tool presented as an alternative that allows the choice of an exchange mechanism with some flexibility, in order to choose other means to fulfill its obligations and achieve a greater reduction of greenhouse gas emissions in the context of confronting the phenomenon of climate change, regardless of how far these countries are. Where geographical location, technological, economic or social development is at the lowest costs. It may reap benefits from it, and push towards investments and employment of environmentally friendly technology in developing countries in order to achieve sustainable development for countries of the world. These mechanisms are represented by the Clean Development Mechanism, the Joint Implementation Mechanism, and the Trading Mechanism in Emission Reduction Units(Malean-Dubois, 2005, p.p. 441-442).

2.1. Clean Development Mechanism: Article 12 of the Protocol stipulates this mechanism as a means that will help developing countries achieve sustainable development, through environmentally friendly green investment projects implemented by developed countries in developing countries on the one hand, and on the other hand contribute to the ultimate goal of the agreement. It is to reduce greenhouse gas emissions and fulfill the obligations stipulated in the core of the agreement. This mechanism is in the interest of developing and developed countries together and embodies international cooperation in the field of climate protection. In order to participate in clean development projects, development projects must be of public benefit and reduce greenhouse emissions, while clearly indicating the environmental impacts that may result from them.

2.2. Joint Implementation Mechanism: Under the text of Article 6 of the Kyoto Protocol, any Party included in Annex I may, in order to fulfill obligations related to reducing its emissions, implement or obtain from another Party the units of anthropogenic emissions of greenhouse gases or the promotion of their removal through sinks in Any sector of the economy, according to the following conditions:

- Approval of the project from each party concerned.
- The project must achieve a reduction in emissions or enhance their removal.
- No party will obtain any emission reduction units if it does not comply with its obligations stipulated in Articles 5 and 7 regarding establishing a national system for estimating emissions and submitting an annual inventory of emissions and their removal by sinks.
- Obtaining emission reduction units complements the procedures and measures taken in the field of emission reduction.

2.3. Mechanism for trading in emission reduction units: The mechanism for trading in emission reduction units is among the mechanisms stipulated in the Kyoto Protocol in Article 17 thereof, and this mechanism depends on the commitment of the states parties to the agreement to reduce the emission of carbon gas to the percentages specified for them, if the emission of carbon gas is It has less than the percentage specified for it, then the state may sell the quotas it has saved to another country that needs these quotas because it has exceeded the permissible limit of pollution for a known price.

Perhaps what distinguishes this type of contract between countries is related to shares in pollution. At first glance, it appears that it is an illegal act and even contrary to public order. However, under the Kyoto Protocol, each country has certain quotas according to which it has the right to release polluting gases into the atmosphere. If it is satisfied with what is less than the quota specified for it by adopting environmentally friendly programs and establishing special projects for alternative energy in order to reduce the percentage of pollution, in return for this there is Other countries that have industrial activities that pollute the environment to the extent that they exceed the limit granted to them, may sell excess shares to the country that causes the most emissions of gases that pollute the environment(Al-Ahmad and Abdul-Sulaiman, 2015, pp. 11-12). Thus, an international market was opened for trade in greenhouse gas emissions, which makes climate protection based on this mechanism a commercial means based on speculation, in which each party seeks profit and searches for the lowest cost price, and a lot of manipulation appears at the expense of climate protection and preservation.

Section IV : Paris Agreement on Climate Change 2015

The Paris Agreement came after four years of negotiations and discussions between members of the United Nations Climate Change Convention on December 12, 2015 in the French capital, Paris, on the occasion of the 21st session of the Conference of States Parties to the Convention, which is the largest international gathering to address an issue of great importance related to the climate and develop a solution that will be subject to global consensus.

