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**Preservation of the Earth's Climate:
International Legal Regulation and Features of
Implementation in the National Legislation of
States**

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ABSTRACT
of the PhD thesis

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GENERAL DESCRIPTION OF THE THESIS

Relevance of the topic. At the end of XX century the environmental problems of the planet have come to the fore among other global issues. One of the most acute aspects of the Earth's ecosystem is the problem of climate change. For the first time, the world community officially at the highest level acknowledged the existence of the problem of anthropogenic impact on Earth climate change at the UN Conference on Environment and Development, held in 1992 in Rio de Janeiro. Scientists have shown that climate change is the result of an increased concentration of greenhouse gases in the atmosphere: carbon dioxide, methane, chlorofluorocarbons, and nitrogen oxides. As noted in the report of the Intergovernmental Panel on Climate Change (IPCC), there is a consistent, almost linear, relationship between total CO₂ emissions and the predicted global temperature change. Moreover, carbon dioxide emissions due to combustion of combustible fuel and industrial processes accounted for about 78% of total greenhouse gas emissions.

Climate change is considered in various aspects: from the point of view of various sciences - both natural and social. The task of legal science is to find, substantiate and establish the most optimal ways of how to implement the ambitious recommendations obtained from natural science research, for example, to reduce global greenhouse gas emissions. Indeed, the law has enormous regulatory potential. It should be noted that in the issue of climate change, legal regulation should be carried out both at the international and national levels.

The first attempts at legal regulation of this problem at the international level appeared with the adoption in 1992 of the UN Framework Convention on Climate Change. In view of the framework nature of this convention, from the very beginning states were faced with the task of developing and adopting an additional protocol, and later on a comprehensive climate agreement. Also of great importance are the norms of "soft" rights, enshrined, for example, in acts adopted at the conferences of the parties to the UNFCCC. These reports, recommendations, decisions have already played and continue to play a significant role in regulating international relations in

the sphere of preserving the Earth's climate, however, as M.N. Kopylov, "the specifics of international environmental law strongly dictates the need to shift the focus to the norms of "solid "law".

The Paris Climate Agreement, adopted in 2015, is a prime example of this "bias". In view of the fact that in the domestic science of international law, scientific research of this act at the dissertation level has not been carried out within a short time after its adoption, the complex study of both previously adopted international legal acts on climate and the brand new Paris Climate Agreement 2015 is of particular relevance.

The regulation of the degree of openness of the national legal system of the state for the adoption of the norms of international law in the field of climate change is carried out mainly at the level of constitutional and sectoral (environmental, energy, etc.) legislation. The limits of this research in this regard are limited by the process of implementation of universal international legal norms in the field of preserving the Earth's climate directly in the national legislation of individual states, bypassing the regional level.

In addition, a comprehensive study of not only Russian, but also foreign experience in the development of implementation procedures is significant. Analysis of the legislation of foreign countries is also necessary to assess the factors influencing the creation of a particular scheme for implementing the norms of international law within the domestic system of a particular state. The choice of countries such as the People's Republic of China, the United States of America and Japan to analyze approaches to solving climate change at the national level is due to several factors: the amount of greenhouse gas emissions to the atmosphere, the level of economic development, geographical factors, and legal status in relation to the most important international climate agreements.

Thus, the topic of the thesis is relevant, firstly, in view of the need to further improve the existing mechanisms of legal regulation in the field of preserving the

Earth's climate, both at the international and national levels. Secondly, the relevance of this topic is determined by the need to ensure the progressive implementation of international standards aimed at resolving the problem of climate change in the domestic legal system.

The degree of scientific elaboration of the research topic. The works of leading Russian specialists such as Abashidze A.Kh., Bekyashev K.A., Biryukov P.N., Boklan D.S., Valeev R.M., Vylegzhanin A.N. , Emelyanova N.N., Ignatenko G.V., Kopylov M.N., Kopylov S.M., Sokolova N.A., Solntsev A.M., Tiunov O.I. and etc. are the theretical basis for the current dissertation.

