

International Climate Governance: Legal and Political Obstacles to Achieving Sustainability

Dr. Saghour Hichem

Faculty of Law and Political Science, Gilizen University
hichem.saghour@univ-relizane.dz

Received date: 14.01.2025; Accepted date: 16.03.2025;
Publication date: 05.05.2025, doi: 10.56334/sei/8.3.51

Abstract

This study investigates how global governance intersects with climate change, emphasizing the legal and political hurdles the international community must overcome to achieve sustainability. It underscores the critical role of international collaboration, environmental law, and global policy-making in tackling the climate crisis. The research will assess the potential impact of inaction and utilize recent data and statistics to illustrate the magnitude of the issue. Furthermore, it will examine legal and political structures that could contribute to a more effective global response to climate change.

Key Words: Climate Change, Global Governance, Sustainability, Environmental Law

Introduction

In recent decades, climate change has become one of the biggest challenges facing the world in the 21st century, with its effects intersecting all aspects of human life, from the environment to the economy, security, and public health. In this context, global governance emerges as a fundamental tool in confronting this crisis. However, global governance faces multiple legal and political

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Citation: Saghour H. (2025) International Climate Governance: Legal and Political Obstacles to Achieving Sustainability. *Science, Education and Innovations in the Context of Modern Problems*, 8(3), 802-816. doi: 10.56352/sei/8.3.51. <https://imcra-az.org/archive/358-science-education-and-innovations-in-the-context-of-modern-problems-issue-3-volume-8-2025.html>



challenges, linked to shifts in international policies and the global economy, and discrepancies in the priorities of different nations. Legal frameworks such as the Paris Agreement on Climate Change face significant challenges in implementation, raising questions about the effectiveness of these frameworks in achieving sustainable climate goals.

This research will discuss the legal and political challenges facing global governance in combating climate change, focusing on the role of international policies in shaping a sustainable future for all humans. It will rely on various approaches to provide a comprehensive analysis of the issue, propose testable hypotheses, and suggest solutions to address these challenges.

Importance of the Research:

The importance of this study lies in shedding light on the legal and political dimensions of global governance in addressing climate change, a matter of great significance due to its direct impact on humanity. The study aims to provide a deeper understanding of these challenges to offer policymakers and academics insights that may contribute to improving strategies for responding to climate change.

Research Objectives:

This research aims to achieve the following objectives:

1. Analyze the legal and political frameworks of global governance in addressing climate change.
2. Explore the challenges facing countries in international cooperation to address climate change.
3. Offer proposals for developing international policies to combat climate change.
4. Evaluate the role of international organizations in implementing environmental agreements.

Research Problem:

To what extent can global governance overcome the legal and political challenges it faces in combating climate change?

Research Hypothesis:

Global governance remains ineffective in confronting the challenges of climate change due to legal and political barriers arising from the conflicting interests between developed and developing countries, as well as weak enforcement and monitoring mechanisms in international agreements.

Sub-hypotheses:

1. The legal gaps between developed and developing countries constitute a major obstacle in implementing international climate agreements, reducing the ability of the global legal system to achieve the established climate goals.

2. Political differences between major and developing countries hinder the achievement of effective climate agreements, as developed countries prioritize economic interests over environmental commitments, while developing countries seek funding and assistance to adapt to climate change.

3. Weak legal and enforcement mechanisms in international agreements, such as the Paris Agreement, do not ensure that countries honor their climate commitments, exacerbating the environmental crisis.

4. The absence of climate justice in international policies impedes the effective response to climate change, as some policies overlook the specific needs of developing countries, leading to inequality in addressing and distributing resources fairly.

Research Methodologies:

This research will use a variety of methodologies, including the following:

1. **Descriptive-Analytical Method:** This approach will analyze the current state of global governance in the field of climate change mitigation, highlighting the legal and political challenges it faces. It will also analyze international documents, such as the Paris Climate Agreement and United Nations reports on climate change, and study the implementation of policies in various countries.

2. **Comparative Method:** This methodology will compare the climate change policies of developed countries (such as the United States and the European Union) with those of developing countries (such as African countries and small island states). The aim is to highlight gaps in countries' commitments and differences in how they address climate change.

3. **Statistical Method:** This approach will utilize recent data and statistics on carbon emissions and global temperature changes, as well as economic data showing the impact of climate change on national economies. This methodology will rely on reports from the Intergovernmental Panel on Climate Change (IPCC) and other specialized organizations.

