

The Role of Politics in the Negotiation and Implementation of the Kyoto Protocol on Climate Change¹⁰

Vloga politike pri pogajanjih in implementaciji Kjotskega protokola o podnebni spremembah

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Abstract

Multilateral effort to resolve the issue of climate change resulted in the adoption of the Kyoto Protocol by the United Nations who thereafter convoked numerous conferences. Suggestions and recommendations that were raised during the conferences further gave rise to another round of problem which bordered on the implications of the Protocol on the national interests of states involved. In view of this, the paper

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examines how parochial national interest of states influenced the negotiation and outcomes of the Kyoto Protocol on climate change. Through document review and analysis of secondary data, the paper opined that the various actors had the desire to enact the Protocol based on their national interest. The desires to force their interest cause some to withdraw from the negotiation as well as its implementation. This situation thus created structural flaws that marred and weaken the Kyoto Protocol on climate change.

Keywords: Kyoto Protocol, Negotiation, National Interest, Climate Change, implementation.

Introduction

In the contemporary world of globalization, Climate change is one of the main environmental issues of great concern to all nations, living on both side of the economic divide, the North and South because it threatens international peace, security and development. Climate change is an observed deviation of world climatic conditions from existing patterns which is influenced by anthropogenic (greenhouse gas) interference with the world climate system, thereby resulting in many negative consequences for man and his environment. Intergovernmental Panel on Climate Change (IPCC) observe that it is human activities that cause

the change of the climate, therefore man should be the one to solve the problem. IPCC (1990, 1995, 2001, 2007 and 2013) maintain that “although, it is natural that the climate trend varies across period of times, but the current rate of warming is unprecedented.

IPCC further emphasized that it was 90 percent sure that “emissions of Greenhouse Gases (GHGs) from human activities is visibly responsible and that the developed countries contribute more GHGs as well as having long history of influencing global warming than the developing countries”. Among the developed countries, the United States has been pointed to be the largest contributor accounting for about 24 percent (Pearson, 2000), while China and India among the developing countries are also pointed as the largest emitters (Skodvin & Aakre 2013).

With regard to the IPCC findings, the question that agitates state in the international system was about how the responsibility to mitigate the problem should be shared. Therefore, the coming together of all stakeholders in the international system under the umbrella of the United Nations to combat climate change led to the negotiation of the Kyoto Protocol. The Kyoto Protocol is an international legal mechanism devised by the United Nations to cut back on the emission of greenhouse gases, the main culprit of climate change.

However, it was noticed that in the political conferences that led to the adoption of the Kyoto Protocol and even beyond some fault lines were

created. During the negotiation at the conferences, heavy weight power politics prevailed, as the delegates were only willing to support those elements of conference agenda that serve their parochial national interests. The key actors were therefore divided along the line of their interest. They wanted things done in the ways and manner they preferred. While some preferred that economic growth should be constrained, others preferred the use of flexible approach, a market instrument such as the imposition of pollution tax and use of sustainable forest management as carbon sink. Both positions generated certain arguments and disposition. For instance, it was argued that flexible approaches in resolving the problem would only worsen the situation (Allen & Ibaba, 2014). At the same instance some queried the scientific opinions about the reality of Climate Change and its link with human activity as unjustifiable. Some others stressed the perceived impact the enforcement of rules will have on their economy, the entire political system and security of their nations (Pringe, 2001; Hovi, Bretteville and Bang, 2007; Hojesky, 2013).