Issues of international legal and national legal regulation of climate change are explored in the works of Avdeeva T. G., Bedritsky M. M., Brinchuk M. M., Golub A. A., Demirchyan K. S., Izrael Yu.A., Illarionova A.N., Kichigina N.V., Kondratieva K.Ya., Kokeyeva M.E., Kokorina A.O., Kuraeva S.N., Lukyanchikova N.N., Metalnikova A.P., Morozova V. .I., Potapova V.V., Potravnogo I.M., Roginko S.A., Safonova G.V., Simakova D., Smolyakova T., Tkachenko N.F., Utkina E.F, Khludeneva N .I., Shapovalova E.M and etc.

In addition, given that climate change issues have been considered in Russian science of international law relatively recently, those studies that deal with the problems of atmospheric air protection and various aspects of climate protection should be considered related to the topic of this work, but dissertation studies on climate change in Russia was not conducted. One of the first and fundamental works in the field of atmospheric protection is the monograph of S.Vinogradov. "International Law and Protection of the Atmosphere", as well as the dissertation of Gabitov R.Kh. "Theoretical problems of legal protection of the Earth's atmosphere in modern conditions".

Moreover, such works as "International Legal Aspects of Atmospheric Air Protection" (D. Minnekayeva), "Problems of international legal regulation of trading in emissions of greenhouse gases" (Yu.S. Sorokina), "Legal regulation of climate

protection: a comparative legal analysis" (Semenikhina V.A.), "International legal standards for the protection of the ozone layer of the Earth and their implementation (for example, the Russian Federation and the United States)" (Levitskaya E.V.) were also used in the current research.

As already noted, the problem of climate change in the Russian legal science was studied in the framework of individual articles that affect certain aspects of the UN Framework Convention or the Kyoto Protocol. In Russia, there are no monographic or dissertation studies devoted to the comprehensive legal analysis of all modern international legal acts in the field of preserving the Earth's climate and the implementation of these norms in the national legislation of individual countries. The author knows only one previously written work - N. V. Kichigin and Khludeneva N.I. "The legal mechanism for the implementation of the Kyoto Protocol in Russia: a scientific and practical manual", which deals with international and national acts on climate change. However, it is worth noting that this work was written in 2008, that is, before the extension of the Kyoto Protocol for the second period of action and the adoption of the Paris Agreement.

Additionally, issues related to international treaties in the field of preserving the Earth's climate were considered in theses N. Sokolova "International legal aspects of environmental management" (2010), as well as Boklan D.S. "Interaction of international environmental and international economic law" (2016).

The contribution of foreign scientists who have studied various aspects of this problem is significant. The authors of the main works in the field of international legal regulation of climate change are: D. Bodansky, J. Brunnée, L. Rajamani, F. Soltau, C. P. Carlarne, K. R. Gray, R. Tarasofsky.

In other works, international climate law is considered in conjunction with other levels and branches of law. The authors of these studies are: L. Wicke, R. Schwarze, R. Lyster, R. Lord, S. Goldberg, L. Rajamani, J. Brunnée, S. Humphreys, M. Robinson.

However, with all the diversity of research, one way or another affecting the issues of legal regulation of climate change, the processes of formation of international legal norms for the preservation of the Earth's climate, the legal analysis of modern international acts in this area, as well as the legal aspects of the implementation of international acts in the national legislation of individual states time has not been the subject of a separate scientific study.

The purpose of this research is to develop the author's concept of implementing the norms of international law for the preservation of the Earth's climate in national legal acts based on an analysis of international legal acts and national legislation in this field.

To achieve these goals, **the following objectives** were set:

- To identify an objective scientific basis for the problem of climate change and the need for joint efforts of states to preserve the Earth's climate;
- To determine the stages of development of international legal norms in the field of preserving the Earth's climate;
- On the basis of a study of the activities of international organizations, primarily the UN, to determine the relationship between the conferences held on their initiative and the adoption of international legal acts on climate conservation;
- Highlight the features of the main international legal treaties in the field of climate conservation of the Earth such as the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Climate Agreement;
- To determine the value of the "soft law" acts adopted at the Conferences of the Parties to the United Nations Framework Convention on Climate Change, including lengthy negotiation processes for the preparation and adoption of the Paris Climate Agreement;
- Based on a study of the main provisions of the Paris Climate Agreement 2015, to identify the features of the mechanisms for its implementation;