Research Structure:

To address this topic and answer the previous research question, the study is divided into the following sections:

1. A Conceptual Framework for Global Governance and Climate Change

2. Solutions and Strategies to Strengthen Global Governance for a Sustainable Future

Chapter: A Conceptual Framework for Global Governance and Climate Change

This section focuses on coordination between countries and international organizations to address environmental challenges through legal commitments and climate policies aimed at reducing the impacts of climate change and achieving environmental sustainability through international cooperation.

Section One: Basic Concepts of Global Governance and Climate Change

This subsection covers the definition of global governance and climate change, their impact on international cooperation, and the relationship between environmental policies and the global economy.

First: Definition of Global Governance:

The term "governance" has been used in many writings over time, but it was initially confined to the institutional domain. It was used to refer to the organization, management, and internal relations of institutions, without addressing public affairs such as state and society management. The scope of this term expanded in the early 1990s, when international donor agencies adopted its broader usage and included it as a key term in their development-related literature.

Looking at the roots of this term, "governance" first appeared more than 70 years ago, introduced by economist Ronald Coase in a 1937 article, where he linked governance to coordinating internal institutions to reduce transaction costs. Later, institutional economists like Olivier Williamson in the 1970s redefined it as a set of procedures organizing internal and external coordination. In the 1980s, the term began to be used in the corporate sector and then moved to political science in Britain, applying it to the reconstruction of local authority following Margaret Thatcher's reforms. By the end of the same decade, the term "governance" entered international relations, and international financial institutions adopted the term "good governance" to define public administration standards in countries undergoing structural adjustment programs.

Thus, it can be said that the term "governance" is not new. It has been used in various fields in the past, but its entry into discussions about social institutions represents a relative development. Moreover, its usage expanded significantly in the early 1990s, becoming common among management experts and international organizations such as the World Bank and the United Nations Development Programme. According to the World Bank's 2002 report, governance is a set of rules that regulate the exercise of power on behalf of elected officials, including determining who exercises this power and how they are selected or compensated.

In this context, the Global Governance Committee provided a unified definition of global governance, describing it as "the various ways in which individuals and public and private institutions manage their common affairs. It is an ongoing process through which conflicting or diverse interests are accommodated and cooperative actions are taken. It includes both formal institutions and systems authorized to enforce compliance, as well as informal arrangements that individuals and institutions have agreed upon or recognized as being in their best interest."

Second: Definition of Climate Change:

The term "climate change" refers to long-term changes in the Earth's temperature and weather patterns. These changes can occur due to natural factors, such as solar activity or large

volcanic eruptions. However, since the 19th century, climate change has primarily been linked to human activities, especially the emissions resulting from the burning of fossil fuels such as coal, oil, and natural gas. These activities lead to an increase in the concentration of greenhouse gases, such as carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), in the atmosphere, which contributes to the greenhouse effect and an increase in global temperatures, affecting the global climate.

Thus, climate changes and weather fluctuations pose serious threats to human life and its economy, such as droughts, floods, and hurricanes. They also impact food security and public health through extreme temperature fluctuations like heatwaves and cold spells. Moreover, the risks are heightened due to waterborne diseases, such as malaria and dengue fever, as well as deteriorating air quality.

1. Causes of Climate Change:

The causes of climate change are varied and include both natural and human factors, which interact and contribute to changes in global weather patterns. These factors can be summarized as follows:

- **Natural Causes:**

The Earth's climate changes naturally due to complex interactions between oceans and the atmosphere. These causes also include changes in the Earth's orbit, fluctuations in the amount of energy received from the sun, and large volcanic eruptions that can influence global temperatures. Other factors such as solar winds, changes in the Earth's orbit, and continental drift also play a role.

- **Human Causes:**

Human activities significantly exacerbate the phenomenon of climate change. Studies show that fossil fuels account for more than 75% of global greenhouse gas emissions and about 90% of carbon dioxide emissions. Human activities, such as agriculture and industry, are among the main sources of these emissions, which increase the concentration of greenhouse gases in the atmosphere. Over time, rising temperatures lead to changes in weather patterns, creating numerous risks for humans and all forms of life on Earth. These activities directly enhance the greenhouse effect and negatively affect the environmental balance.