1. Objectives of the Paris Agreement: The Paris Agreement, according to its second article, aims to work to consolidate and strengthen the global response to the danger and urgent threat that climate change represents to all humanity and a common concern to it, without prejudice to the right to sustainable development and the fight against poverty. Therefore, countries are working to achieve this goal by reducing greenhouse gas emissions and limiting the rise in global temperature to below two degrees Celsius

according to pre-industrial revolution levels, provided that efforts continue to limit the temperature rise to 1.5 degrees Celsius above pre-industrial revolution levels. While supporting the capabilities of countries to adapt to the negative effects of climate change, and financing environmentally friendly development projects that are consistent with reducing greenhouse gas emissions, taking into account the principle of shared responsibility for all states parties, but varying according to their capabilities and responsibilities. The states parties to the conference took into consideration two very important legal issues during the negotiations. The first was the prohibition of negotiating an agreement that violates a peremptory rule of international law. The second consideration is not to infringe upon any rule or principle stipulated in the 1992 Framework Convention on Climate Change(Lavallé and Maljean-Dubois, 2016, p 8).

2. Special provisions of the Paris Agreement on climate change: The Paris Agreement was distinguished by the diversity of the legal provisions that it stipulated towards achieving climate justice and climate preservation by reducing the emission of greenhouse gases, which imposes a difference in terms of obligations according to the capabilities and capabilities of countries in light of the common but differentiated responsibility in the context of Transparency and clarity prevail. Among the provisions included in the agreement, we point out:

2.1. Reducing the phenomenon of climate change: The Paris Agreement, according to its fourth article, emphasizes the international and collective commitment to reach a global halt to the increase in greenhouse gas emissions as soon as possible, and that the only clear difference is in the difference between countries, especially developing countries that require a longer time. Due to its limited capabilities, which requires joint cooperation in order to achieve a balance between anthropogenic emissions and their removal through sinkholes in the second half of the current century.

But what can be noted in this regard is that the commitment involved in achieving this goal was characterized by a lot of discussion and arduous negotiation, with conflicting ideas and opinions and contradictory positions on how to implement it. Among the obstacles that encountered the negotiators was the inclusion of the goal of reducing greenhouse gas emissions according to the Commission's recommendations. The Intergovernmental Committee on Climate Change until it reaches 2 degrees Celsius, which means reducing emissions to a rate ranging between 40-70% compared to 2010 by the year 2050(Al-Shakrani and Al-Qassawi, 2016, p. 48).

Perhaps the paragraphs included in Article 4 of the agreement demonstrate its keenness to work towards reducing gas emissions, as each party is obligated to report on its national contributions in this field and strive to achieve them by taking all necessary measures and procedures at the local level, each according to its capabilities and circumstances in order to reach the maximum extent. Of reducing pollution rates, and every five years the State Party is obligated to report those contributions, which are deposited with the secretariat of the Paris Agreement on climate change. In order to achieve this goal of reducing greenhouse gas emissions, Article Five of the agreement stipulates "preserving and enhancing sinks and reservoirs of greenhouse gases, including forests… and the role of forest conservation and sustainable management and enhancing forest carbon stocks in developing countries."

2.2. Adaptation in the face of the negative effects of climate change: Adaptation is taking the necessary actions and measures to adapt to climate change. These measures vary from one country to another according to its geographical location, the degree of its impact on negative climate changes and according to its financial capabilities. These

measures include, for example, building flood defenses. Establish early warning systems for hurricanes and shift to growing drought-resistant crops.

The issue of adaptation has been a source of great disagreement among the parties to the Framework Convention, as developing countries have sought to achieve parity between mitigation and adaptation by establishing a relationship between the two concepts, in order to include adaptation work in the list of actions that require financial assistance from the Green Fund funded by developed countries, while Developed countries opposed this proposal, which hindered reaching a common formulation on adaptation.

The Paris Agreement was able to reach a compromise that satisfies all parties, and included adaptation in its seventh article, but it did not refer to specific and direct obligations for states parties, whether developed or developing. However, it took into account the needs of developing countries, especially countries that are more vulnerable to the harmful effects of the climate. Among others, it was keen to provide assistance in adaptation efforts to developing countries and not oblige them to make additional efforts beyond the level of their national capabilities, but it did not specify exactly which countries needed assistance, and left the matter open according to the emergency circumstances and developments of each country.