- To identify possible legal gaps in the implementation of the international legal obligations of the Russian Federation in the field of preserving the Earth's climate, both in terms of mitigating the anthropogenic impact on climate and adaptation to the adverse effects of climate change;

- To formulate and justify proposals for improving the legislation of the Russian Federation aimed at the implementation of international legal obligations to preserve the Earth's climate;

- Based on the analysis of the implementation norms of international law in the domestic acts of individual states (China, the United States, Japan) to identify the best options for the legal regulation of reducing the anthropogenic impact on the Earth's climate.

The scientific novelty of the work consists in the fact that for the first time in the domestic science of international law, at the dissertation level, a comprehensive concept of implementation of the obligations of states was developed, combining international legal and domestic aspects of the regulation of climate change issues.

In addition, the scientific novelty is due to other features:

- first, in contrast to the traditional approach, which focuses only on mitigating the anthropogenic impact on the climate system through reducing greenhouse gas emissions, this dissertation combines an analysis of legal norms and regulatory mechanisms devoted both to mitigating the anthropogenic impact on climate and adapting to the adverse effects of climate change;

- secondly, a significant emphasis in the dissertation was made on the study of the Paris Climate Agreement 2015, which, unlike the Kyoto Protocol, establishes a completely new approach to determining the obligations of states to reduce greenhouse gas emissions;

- thirdly, using the comparative legal method, a study was conducted of the legislation of individual states in the field of preserving the Earth's climate,

identified both positive aspects and legal regulation gaps and developed recommendations for filling these gaps, including in the Russian Federation.

Theoretical and practical significance of the dissertation research.

Theoretical developments and conclusions of the author can be used in the course of further scientific and theoretical research in the field of both international and domestic law.

The results of the study can be used in the formation of international, regional and domestic climate policy, in the negotiation process on the question of the expediency of Russia's accession to the Paris Agreement. The findings of the study are aimed at improving and progressive development of not only rule-making activities in the field of climate change, but also the implementation of these standards.

The practical significance of the study is that the dissertation research can be used as a training material for the course of international law (to the sections “International Environmental Law” or “International Environmental Law” or “International Climate Law”), domestic environmental law, comparative law and etc.

The research materials are an informative source for researchers, teachers, graduate students and students interested in modern natural science, legal, socio-economic issues of climate change, as well as an interdisciplinary approach to research.

The methodological basis of the study was the general scientific dialectical method, as well as the method of system analysis.

In addition, special methods were used. The comparative legal method was used to correlate the implementation of international norms on climate change in the domestic law of various states. The use of this method is associated not only with the identification of similarities or differences, but also with the universality and

effectiveness of the application of the principles, norms and institutions of international law.

The historical-legal method was used in view of the need to trace the evolution of the norms of international law aimed at preserving the Earth's climate. In addition, national acts reflecting the international legal obligations of states to preserve the Earth's climate were also considered in chronological order.

The theoretical basis of the dissertation research is the works of Russian and foreign scientists, environmentalists, climatologists, lawyers, scientists from other branches of science of theoretical and applied nature, dedicated to climate change issues.

The regulatory framework for the dissertation research consists of international legal acts, including the UN Framework Convention on Climate Change and its two protocols (the Kyoto Protocol and the Paris Agreement); resolutions of the UN General Assembly, acts of international conferences on environmental protection, IPCC reports, as well as acts of individual specialized agencies working under the auspices of the UN; national acts of the Russian Federation and foreign countries aimed at mitigating the anthropogenic impact on climate and adaptation to the adverse effects of climate change.

The empirical basis of the dissertation research is the law enforcement practice of the UN International Court of Justice on cases of state obligations on environmental protection, the Compliance Committee of the Kyoto Protocol, the national courts; as well as the activities of international organizations, including non-governmental organizations, whose work is partially or fully aimed at solving the problem of climate change.