Nevertheless, the Kyoto Protocol was adopted in 1997 by over 190 members of the UN, including the United States. In subsequent meetings the detailed rules for the implementation was established. In the final analysis only 36 developed countries were committed to the reduction of GHG's. The U.S signed the Protocol but refused to ratify it, Australia signed but delayed the ratification till 2007, while Canada

ratified the Protocol but withdrew in 2011. The assessment, review and enforcement of the Kyoto Protocol has been a subject of heated debate among scholars, diplomats, state actors within and outside the UN circle, including IGO and NGO's across the globe. *The paper thus recognizes the hierocracy of the major powers in their determination to confront environmental problems. This is as was expressed by the self-iinterest and arguments advanced by them during the negotiation of the Kyoto Protocol. It is sad that nations sacrifice and subject critical international problems on the altar of politics of self-interest. Hence compromise and consensus is hard to achieve during international conferences.*

It is in this light that the paper examines the politics involved in the negotiation and implementation of the Kyoto Protocol on climate change. The paper first takes an overview of early international efforts at tackling environmental problems. The following section attempts an analysis of the various conventions on environment. Thereafter, it examined the issues and arguments advanced by the participating nations during the negotiation of the Kyoto Protocol. Finally, the paper did an assessment of the implementation of the Protocol.

Overview of Early International Effort at Tackling Environmental Problems

Early international effort to save Planet Earth from environmental degradation that are human activity related such as Sea pollution, Trans-boundary Air pollution, Ozone Layer depletion, deforestation, poaching, nuclear accident and many more was concentrated on a multilateral front and was driven on by the United Nations (UN), which has organized one conference after the other (Barret and Starvin, 2003; Barret, 2005; Bodansky, 2010). It began with the Stockholm Conference on Human Environment (UNCHE) in 1972 and its attendant institutionalization of an interventionist agency, the United Nations Environmental Programme, which facilitated the brokering of subsequent international Environmental agreement between states on different specific issue areas.

Some of such forums resulted to the adoption of rules or expected code to regulate the conduct of states. The products of such efforts are: the London Dumping Convention, 1972; Marpol Convention on the Pollution of the Sea, 1973/78; United Nations Convention on Law of the Seas, 1982; Convention on Long –Range Transboundary Air Pollution(LRTAP); Montreal Protocol on substances that deplete the Ozone Layer; UN Conference on Environment and Development, 1992; Agenda 21; the United Nations Convention on Climate Change; the Kyoto Protocol on

Climate Change, 1997; and many others (Porter and Brown, 1996; Baylis and Smith, 1997; Percival, 2003; Barret, 2008; Oyeshola, 2008; Bodansky, 2011; Allen and Ibaba, 2014). However, the various international actors involved in the negotiation of environmental protection laws held different opinions on how to proffer solution to environment issues of international dimension. These divergent views are captured below.

Perspectives in Environmental Protection, Conventions and Agreements Prior To Kyoto Protocol

A plethora of literature makes clear, that the phenomenon referred to as environmentalism advocacy for the protection of environment has generated a lot of controversies; where significant numbers of questions have informed debate by scholars and policy analysts alike. Proponents of environment protection, the neo-Malthus Scholars or school of thought like their predecessor, Thomas Malthus, appreciate the fact that the degradation of the environment have reached an alarming rate, and argued therefore for timely action, such that will reduce the degradation of the natural environment and promote sustainable development because they believe that survival depends on human's capacity to regulate the global environment by means of regime formation and

enforcements (Carson, 1962; Ehrlich, 1968; Meadows, Meadows, and Randers, 1972; Jhingan, 2006; Sustain, 2008, Ehrlich and Ehrlich, 2009).

While most scholars and diplomats shared in the neo Malthus view about growth and environment degradation dilemma, they differ on the approach to solving the problem. Some like the Cornucopian's scholars or school of thought, that are rooted in neo liberal economic principle (Simon, 1980; Simon, 1986; Simon 1987; Simon 1995; Simon 1996; Kahn and Simon, 1996; Simon, 1999; Aligica, 2009) more or less share a moderate view of approach to the problem. They believe in human ingenuity, the ability to invent technology that can make man surmount the limits placed on human by nature which tends to constrain societal growth and development. Rather than accepting the outright constraint of growth as advocated by the neo-Malthus School of thought to avoid planetary collapse, they advocated for the use of technology and market instrument to solve environmental problems. These scholars share the belief that "if free trade is practice, an ecological imbalance that threatens humanity will eventually be corrected". The reason was that they believe "prices are the key adjustment mechanism that in time produces the greatest good for the greatest number of people" (Kegley and Blanton, 2011).