Natural factors like interactions between the oceans and the atmosphere, changes in the Earth's orbit, and volcanic eruptions, alongside human activities like fossil fuel combustion and emissions from agriculture and industry, all contribute to climate change. These factors interact in a complex way, gradually altering the climate and impacting global temperatures and weather patterns.

2. Impacts of Climate Change:

The main impacts of climate change can be summarized as follows:

- **Rising Global Temperatures:**

Recent data indicates that the Earth is rapidly approaching the threshold for a temperature increase of 1.5°C by 2024, the first year to surpass this symbolic limit for global warming. This increase exacerbates environmental risks, with United Nations Secretary-General António Guterres describing this rise as a "climate collapse," pointing to the devastating consequences of accelerating climate change.

- **Extreme Weather Events:**

The frequency of extreme weather events such as floods, droughts, and powerful storms has notably increased in recent years. For example, the storm and floods that swept through Libya in 2023 were a significant climate and environmental disaster. Following this tragic event, the World Bank, supported by the United Nations and the European Union, conducted a rapid assessment of damages and needs. The losses from the floods amounted to \$1.7 billion, equivalent to approximately 3.6% of Libya's GDP.

- **Sea Level Rise:**

Global warming contributes to the accelerated melting of glaciers and the rising temperatures of oceans, leading to an increase in sea levels. This presents a direct threat to coastal regions, causing floods and coastal erosion, which negatively impact the environment and local communities.

Thirdly: The Relationship Between Global Governance and Climate Change:

This relationship is based on the importance of international policies to coordinate efforts among countries to combat climate change. Addressing this challenge requires a globally coordinated response, as it affects all countries regardless of their geographic location, calling for legal and political mechanisms to implement effective climate policies.

1. Impact of Global Governance on Addressing the Climate Crisis:

- **Coordination of International Policies:**

Within the framework of global governance, countries collaborate through international agreements to set goals and commitments regarding climate change. For example, the Paris Agreement strengthens cooperation among countries to reduce greenhouse gas emissions. In this context, Jürgen Vogel, Vice President of the World Bank for Sustainable Development, emphasized the importance of the EPIC response framework in tackling climate change challenges and managing disaster risks, stressing coordination between hydrological risks and innovative governance approaches. Ibrahim Thiaw, Executive Secretary of the United Nations Convention to Combat Desertification, also highlighted the need for proactive policies to address drought, focusing on integrated land use planning and water management to protect those most vulnerable to climate change impacts.

- **Funding Mechanism for Developing Countries:**

Financial mechanisms are a core component of global climate governance, with developed countries committing to provide funding to developing countries to adapt to the effects of climate change. At the 2024 United Nations Climate Conference (COP29), it was agreed to triple funding directed to developing nations to help protect lives and livelihoods. Additionally, a new target was set to increase funding from \$100 billion annually to \$300 billion by 2035, with the aim to raise it to \$1.3 trillion annually by 2035 to support countries facing climate disasters and promote clean energy growth.

In this regard, Simon Steele, Executive Secretary of the UN Climate Change, stated: "This new funding target is an insurance policy for humanity amidst the escalating climate impacts affecting every country, but like any insurance policy, it only works if the premiums are fully paid and on time. Therefore, promises must be fulfilled to protect billions of lives."

- **Policy Implementation at the UN Level:**

The United Nations, through bodies such as the United Nations Environment Programme (UNEP), organizes events and seminars to enhance international cooperation on environmental and climate change issues. It also works on developing mechanisms to monitor the progress of countries in achieving their climate goals. For example, it organized 42 events under the UN Framework Convention on Climate Change's "Together Transparency" initiative, which focuses on enhancing transparency in national contributions and reducing emissions.

2.Challenges in the Relationship Between Global Governance and Climate Change:

- **Diverging Interests of Countries:**

Developed and developing countries often have different interests regarding climate change issues. For instance, developing countries frequently demand funding and technology to adapt to the effects of climate change, while developed countries focus on reducing emissions.

- **Political Challenges:**

Despite international agreements like the Paris Agreement, some countries, such as the United States, have withdrawn, which hampers international coordination in addressing the climate crisis. For example, with greenhouse gas emissions and temperatures reaching new record levels, and the increasing climate impacts, the 2023 Emissions Gap Report titled "Setting New Record Levels – Temperatures Reach New Record Levels, Yet the World Fails (Again) to Cut Emissions," indicates that the world is on track to exceed the targets set by the Paris Agreement in 2015. The report emphasizes the need for countries to take ambitious actions beyond their current commitments to achieve these targets.