The results of the study allowed us to formulate and substantiate **the following provisions and conclusions for the defense.**

1. Climate change is a global problem of our time, the resolution of which requires the joint efforts of all states, however there are certain difficulties in the process

of its international legal regulation, which are predetermined by the complexity of the problem and its “asymmetric” nature. First, since climate is a common good, all countries get the possible results from efforts to preserve the Earth’s climate, regardless of the extent of the measures taken, which, in turn, affects the motivation of states. Secondly, the differences in countries in socio-economic and geographical conditions, contributions to the problem of climate change, as well as adaptation opportunities have caused difficulties in reaching a consensus of states to resolve this problem. Thirdly, the financial component of the measures to reduce emissions, as well as the long-term results have predetermined the difficulties in finding solutions that meet the interests of all states.

2. Development of international legal acts of universal level for the preservation of the Earth’s climate at the end of the 20th century. was a natural stage in the development of international relations in this field. The first steps in laying the foundations for an international regime for the conservation of Earth’s climate were made through the adoption of documents such as the United Nations Framework Convention on Climate Change 1992 (hereinafter referred to as the UNFCCC) and the 1997 Kyoto Protocol. However, a long period of time, accompanied by major economic and political changes in the international arena, during which these acts were developed, adopted and entered into force, revealed a number of shortcomings both in the UNFCCC and in the framework of the Kyoto Protocol. First, these acts do not fully reflect the interests of all groups of countries, shifting the focus either to the developed or only to the developing states. Secondly, the issues of adaptation to the adverse effects of the Earth’s climate change were not addressed in sufficient detail, which also manifested itself in the process of the further negotiation process from 2005 to 2015. In this regard, it became necessary to develop a new universal act that reflects the interests of all countries and covers the post-Kyoto period (the second period of the Kyoto Protocol ends in 2020).

3. The Paris Agreement, adopted in December 2015, was a universal act to reduce the human impact on the Earth's climate, which is a fundamental shift away from the binary approach of the Kyoto Protocol (as well as the UNFCCC) with respect to the principle of common but differentiated responsibility. The Subsidiary Bodies of the Paris Agreement established were a new beginning for improving the mechanism for reducing greenhouse gas emissions. Given the need to harmonize the wills of different states in one document, the Paris Agreement in the form in which it was adopted at the Twenty First Conference of the Parties to the UNFCCC is rather a framework act that will require additions in the course of further implementation. This process was launched at the First Conference of the Parties to the Paris Agreement (CMA-1) in Marrakesh (Morocco) in 2016, where the Ad Hoc Working Group on the Paris Agreement (APA) operated.
4. The Paris Agreement has certain advantages related to the establishment of the ultimate goal of preventing the maximum temperature increase to 1.5 ° C; the obligation for all Parties (and not only developed countries) to submit nationally determined contributions and plans for adaptation to the effects of climate change, etc. However, the Agreement leaves unresolved a number of difficult issues. First, the agreement does not imply the abandonment of fossil fuels, and total emissions of carbon dioxide (CO₂) are not limited. Secondly, the legal obligations of the parties under the Paris Agreement are mainly procedural in nature and relate to efforts and contributions, and not to the achievement of specific results. In addition, the Paris Agreement does not provide for the occurrence of any material consequences in the event of non-compliance with these contributions. Thirdly, in the Paris Agreement, the question of taking into account the absorptive capacity of forests in assessing the adaptive capacity of the state remains unresolved. Fourth, the shortcomings of the Paris Agreement also include the absence of any special mechanism of legal responsibility for violation of the provisions of the document.