2.3. Transparency: Transparency here means creating an environment in which information related to the environment is available, understandable and true, through preparing reports and providing data that express the reality of the state of the environment and climate changes in the countries concerned, in a way that enhances confidence among all parties to the agreement

In this context, the Paris Agreement emphasized in its thirteenth article the need for each state party to provide clear details about its activities in the field of implementing the agreement and its policy towards climate change, as well as submitting national inventories of greenhouse gases. The purpose of stipulating the principle of transparency is to increase confidence. Between countries, taking into account the different capabilities of each state party, especially developing countries, in light of the principle of common responsibilities for all countries. In this context, the Paris Agreement stipulates in Article 13 several arrangements that States Parties must adhere to in order to achieve the principle of transparency, which are:

- **National communications:** All parties are committed to submitting national communications related to greenhouse gas removal operations, national conditions, policies and measures, education and training, and any other activities taken to implement the agreement. This mechanism was adopted for the first time at the Conference of the Parties on Climate Change based on experiences the parties.
- **Reports submitted every two years:** Parties from developed countries must submit reports every two years, detailing financial and technical assistance and capacity-building support for parties from developing and poor countries. This mechanism was used for the first time in 2014, and the agreement indicated that it will continue to work beyond Year 2020.
- **Update reports every two years:** This type of report is imposed on developing countries, as they must re-inventory lists of national greenhouse gas emissions, mitigation measures, and indicate the obstacles and gaps they face in adapting work. As for small island states and least developed countries, they can update

their reports as they deem appropriate. This mechanism was adopted for the first time in 2014.

2.4. Financing: The 1992 Framework Convention on Climate established a set of obligations that fall on Annex I parties to climate finance. This agreement was the starting point for the climate finance law, which represents a set of rules that obligate developed countries to help Annex II parties in addressing climate change. to climate change problems, Then the Paris Agreement adopted the idea that financial assistance must be provided by developed countries to developing countries, in addition to other obligations it imposes with regard to mitigation, adaptation, technology transfer and capacity building, while being careful not to specify who the developed countries are and not to use the binary distinction between countries that it adopted. The Framework Convention and the Kyoto Protocol. The Paris Agreement emphasized in Article 4/5 the need to support developing countries for the effective implementation of the Convention, and that the support should be unconditional, recognizing that the support provided to developing countries will allow them to achieve a higher level of ambition in their actions, without exemption. Countries that need assistance from their obligations under the Convention.

The Convention also obligated, in Article 9/1-2, developed country Parties to provide financial resources to assist developing country Parties in both mitigation and adaptation in implementation of their existing obligations under the Convention, and even encouraged non-Parties to provide or continue to provide such support voluntarily, so that States Parties can Achieving the main goal of the agreement, which is to reduce two degrees Celsius of the Earth's temperature, and to overcome the phenomenon of global warming, must carry out work to mitigate emissions and adapt to climate change, and all of this requires a very high financial budget that developing and poor countries cannot provide. This is why the Fund is Green is the main driver of the rest of the obligations imposed by the agreement on all its parties.

Conclusion:

The international scene has recently witnessed widespread interest in the issue of climate change, and it has been included, as the most important global issue, at the heart of discussions in international forums and conferences. There is now an obligation on countries to address the dangerous effects of this phenomenon, through the development of legal mechanisms to prevent the occurrence of greenhouse gas emissions. or reduce it as much as possible, The international community moved towards developing international legal mechanisms to confront the phenomenon of climate change, and as a result of the negotiating processes, the Vienna Convention for the Protection of the Ozone Layer in 1985 was issued, which drew the world's attention to a more complex environmental issue, which is the increasing emission of greenhouse gases, and then a framework agreement to combat the climate was established, which achieves mechanisms. Effective to address greenhouse gas emissions causing this change, international efforts culminated in the signing of the United Nations Framework Convention on Climate Change in 1992, which was followed by the 1997 Kyoto Protocol attached to it, and then the 2015 Paris Climate Agreement.

Based on the above, this study concluded with a number of results that can be summarized as follows:

- Climate change represents the biggest global challenge facing humanity in the twenty-first century.