As the Neo Malthus Scholars and the Cornucopian's Scholars only disagreed on the approach to solving the environmental degradation

problem, critics particularly the eco-imperialism scholars (Driessen, 2003; Soomin and Shirley, 2009) and diplomats in developing countries denied that environmental degradation is a serious issue. Rather they perceived the international effort to combating the degradation of the environment as eco-imperialism- a new brand of dominance by the global North, to shortchange them, after just about three decades (late 1940s-1970s) of their independence. Soomin (2009: 1) described the antics of the West in precise term as a movement that “imposes the views of mostly wealthy, comfortable Americans and Europeans on mostly poor, desperate Africans, Asians and Latin Americans”. He also described the movement as a violation of the Africans, Asians and Latin Americans “most basic human rights” and denied them opportunities to grow their economies, which could have created the chance for a better living.

The developing countries thus view the Stockholm Conference, the agenda for environmental protection on a worldwide dimension as a ploy by the developed countries to continue, to dominate them. They rather demand that actions to protect the environment should be tied to efforts to promote their socio-economic development. The United States perceived the United Nations Convention on the Laws of the Seas (UNCLOS) as an instrument to make her give away her national sovereignty and undermine her security interest (Moore, 2004). The European Union and developing countries, such as China and India

considered the Montreal Protocol on substances that deplete the ozone layers as a ploy by the United States to undermine their economic progress (Maxwell and Weiner, 1993; South Commission, 1993; Larson, 1998; Sand, 1998; Parson, 2003; Rufe, 2003; Sidhva, 2004; Nwokoye, 2008).

Meanwhile, faced with pressure from the interested publics regarding the reports of the Intergovernmental Panel on Climate Change (IPCC), the agencies of the United Nations, such as the World Meteorological Organization (WMO), the United Nations Environmental Programme (UNEP) and the UN itself convoked different conferences where it began to shop for a favourable regime. However suggestions put forward by the parties resulted to contradicting stand points. For example, as noted earlier the different perspectives held by the major groups of actors on environmental protection also came out to influence policy deliberated at climate conferences, where divisions among the Western countries and between the developed and the developing countries became apparent, as in Stockholm Conference.

As in previous environmental conferences political disagreement between the developed and the developing countries, or North and South emerged in the climate change negotiations. At the UN meetings, the South insisted that the environmental conferences should give equal weight to environment and development (Oyeshola, 2008). They argued

that they had less history of Green House Gas (GHGs) emissions just as indicated by the IPCC reports; they are just emerging economies, better still, emphasis should be placed on how they can develop, and since the North has historically been responsible for creating the climate change problem, they should also be responsible for solving it. Consequently, the developing countries advocated for differentiated obligations for the industrialized and the developing countries on the basis of which the Protocol establishes standards for sharing burdens and benefits which was codified as Principle of Common but Differentiated Responsibility and respective capability (Article, 3). The Principle according to Eckersley (2007: 6) acknowledged that the developed countries should take the lead in tackling climate change, because it contributed more to the problem and also has the capability to absorb the shock that may result from the cut in the greenhouse gas emission.

Besides, among the developed countries, on the one hand, most European countries, alongside Canada, Australia, and New Zealand, advocated for the adoption of the template used in Montreal Protocol on substances that deplete the ozone layer (Bodansky, 2001, 2011) which is rooted in the Neo-Malthusian perspective. The Montreal Model prescribed quantitative limitations on national emission levels of greenhouse gases through growth constraint.

According to Bodansky (2011):

Given the Montreal Protocol perceived success, many not surprisingly viewed it as model for climate change issue and proposed using the same regulatory approach- that is internationally negotiated, economy-wide targets and timetable.