5. The Paris Agreement for the first time disclosed the obligations of the parties to adapt to the effects of climate change. The establishment of the Adaptation Committee and the Least Developed Countries Expert Group was a significant step in helping countries to develop domestic adaptation measures. The Paris Agreement is characterized by clear financial mechanisms to help adapt to the effects of climate change. However, these provisions are distinguished by the establishment of fairly “soft” obligations. Thus, one of these provisions only requests the Green Climate Fund to speed up support to developing countries in order to facilitate their development and implementation of national adaptation plans. In addition, a significant shortcoming in the implementation of this international legal act is the fact that individual countries that are among the countries with the most greenhouse gas emissions are not among the participants or have withdrawn their participation in this international legal act (Russia, USA , Turkey, etc.).
6. In the Russian Federation, in order to fulfill international obligations, special acts were adopted. The interaction of industrial, energy, climate policy has set the Russian Federation the question of developing legal acts to reduce the anthropogenic impact on climate and responsibility for exceeding the established limits on greenhouse gas emissions. It should also be noted that the climate and its protection are not directly regulated by the federal laws of the Russian Federation. Also in Russia there is no single national adaptation plan, although its presence would reduce both the vulnerability of various systems to the adverse effects of climate change and significantly reduce potential economic losses. The adoption of a single document regulating adaptation is a logical, thoughtful and necessary step in the framework of Russia's fulfillment of its international legal obligations. The model for the development of this national adaptation plan can be the experience of foreign countries where such acts (for example, the National Plan for Adaptation to the Impacts of Climate Change of China 2013, the National Adaptation Plan for the Effects of Climate Change in Japan 2015) have already been adopted and are being implemented.

7. Despite the fact that the Russian Federation signed the Paris Agreement, the country has not yet ratified this international legal act (the question is scheduled for consideration in 2019-2020). The ratification of the Paris Agreement and the implementation of its provisions in the domestic law of the Russian Federation is a necessary step in the further cooperation of states on climate change. In this regard, it is appropriate to refer to the practice of Japan, where the issue of implementing international legal obligations in the field of preserving the Earth's climate in national legislation has been optimally resolved. Firstly, Japan is a party to all major universal international climate agreements (although it does not participate in the second period of the Kyoto Protocol), the provisions of which are reflected in detail in national legislation. Secondly, the Japanese approach to the implementation of the norms of international law in the field of climate change combines the adoption of framework normative legal acts and the clarification of the provisions of these acts by special laws on specific narrower issues. This method has certain advantages, since the system of framework acts allows you to create a platform for the adoption of future regulatory acts, as well as to fix certain macro-goals so that future decisions are more likely to meet them.

Approbation of research results. Scientific approbation of the results of the dissertation research was carried out at the Department of International and European Law of Kazan (Volga Region) Federal University.

The main theoretical conclusions and proposals presented in the thesis were also presented at the I International Legal Convention of undergraduate and graduate students "Legal science and practice 2.0: a look into the future" (Kazan, 2016), the 6th Biennial Conference of the Asian Community of International Law (Seoul, 2017), World Environment Leaders Forum (Tehran, 2018), etc.

While working on her dissertation, the author had a scientific internship at the Center for International Law and Justice at the University of Stockholm (Sweden)

in 2015-2016, as well as a one-year scientific internship at the University of Tsukuba (Japan) in 2016-2017.

The results of the dissertation research were published in 6 scientific articles, four of them - in peer-reviewed scientific journals recommended by the Higher Attestation Commission of the Ministry of Education and Science of the Russian Federation, and two - in international journals (in English), one of which - in a journal reviewed in the database Web of Science.

The structure of the dissertation research is determined by the topic, purpose and objectives of this work. The study consists of an introduction, three chapters, conclusion, list of abbreviations used and bibliography.

CONTENT

The introduction argues the relevance, practical relevance and scientific novelty of the topic, defines the objectives and goals of the study, provides a description of the methodological foundations of the work, formulates the main points to be defended.

The first chapter is devoted to the study of "*The problems of global warming and the evolution of the norms of international law aimed at preserving the Earth's climate.*" The first paragraph of this chapter is devoted to the study of the essence of "*Changes in the Earth's climate as a global problem of our time.*" In connection with the need to understand the causes affecting the Earth's climate and to identify channels of interaction between climate change and international law, the author considers the main physical, socio-economic, cultural and psychological factors affecting climate change, as well as the historical evolution of the teachings regarding the above-mentioned problem .

The author cites several theories explaining the origin of the climate change problem. The point of view, according to which human activity has become one of the main (but not the only) factors that determined global climate change, which is currently observed, seems to be more correct and is confirmed by weighty arguments. Regarding the international legal regulation of this issue, the author concludes that resolving the problem of climate change is an intractable task in international law, due to a certain "asymmetry" of the problem.

In the second paragraph "*The emergence and development of international legal norms for the protection of the Earth's climate*", the evolution of international legal norms is considered, as a result of which the main international treaties in the field of preserving the global climate were adopted.