Consequently, it can be stated that global governance and climate change are closely linked, as the climate challenges require a globally coordinated response through a legal and regulatory

framework that ensures the effective implementation of environmental policies. This coordination between countries and international organizations highlights the importance of governance in addressing climate change through international agreements, financial and technical support mechanisms, despite the political and legal challenges that may hinder the implementation of these policies.

Second Demand: The Interplay Between Legal and Political Policies with Environmental and Global Challenges

This demand discusses how legal and political policies influence addressing global environmental challenges, such as climate change, and the necessity for coordination between countries to achieve common environmental goals.

First: The Impact of Legal Policies on the Environment:

International legal policies play a crucial role in addressing climate change challenges by setting regulatory frameworks aimed at protecting the environment. Among these policies is the United Nations Framework Convention on Climate Change (UNFCCC), adopted in 1992 as the primary framework for combating climate change. It aims to reduce emissions and adapt to its effects. The convention and the Kyoto Protocol emphasize the principle of "common but differentiated responsibilities" (CBDR), where obligations are shared among parties but consider national and regional circumstances according to Article 4(1). More stringent obligations apply to developed countries under Article 4(2), while developing countries receive concessions under Article 4(7), with the priority on "economic and social development and poverty eradication" for these countries. Despite these efforts, much work remains to achieve climate justice within the UN process.

In addition to the Paris Agreement, the Convention on Biological Diversity (CBD), also signed in 1992, plays a key role in maintaining biodiversity, ensuring the sustainable use of natural resources, and guaranteeing the fair sharing of benefits arising from genetic resources. This includes appropriate measures for accessing these resources and transferring related technologies while respecting involved rights, along with providing necessary funding to ensure the effective implementation of goals.

Second: Legal and Political Challenges in Climate Governance:

Despite international legal frameworks to enhance cooperation in combating climate change, climate governance faces legal and political challenges that impact the effectiveness of policies. The most notable challenges include the difficulty of implementing international agreements due to differing economic and political interests among countries, which obstructs the achievement of coherent and effective solutions.

1. Major Obstacles to Implementing Legal Policies within Global Governance:

- **Differences in National Interests:**

Developing countries, especially in the Arab region, face significant challenges due to varying priorities among countries, driven by divergent economic and political interests, making it difficult to reach effective agreements on global issues such as climate change and sustainable development.

- **Inadequate Legal Frameworks:**

The legal system in developing countries suffers from weak coordination between national and international institutions, which complicates the effective implementation of environmental and social policies across borders.

- **Political and Economic Challenges:**

Developing countries face difficulties in coordinating economic and social policies, leading to inconsistencies in addressing development issues. Additionally, excessive military policies deplete resources, hindering investment in vital social sectors.

- **Weak Governance and Lack of Inclusive Institutions:**

Developing countries face structural and financial challenges in their governmental institutions, which impacts their ability to meet citizens' needs and contributes to the erosion of trust between citizens and governments.

- **Excessive Military Spending at the Expense of Social Investments:**

Excessive military spending reduces available resources for investment in social areas such as health and education, further exacerbating social and economic problems.

- **Disputes over Financial Mechanisms:**

Financial disputes between developed and developing countries complicate the implementation of climate policies, as developing nations demand more support to achieve their goals.

Corruption and Lack of Transparency: Many developing countries suffer from weak anti-corruption measures, undermining government effectiveness, negatively impacting the social contract, and hindering the implementation of effective policies for sustainable development.

2. Negative Impacts of These Challenges on Climate Governance:

- **Failure to Implement Commitments:** Climate governance faces challenges in fulfilling countries' obligations due to political tensions, economic pressures, and disputes over responsibility distribution. This inaction reduces the effectiveness of global efforts to tackle climate change and makes it difficult to achieve global climate goals in the long term.

- **Doubts About the Future:** Major differences between developed and developing countries regarding climate policies lead to increasing doubts about the parties' commitment to fulfilling international agreements. These doubts arise from disparities in economic interests, emission

reduction capacities, and development needs, delaying decisive decisions in global conferences and hindering progress toward effective climate action and impact reduction.