With regard to the Montreal Model this would involve constraining growth by a way of establishing quantitative limitations on national emission levels of greenhouse gases for the individual countries to stabilize GHGs at a prescribed level. On the other hand, the United States alongside Japan and the former Soviet Union (now about 15 independence states, since 1991) questioned targets and timetables and others opted for the adoption of the Cornucopians perspective that is rooted in free market approach. According to Bodansky (2001), Bodansky et al, (2011) the United States resisted while, Japan and the Soviet Union were not consistent, on the grounds that targets and timetables were too rigid, did not take account of differing national circumstances. Instead, the United States argued that emphasis should be placed on further scientific research and on developing national rather than international prescribed strategies.

Convocation and Negotiation of the Kyoto Protocol

Like other international environmental protection efforts highlighted in the previous section, Kyoto Protocol was a legal framework which mandated the developed countries to reduce their GHG's emission. It was preceded by the United Nations Framework Convention on Climate Change (UNFCCC). As indicated in the previous section, in the 1980s there was serious international concern that there could be possibility of global warming and climate change as a result of greenhouse gases that are emitted into the environment from unmitigated human activity. In 1988 to be precise, a panel of scientists, otherwise known as Inter governmental Panel on Climate Change (IPCC) was commissioned to review the Issue and on the basis of the panel's report in 1990, the negotiation of climate protection was put in motion. By 1992 a Frame Convention on Climate Change (UNFCCC) was signed at the United Nations Convention on Environment and Development (UNCED) and went into force in 1994, after ratification.

The Kyoto Protocol was adopted at a follow up meeting to the UNFCCC otherwise known as the third Conference of Parties (COP-3), at an international climate meeting held in Japanese cities called Kyoto, in December, 1997. Bodansky and O'oconor (2011) iterates that at the First Conference of Parties (COP-1) to the UNFCCC in 1995 states, especially the EU preferred to negotiate a protocol, which aimed at prescribing

quantitative emission limits and reduction objectives (QELROs), because they discovered that the convention will not be effective, in realizing the UN goal of climate protection. Initially, the U.S disagreed, but later at the Second and Third Conference of Parties (COP-2 and 3) in 1996 and 1997 respectively the U.S accede to EU demand that the target under negotiation should be legally binding (UN, 1996).

According to Greene (1997) by 1996 it became obvious that the prospect for negotiating further commitments for the developed countries was not promising. According to him an Alliance of Small Island States that was threatened with inundation when sea level eventually rises argued for about 20 percent reduction of GHGs emission by 2005. Moving against this tide Oil Exporting Countries (OPEC) campaigned strongly against further commitment for the developed as they were afraid that any substantial reduction would affect demand for oil and by implication their national income. Similar, the EU predominantly advocates emission reduction of about 5 -10 percent by 2010 but the US, Japan, Australia and Canada were against it. On the other hand, the Soviet Union and Eastern European Countries were suspicious of any commitment that could constrain their economic recovery. Moreover, some did not consider it to be fair for them to classify as developed nation while relative rich countries as China, Mexico and South Korea among others were classified as developing nations, and therefore are not under pressure to cut their emission.

Therefore, as an offshoot, the Kyoto Protocol inherited the structure, articles, principles and the compromises inherent in the UNFCCC, including the Principle of Common but Differentiated responsibility and respective capability. The only thing that was new in the protocol was the legally binding feature and the quantitative emission target and timetable. The Kyoto Protocol therefore, set emission limitations targets of average of 5.2 percent, which was legally binding, for the EU countries, United States, Canada, Russia, Japan, Australia, Newzealand and other developed countries, below 1990 levels which was effected in the period 2008-2012 (Mehra, et al, 2012).