The author notes that attempts to regulate interstate relations in the field of preserving the Earth's climate were gradual. Throughout the negotiation process, despite disagreements over the approaches and visions of the main challenges facing the international community at the end of the 20th century, states nevertheless agreed

to take certain steps to reduce anthropogenic impacts on climate and adapt to the adverse effects of climate change. The presence of only “soft law” norms in the sphere of preserving the Earth’s climate, which do not impose legal obligations on states, as well as difficulties in applying the norms of customary international environmental law to the problem of climate change, necessitated the consolidation of these obligations in the form of international treaties.

The third paragraph “*The role of international organizations in the preservation of the Earth’s climate*” is devoted to the analysis of the contribution of international governmental and non-governmental organizations to the fight against climate change. The author notes that international organizations, and mainly the UN, are the platform where large and small states can find a compromise in addressing the complex challenges of our time. These organizations, among other things, are also engaged in the analysis, tracking and other issues of preserving the Earth’s climate.

The United Nations, despite the absence of environmental competence in the Charter, is the main universal intergovernmental organization, including on climate change issues. The UN manages and coordinates various issues through its main bodies and specialized agencies. One of the greatest achievements of the international community in the fight against climate change was the creation of the Intergovernmental Panel on Climate Change, the assessment reports of which are the main scientific basis for the UNFCCC and all subsequent documents on climate change.

In the second chapter “*International legal regulation of relations of states in the field of preserving the Earth’s climate at a universal level*”, the first major international treaties in the field of preserving the Earth’s climate — the UN Framework Convention on Climate Change and the Kyoto Protocol — are analyzed.

The first paragraph “*International legal measures to reduce the anthropogenic impact on the Earth’s climate*” reveals the peculiarities of the international legal regulation of the climate problem. The author emphasizes that the

adoption of the UNFCCC is very important in the codification of international law on climate change. This Convention was the first comprehensive document to reinforce the obligations of States to preserve the Earth's climate. The UNFCCC is also of fundamental importance from the point of view of creating an institutional framework for the activities of the UNFCCC, regulating the main directions of international climate policy, the principles of activity of states and non-state actors. The disadvantages of the UNFCCC include the fact that the convention establishes only general norms, which, although they oblige states to act in a certain way, do not imply any mechanism for the implementation of these norms due to the absence of any coercive mechanism. This fact, as well as a number of other shortcomings, revealed the need to adopt an additional protocol to this convention.

The adoption of the Kyoto Protocol was a significant step forward, as this document specified the general provisions of the UNFCCC and established the numerical values of the obligations of states to reduce emissions. For the first time, the Kyoto Protocol established legally binding targets for states, which is undoubtedly a great achievement. The availability of flexibility mechanisms in the Kyoto Protocol, such as the clean development mechanism, joint implementation projects and emissions trading, allows to some extent manage the risks of joining the Protocol by defining the terms of cooperation. At the same time, a too large gap in the economic development of states and the establishment of obligations only for a small group of countries without taking into account the pace of economic development and changing realities predetermined the need to adopt a new comprehensive climate agreement.

The second paragraph "*Negotiations for the development and adoption of a universal climate agreement*" focuses on the legal analysis of the documents adopted at the conferences of the parties to the UNFCCC and the Kyoto Protocol. To attract more states and improve some aspects of the Kyoto Protocol, additional documents were adopted at the initiative of some countries and new mechanisms were launched. At the same time, there was a process of discussing a new universal international legal instrument on climate. For example, during the negotiations at the COP in

2007, the Bali Road Map and the Bali Action Plan were adopted, under which groups were created to discuss and prepare this document. In addition, an attempt was made to some degree to equalize the obligations of developed and developing countries to reduce greenhouse gas emissions.

The need to adopt a new comprehensive document that would take into account and eliminate all identified shortcomings of previous conventions and protocols, became apparent after the Conference of the Parties to the UNFCCC in Doha, where states voted to extend the Kyoto Protocol until 2020. However, it should be noted that some states with a large number of greenhouse gas emissions did not support the second round of the Kyoto Protocol, which predetermined the fact that the Doha Amendment has not yet entered into force. Thus, the adoption of a new act was planned to be carried out in 2015 during the Conference of the Parties to the UNFCCC and the Kyoto Protocol in Paris.