Therefore, international legal policies play a vital role in addressing environmental challenges such as climate change by establishing frameworks for cooperation among countries. However, these policies face challenges in implementation due to differences in interests and disparities between countries. This calls for enhanced cooperation and the creation of effective mechanisms for financing adaptation projects and legislative solutions that fit local conditions.

Chapter Two: Solutions and Strategies to Strengthen Global Governance for a Sustainable Future

This chapter presents strategies to strengthen global governance by improving implementation mechanisms and enhancing cooperation between countries and international organizations to tackle climate change challenges.

Section One: Strategies and Potential Solutions to Improve Global Governance
This section discusses the importance of developing effective mechanisms for implementing international agreements and achieving greater coordination among countries to combat climate change in an effective and sustainable way.

First: Strengthening Implementation Mechanisms:

This involves introducing robust monitoring mechanisms and enforcing binding penalties through:

- **Empowerment and Equitable Resource Allocation:**

To compensate for losses in development over the past decade and achieve the 2030 Agenda goals, governments should prioritize empowerment and equitable resource allocation. This requires the redistribution and fair allocation of resources to promote inclusive and sustainable development.

- **Rebuilding Trust Between Citizens and the State:**

Governments must design and implement inclusive programs aimed at empowering marginalized and disadvantaged groups. Real efforts must be made to rebuild trust between citizens and the state through enhanced transparency and institutional accountability.

- **Fighting Corruption and Promoting Transparency:**

Governments should be encouraged to adopt proactive policies to combat corruption and public sector misconduct, including establishing effective anti-corruption mechanisms, creating independent national institutions with strong powers in this field, and ensuring protection for whistleblowers. In this context, according to Article 14.2(b), the Permanent Court of Arbitration should adopt appropriate transparency rules in all proceedings related to these matters.

Second: Reforming International Institutions:

This can be achieved by strengthening the roles of the United Nations, the European Union, the World Bank, and others through:

- **Eliminating Discriminatory Policies:**

Governments should abolish discriminatory policies that negatively affect economic, political, and social inclusion, particularly for vulnerable groups. This requires drafting new laws based on respect for human rights, promoting social justice, and equality.

- **Using the COVID-19 Pandemic as an Opportunity for Institutional Reform:**
The post-COVID-19 recovery phase, which shook the entire world, should be used to assess and reform institutional structures, as well as social and economic policies. Efforts should be made to strengthen the effectiveness of government institutions that demonstrated weaknesses in dealing with crises during the pandemic.

- **Third: Moving Toward Social Investments:**

Governments must shift focus from excessive military spending to social investments and human development. This transition should prioritize the well-being of citizens and address their expectations regarding social justice and prosperity.

- **Third: Resolving Climate Change Disputes:**

To resolve disputes related to climate change, countries should make use of the dispute resolution clause in the UNFCCC [Article 14.2]. Article 14.2(a) stipulates "submitting the dispute to the International Court of Justice," while Article 14.2(b) provides the option for "arbitration under procedures to be adopted by the Conference of the Parties as soon as possible in a special annex on arbitration." However, disputes have not yet been submitted to the International Court of Justice, nor have any procedures for arbitration been adopted under Article 14.2(b). To break the deadlock, Parties to the Convention should follow the Convention's provisions and meet to adopt arbitration procedures. The working group recommends that the Conference of the Parties adopt the Permanent Court of Arbitration (PCA) as the preferred arbitration body.

- Therefore, improving global climate governance requires combined efforts at both the institutional and legal levels. Strengthening implementation mechanisms, imposing strong oversight on countries, and reforming international institutions such as the UN and the EU can contribute significantly to enhancing international cooperation and addressing global environmental challenges more effectively.

- **Section Two: Policies to Promote Climate Justice for Sustainable and Inclusive Development**

Climate justice policies are fundamental to achieving sustainable development, as they aim to distribute the burdens of climate change fairly among countries and communities by adopting

inclusive policies. Before delving into these policies, it is important to understand the concept of climate justice and its significance, which is as follows:

- **First: Climate Justice:**

The first Climate Justice Summit was held in 2000 in The Hague, Netherlands, alongside the sixth conference of the parties to the UNFCCC. It emphasized that climate change is a human rights issue. Subsequent conferences and specialized organizations in this area followed, the most notable being the formation of the Climate Justice Network in 2009, which adopted the slogan "Change the system, not the climate." This slogan was used by climate justice activists to call for a change in the economic and political systems causing climate change.