The nature of the Kyoto Protocol was such that it gave states latitude in the ways they should implement their commitments, but it does not give them freedom on how to define the form and nature of their commitments, rather the Protocol prescribed a common type of international commitments which countries must adhere to regardless of changing economic and other national priority. National target were defined through international negotiation, rather than determine by each states unilaterally.

As it were in the mother institution, so it was in the Protocol. The apportioning of the responsibilities to mitigate the climate change and the targets for the individual countries under the Protocol was fraught with political considerations. Based on the principle of Common but

Differentiated Responsibilities and Respective Capabilities (CBDRRC) of the UNFCCC, otherwise known as principle of environmental justice, differing targets were assigned to the different developed countries. Some were high and some low, while the developing countries were absolved from the obligation to reduce GHG's emission.

For example, depending on their negotiating strength 28 percent reduction was imposed on Luxembourg, 21 percent on Denmark and Germany, 13 percent on Austria, 12.5 percent on United Kingdom, 8 percent on Switzerland, Bulgaria, Czech, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia and Australia, respectively. 7.5 percent on Belgium, 7 percent on United States, 6.5 on Italy, 6 percent on Netherlands, Poland, Canada and Japan, respectively and 5 percent was imposed on Croatia. Others such as Finland, France, Russia, New Zealand and Ukraine, each have zero percent imposed. Meanwhile, some countries, such as Portugal, Greece, Spain, Ireland, Iceland, Sweden, Norway were allowed to increase emission by 27 percent, 25 percent, 15 percent, 13 percent, 10 percent, 4 percent and 1 percent, respectively, so as to enable them catch up with their economic development agenda after experiencing economic recession in the 1990s (Bosello and Buchner, 2005).

Besides, the parties to the Kyoto Protocol approved with it some flexible mechanisms, such as Joint Implementation (JI), Clean Development

Mechanism (CDM), Emission Trading System (ETS) and Bubbling. These were Kyoto enforcement regulatory devices that meant to reduce GHG's emission in cost effective ways, such as the use of forest as carbon sink and permitting states to sell unused portion of their assigned units to other states that are struggling to comply. Critics argued that the Protocol suffered serious setback through the antics of these mechanisms. These enforcement mechanisms indirectly were invoked to attenuate the positive force that the Protocol would have had on the mitigation of climate change. That is why, scientists and environmentalists quarried that the deal was not sufficient to avoid global warming beyond 2 degree Celsius.

Thus, as common factor in the negotiation of other environmental issues as well as in the negotiation of the climate convention, the negotiation of the Kyoto Protocol was clouded with controversy: the European Union preferred radical measure, coalition of non Europe Developed countries preferred gradualist and flexible approach, while the developing countries did not agree to partake. Together the developing countries emphasized the historical responsibility of developed countries for climate change, and agreed to participate in the climate protection only on the condition that they should be provided with financial assistants and should not be forced to make any substantial commitments (ESB, 1992; Harris, 2003; Bjorkum, 2005). Most European countries preferred a top down approach, the coalition of non European

developed countries preferred a bottom up approach and the developing countries on the other hand agreed to sign but refused to partake in emission reduction commitment.

Just, as in previous environmental negotiations, the key actors became divided along the line of their national interest and perception. For instance, while the European Union, (EU) tries to provide leadership for the mitigation of climate change (Sunstein, 2008), as they believe that market approach would only worsen the situation, the developing countries at one end struggle to absolve themselves from obligations to mitigate climate change. They even questioned the reality behind the science of climate change. At the other end, some developed countries, led by the United States, preferred the use of market instrument. Besides, the US also conditions its acceptance, ratification and implementation of the Kyoto Protocol on developing countries; especially China and India's acceptance to partake in the Protocol - she even stresses the perceived impact the enforcement of rules will have on her economy, the entire political system and security of her nation (Skodvin and Aakre, 2013).