The third paragraph “*Regulation of interstate relations on the preservation of the Earth’s climate in the framework of the Paris Agreement of 2015*” is devoted to a detailed analysis of the Paris Agreement. The author analyzes the “*Institutional Basis of the Paris Agreement Implementation Mechanism*”, noting that, as a Protocol to the UNFCCC, the Paris Agreement is serviced by the Conference of the Parties to the Convention. For these purposes, it is intended to use the corresponding name of the Conference of the Parties, emphasizing its function: the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement. In addition to the Conference of the Parties, the functions of the Paris Agreement bodies are also performed by the Secretariat of the UNFCCC, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation. Moreover, in order to prepare for the entry into force of the Paris Agreement, a completely new body was established - the “Ad Hoc Working Group on the Paris Agreement”.

The author also analyzes the innovations of the Paris Agreement, comparing the new mechanisms of legal regulation with the previously existing ones. For example, the Paris Agreement establishes the obligation of states to report on their

nationally determined contributions, to send national adaptation plans to the Secretariat, etc.

In the section “*Problems of Adaptation to the Effects of the Earth Climate Change*”, new trends in the international legal regulation of this issue are revealed. The importance of adaptation to the adverse effects of climate change was emphasized in the Paris Agreement. For the first time in the text of the document, adaptation was singled out in a separate article - Article 7 of the Paris Agreement. To implement the provisions enshrined in this article, the Twenty-first Conference of the Parties to the UNFCCC revised and amended the mandate of the Adaptation Committee and Adaptation Fund.

Overall, the Paris Agreement undoubtedly restored faith in the ability of the international community to reach a common opinion on the issue of climate change. However, the agreement does not imply the waiver of fossil fuels in the same way as it does not establish a special mechanism of legal liability for violation of the provisions of the document. In addition, the author notes that the Paris Agreement is characterized by a rather “soft” compliance mechanism. Although the treaty is not ideal, it represents a fairly balanced compromise between the interests of various states.

In the framework of the third chapter “*Implementation of international legal norms in the field of preserving the Earth’s climate in the national legislation of the Russian Federation and foreign countries (using the example of China, the United States, Japan)*”, it is noted that the preservation of the Earth’s climate is a global issue requiring international legal coordination. However, the implementation of international legal norms in this area should objectively be carried out at the national legal level.

The author notes that the fight against climate change involves two key issues - mitigation of anthropogenic impacts on climate and adaptation to the adverse effects of climate change. This objective differentiation of state responsibilities in the field of preserving the Earth’s climate determines the structure of the first

paragraph of the third chapter “*Regulation of Climate Change Issues in the Legislation of the Russian Federation*”.

The paragraph consists of two sections, the first of which, “*Implementing the international legal obligations of the Russian Federation to reduce greenhouse gas emissions into the atmosphere,*” notes that for many years the Russian Federation has remained one of the leading emitters of greenhouse gases in the world. Currently Russia ranks fourth after China, the United States and India in terms of carbon dioxide emissions into the atmosphere. It is for this reason that national climate change policy and legislation focuses on reducing greenhouse gas emissions.

The author notes that the legislation of the Russian Federation does not have a single act directly aimed at preserving the Earth’s climate, but there are many indirect acts that deal with related areas of public relations and solve the climate change problem only indirectly, affecting the anthropogenic impact on the climate system. In addition, in the Russian legal space in the field of climate conservation, a “soft” approach prevails, for example, the Climate Doctrine of the Russian Federation, various federal programs to stimulate the mitigation of anthropogenic impact on climate, which, however, are more declarative in nature.

The question of the ratification of the Paris Agreement by Russia is still open. The author gives different points of view regarding this situation. For example, opponents of the agreement are not satisfied with the carbon tax, which can be introduced for greenhouse gas emissions, although in the text of the agreement there are no fees or taxes. Proponents of the Agreement see it as an opportunity to make some contribution to global efforts to preserve the Earth’s climate.