- The need for the developed industrial countries that were parties to the Paris Climate Agreement in 2015 to commit to implementing their pledges, especially with regard to reducing greenhouse gas emissions.
- Providing financial and technological support from developed countries to developing countries in order to help them deal with the effects of climate change.

In order to activate mechanisms to combat climate change, the following recommendations can be made:

- Commitment to transparency and permanent control over the emission of gases that pollute the environment.
- Employing international cooperation by placing international climate protection as a priority, away from the self-interests of countries.
- Calling on countries to join and fully and fully comply with the provisions of climate agreements.
- Countries must resort to environmentally friendly technology.
- Working to establish special funds to support and protect the climate.
- Developing national legislation in line with the provisions and texts of international agreements for effective climate protection.

International accountability for environmental violations of the climate is an urgent necessity.

Referrals and references:

A- Books:

- Douglas Nakashima and Others (2012), Weathering Uncertainty: Traditional Knowledge for Climate Change Assessment and Adaptation, Translation Stéphanie Ledauphin and Others, Paris, UNESCO, and Darwin, UN University, Darwin, NT 0909, Australia.
- Hanin Al-Aqqad (2009), Climate Change: Its Causes and Effects, Development Action Center, Palestine.
- Mohamed Adel Askar (2013), International Environmental Law: Climate Change, Challenges and Confrontation: An Analytical and Original Study: A Comparison of the Provisions of the United Nations Framework Convention and the Kyoto Protocol, Dar Al-Jamia Al-Jadida, Alexandria.
- Salafa Tariq Abdul Karim Al-Shalan (2010), International Protection of the Environment from the Greenhouse Effect in the Kyoto Protocol 1997, Al-Halabi Legal Publications, Beirut.
- Saeed Salem Juwaili (2022), International Regulation of Climate Change and Global Warming, Dar Al Nahda Al Arabiya, Cairo.
- Boisson De Chazournes, Laurens (2009), la naissance d'un régime juridique international de protection du climat, Questions internationales, université de Genève, Genèv.

B –Newspaper articles:

- Mona Tawhariya (2022), "Climate Change and the Stakes of International Environmental Policy," Journal of North African Economics, Volume 16, Issue 01.
- Muqaddam Abirat, Abdelkader Belkhader (2007), "Energy, Environmental Pollution and Global Environmental Problems", Journal of Economics and Management Sciences, Volume 7, Issue 7.
- Tariq Rashidi (2020), "A Reading of the United Nations' Journey in Addressing the Problem of Climate Change during the Period 1972-2018," Human Resources Development Journal, Volume 15, Issue 3.
- Ali Marah (2010), "The Efforts of the Kyoto Protocol, a Necessary Demand for the Whole World." Algerian Journal of Legal, Economic and Political Sciences, Issue 1.

- Sandrine Malean-Dubois (2005)," le mise en route du protocole de Kyoto à la convention-cadre des Nations Unies sur les changements climatiques". annuaire français de droit international, vol 51.
-Mohammed Suleiman Al-Ahmad and Abdul Karim Saleh (2015), "The Legal Framework for the Sale of Pollution Shares - An Analytical Study in Light of the Kyoto Protocol on Global Warming and Climate Change." Al-Mofaker Magazine, Volume 10, Issue 1.
- Al-Hussein Al-Shakrani and Khaled Al-Qassawi (2016), "Global Climate Negotiations: Development in Texts and Doubts in Application." Arab Policies Magazine, Issue 2

C - International Reports:

- IPCC (2013), Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K Allen, J. Boschung, A. Nauels, .Y. Xia, V. Bex and P.M. Midgley (eds.)], Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
- Food and Agriculture Organization (2008), "Climate Change and Food Security: A Framework Document", Rom: Food and Agriculture Organization of The United Nations.
- IPCC (2007), "Climate Change 2007: Synthesis Report", Switzerland: Intergovernmental Panel on Climate Change.

D – International agreements:

-United Nations (1992), "United Nations Framework Convention on Climate Change", New York: United Nations.