China and India rejected US proposal for them partake in the Protocol on the basis of legal commitment rather than the non binding commitment which they preferred. As a result of that as well as understanding the burden posed by the Protocol, the US refused to ratify it, in line with the

recommendations of the Congress men. On March 29, 2001, the Bush administration withdrew the United States from the 1997 Kyoto Protocol on Climate Change by declaring as follows:

The United States believes, however, that the Kyoto Protocol is fundamentally flawed, and is not the correct vehicle with which to produce real environmental solutions. The Kyoto Protocol does not provide the long- term solution the world seeks to the problem of global warming. The goals of the Kyoto Protocol were established not by science, but by political negotiation, and are therefore arbitrary and ineffective in nature. In addition, many countries of the world are completely exempted from the Protocol, such as China and India, who are two of the top five emitters of green house gases in the world. Furthermore the Protocol could have potential significant repercussions for the Global economy.

According to Brooker (2014: 3):

Even though many countries supported the Kyoto Protocol, the United States stopped ratifying the agreement in 2001. The Bush Administration led by George W. Bush declared its disapproval towards the exclusion of penalties to developing countries, such as China and India. Moreover Australian Prime Minister John Howard criticized the Protocol feasibility. Non- participation from two developed countries created a more

problematic ratification system, given account that the US produced 36% of the total emissions in 1990.

After the US defection, Russia also made sure her interests were well taken care of before she agreed to ratify the Protocol. Russia insists that she must be allowed membership of the World Trade organization (WTO) which she had been earlier denied. She also made sure that her emission target is high so that she could have extra to sell as “hot air” under the emission trading system of the Kyoto Joint Implementation Mechanism, even when she knew that her emission is not as high as that since her economy had collapsed in 1991.

In subsequent conference of parties the Europeans countries in collaboration with other developed countries and the developing countries approve the flexible approach which the US had earlier proposed. In the final analysis, the Protocol was signed on 16th, February, 2005, after Russia had ratified it. Having fulfilled the terms and conditions which required the consent of 55 countries which were responsible for 55% of the global emission of human induced greenhouse gas, Kyoto Protocol went into force in 2005, but took effect from 2008-2012. According to Morel and Shishov (2014:4) “the Kyoto Protocol established greenhouse gas (GHG) emission reduction target of about 5%, relative to the 1990 as baseline for 37 developed countries

and economy in transition” for the period of 2008-2012, otherwise known as the First Commitment Period (CP1). As an outgrowth of the UNFCCC, it incorporated all the compromises inherent in the mother convention.

Thus the Kyoto Protocol, which entered into force in 2005 and took effect from 2008, was ratified by over 190 member countries of the United Nations, with the exception of the United States who initially assented to it but withdrew her assent in the face of the prevailing interest based controversies surrounding it. Australia delayed ratification until 2007, while in 2011 Canada withdrew in favour of her prevailing national interest (Hashemi, 2014). Therefore, the Kyoto Protocol which was a legally binding instrument to manage the climate change challenge was also marred in a lot of unending controversies which threaten to dash the hope for a better human environmental order.

Assessing the Implementation of Kyoto Protocol on Climate Change

With regard to performances of the individual nations that were involved in the Kyoto Protocol Implementation of the First Commitment (CP1) Period 2008-2012, there is an indication that relative success was

achieved, but about 16 out of the 36 states, did not meet up with their emission reduction commitments (Morel and Shishov, 2014). Apparently, majority of the Western Europe countries (11), with exception of Belgium, Denmark, Germany, Italy, Luxemburg, Sweden and the United Kingdom (7), could not achieve their Kyoto target. Rather than reducing, countries such as Austria, Finland, France, Greece, Iceland, Ireland, Netherland, Norway, Portugal, Spain and Switzerland saw an increase in GHG emission, above their 1990 levels. In the same way, the non-European developed countries (JUSCANZ) could not meet up with their commitments. For example, Canada saw an emission increase of over 20 percent, Japan about 3 percent, Australia over 50 percent and New Zealand also measure over 30 percent.