- Thus, climate justice is a concept that focuses on achieving a fair distribution of the burdens and resources related to climate change. It holds industrialized countries, which have historically contributed significantly to greenhouse gas emissions, primarily responsible for mitigating the negative effects of climate change. As part of the global capitalist system, these countries have a principal duty to reduce emissions, protect biodiversity, and safeguard the rights of future generations. Climate justice is considered an ethical issue that requires radical changes in production and consumption patterns to ensure the sustainability of the planet for all.

- In this regard, David Easton defines climate justice as, according to Mary Robinson, "linking human rights and development to create an approach that focuses on people, protects the rights of the most vulnerable, and shares the burdens and benefits of climate change and its solutions in a fair and just manner." It underscores the moral and legal principles essential for addressing climate change issues. Easton also emphasizes that respecting human dignity is the cornerstone of achieving climate justice, as it contributes to fighting poverty, inequality, and violations while ensuring the minimum level of human dignity for all individuals.

- Therefore, climate justice is essential for ensuring the fair distribution of responsibilities and resources between countries, especially between developed and developing nations. It focuses on providing funding and technology to countries suffering from the impacts of climate change, particularly the poorest, with the aim of narrowing the gap between wealthy polluting nations and those that contribute little to pollution.

Second: The Importance of Climate Justice:

Climate change impacts different countries unevenly. Developing nations are often more vulnerable to its effects, despite contributing only marginally to global emissions. To achieve climate justice, climate policies should include the following:

- **First: Climate Justice as a Necessity:**

It is crucial to adopt an approach based on climate justice to support vulnerable countries and ensure human rights and sustainable development. This approach should be coupled with enhancing transparency and education to effectively address climate challenges.

Conclusion:

From the previous discussion, it can be concluded that climate change is one of the most pressing issues threatening the stability of the environment, economy, and global security. Despite the growing global efforts to address this crisis, global governance still faces complex legal and political challenges, especially due to the divergence of interests between developed and developing countries. Building a global system capable of tackling these challenges requires more international cooperation, the development of effective legal mechanisms, and the adoption of climate policies that consider justice and equality among all nations.

The study has shown that while global governance has evolved in recent years, it still requires fundamental reforms to enhance its capacity to implement climate agreements. Consequently, the international community must work together to address the legal and political gaps that hinder the achievement of sustainable development goals. Based on the findings, several conclusions and recommendations can be presented as follows:

First: Conclusions

1.Ongoing Legal and Political Challenges:

Global governance still faces significant challenges in implementing international climate agreements. Legal gaps between developed and developing countries make the application of policies more complicated.

2.Lack of Implementation Mechanisms:

There is a deficiency in international accountability mechanisms to ensure that countries meet their climate commitments, leading to discrepancies in progress toward the Paris Agreement goals.

3.Divergence of International Interests:

Differences in national interests, particularly between major and developing nations, hinder effective coordination for combating climate change, making it difficult for the international community to reach comprehensive solutions.

Second : Recommendations

1.Strengthening International Legal Mechanisms:

There should be efforts to enhance international legal mechanisms to monitor climate commitments and ensure their implementation. This could be achieved by adopting more effective accountability frameworks, guaranteeing actual enforcement of international agreements.

2.Focus on Climate Justice:

It is essential to adopt policies that promote climate justice by providing financial and technological support to developing countries, helping them adapt to climate change, and achieve sustainable development.

3.Strengthening Public-Private Cooperation:

Partnerships between governments and the private sector should be developed to ensure massive investments in renewable energy and environmental adaptation solutions. Strengthening these partnerships can contribute to a rapid transition to a low-carbon economy.

4.Promoting Climate Diplomacy:

It is necessary to encourage climate diplomacy at all levels to ensure coordination among all international parties and create an environment of fruitful cooperation in addressing the climate change issue.

5.Achieving Policy Integration:

All countries should commit to integrating environmental policies with economic and social policies to achieve effective outcomes in combating climate change, while considering the specific needs of different nations.

These recommendations are crucial to strengthening the global governance system, improving international cooperation, and ensuring that countries can work together to mitigate and adapt to the impacts of climate change effectively

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"Science, Education and Innovations in the context of modern problems" Journal
ISSN (p/e): 2790-0169 / 2790-0177

DOI: 10.36331/sci/8.3.31



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