Canada withdrew from the Kyoto Protocol in December 2011 by complaining of economic difficulty in meeting up with commitments. Perhaps, she withdrew from the protocol out of the desire not to force its citizens to pay penalties that would result in wealth transfer out of Canada, due to a clause which is implicit in the use of market instruments (CBC News, 2011; Brooker, 2014). The above indicate that majority of the EU(11) and all the JUSCANZ(4) parties plus Slovenia among the Central and Eastern Europe countries have failed to meet up their obligations.

However, for countries of Central and Eastern Europe with economy in transition (EITs), there was large reduction in GHG emission. As indicated in Morel and Shishov (2014: 1 and 33) substantial reduction in GHG emission was found in Bulgaria, Croatia, Estonia, Latvia, the Czech, Lithuania, Hungary, Poland, Romania, Russia, Slovakia and Ukraine. But most of these nations are former members of the Union the Soviet Social Republic (USSR) with centrally planned economy which has suffered serious economic distress as a result of the collapse of the Union since 1991(Brooker, 2014). It is widely adjudged that the distress accounts for substantially lower levels of energy use and attending GHG emission that were recorded by these states.

While these controversies are playing on, climate change is taking great toll on humanity in variety of ways across the globe, in the form of frequent rainfall, severe flood issues, drought, desertification, heat waves that result in high death toll and tropical rainstorm in the global South, melting of Polar Ice Cap in the Arctic region of the earth and Sea Level Rise in the Global North. These environmental phenomena, apart from occurring more frequently, also brings with them, severe social, economic, health and political implications; all of which are indicators that climate change is real (Sessions, 2007; IPCC, 2007; Getis, Getis, Bjelland & Fellman, 2011; Kegley and Blanton,2011; Bjelland, Montello, Fellman, Getis, & Getis, 2013; Allen and Ibaba, 2014). Therefore, climate change is not only a contemporary issue; it is also of great significance

and consequence for mankind, world over. Because of the nature of the threat it poses to the world, finding workable solution to it has also become one of mankind's main development concerns.

Conclusion

Environmental issue is high on the international agenda of the 20th century. In the subsequent years, the awareness and implication of wide range of international environmental problems increased greatly. The danger therefore posed by environmental climate change cannot be underestimated. Unfortunately, this danger is transnational. The debate of the two schools of environmental climate change that is, the pessimist and optimist notwithstanding, it is obvious from their debate that environmental climate change not only exist but could impact negatively on all countries of the world. Hence, it becomes the concern of all nations to collectively tackle the problem.

This situation gave rise to the regime theory which concern itself with norms, rules, principles and decision making procedures at the international level. This necessitated the call for international institutions to be able to regulate state behavior in the absence of the stabilizing presence of a hegemon. Consequently, the United Nations Organisation (UNO) over the years had convoked series of conferences

and conventions. Recommendations arising from these conferences gave birth to the Kyoto Protocol on climate change. Most disturbing aspect of the conferences and the Kyoto Protocol in itself borders on the implications of the Protocol on national interest.

Notwithstanding, a threshold have been crossed in the effort to mitigate climate change but experience so far indicate that there is still a long way to go, because most states perceived that an international political effort to combat the threat of climate change could affect their businesses, national growth and security, by making them vulnerable. Hence, they worked tirelessly to weaken its structure, which resulted to significant failure of the Protocol to deliver its primary objectives. Consequently, there is need first of all to foster global consciousness based on the awareness that there is wider responsibility above the national consciousness to protect common heritage of mankind that is based on a common destiny, but not on those based on parochial national interests of the parties which could result to contradictory stand points. As such mere presence of a legal framework is not enough to deter erring parties, but enforcement of the law is the only sure way to ensure the desired global environmental peace, security and development. Parties to the Kyoto Protocol are therefore urged to put the survival of and stability of the earth's environment ahead of all considerations, national interest notwithstanding.

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