The second section of the first paragraph “*Domestic measures of the Russian Federation on adaptation to the effects of climate change*” is devoted to the analysis of the legislation of the Russian Federation in the field of adaptation. The author notes that the solution of issues of adaptation to the adverse effects of climate change in the Russian Federation is still at the initial stage. In contrast to the legislation of other states considered in the thesis, where there are separate acts on this issue, the

Russian legislative base regarding adaptation is at a low level. The reason for this may be the relatively high adaptation potential of the country: the large size of the territory; availability of significant water resources; a relatively small proportion of the population living in areas particularly vulnerable to climate change. However, taking into account the deterioration of the ecological situation, as well as the degree of consequences caused by the negative impact of climate change, for various sectors of the economy, as well as society as a whole, the author notes that adaptation measures taken are insufficient.

The author proposes to adopt a single document that systematizes and summarizes measures for adaptation to climate change - the National Adaptation Plan of the Russian Federation. The presence of such an act, according to the author, is logical from the point of view of the implementation of the international legal obligations of the Russian Federation in the event of ratification of the Paris Agreement. In addition, a single national adaptation act would reduce the vulnerability of various systems to the adverse effects of climate change and significantly reduce potential economic losses.

The object of study of the second paragraph "*Features of the implementation of international legal norms aimed at reducing the anthropogenic impact on the Earth's climate in domestic acts of individual states (for example, China, the United States, Japan)*" is the national regulatory acts of various countries with high emissions of greenhouse gases into the atmosphere. The choice of countries for analyzing approaches to tackling climate change at the national level is due to several factors: the amount of greenhouse gas emissions to the atmosphere, the level of economic development, geographical factors, and legal status in relation to the most important international climate agreements.

Consideration of acts adopted in these states aimed at resolving the problem of climate change has revealed a number of features. For example, US legislation on climate change is dominated by executive acts over legislation: existing federal laws regulate climate change only indirectly (the climate, in general, is not designated as

an object of protection in these documents, they rather refer to air, pollution atmosphere and energy), the bulk of the acts in this area comes from the Government. A peculiarity of the PRC's approach to preserving the Earth's climate is that the direct regulation of the problem of climate change and concrete measures are determined not by laws, but by strategic documents that are not legally binding.

The author also notes that there are some common features between the approaches of states. For example, Japan (like Russia) did not join the second commitment period under the Kyoto Protocol.

In addition, on the basis of a detailed comparative legal analysis of domestic legal acts of various states aimed at resolving the problem of climate change, the author concludes that the Japanese legislation on climate change and the implementation of international legal treaties in this area is characterized by a phased approach that unites in itself framework normative legal acts and special laws on specific narrower issues. This approach allows you to create a platform for the adoption of future regulatory acts. In addition, these framework acts reinforce the general provisions, principles and macro-goals so that future decisions and special laws in the field of preserving the Earth's climate are more likely to meet them. The author proposes to follow this approach when implementing the provisions of the Paris Agreement into the Russian legal system.

In the conclusion of the thesis, the results are summarized and the main conclusions are drawn up, corresponding to the provisions that are submitted for defense.

The main provisions of the dissertation research are reflected in the following publications of the author

Publications in peer-reviewed scientific journals included in the HAC List under the Ministry of Education and Science of the Russian Federation:

1. Garafova D.I. On the issue of national legal implementation of the international climate commitments of the Russian Federation // Eurasian Law Journal, No. 11 (114), 2017. pp. 35-39.
2. Garafova D.I. Features of the national-legal implementation of international climate agreements: a comparative legal analysis of the Russian and Japanese legislations // Bulletin of Economics, Law and Sociology, № 4, 2017. P. 150 - 154.
3. Garafova D.I. Innovations of the Paris agreement on climate change of 2015: the analysis of mechanisms // Electronic annex to "Russian Juridical Journal", No. 3, 2018. Pp. 24-32.

Publications in other editions:

1. Garafova D.I. The issue of the responsibility and its types in the international environmental law / Proceedings of the X International scientific conference, Kazan, November 20-21, 2015, KFU.
2. Garafova D.I., Valeev R.M. Paris Agreement: Historical and Legal Review / Legal Science in Russia and China. Yearbook 2016. №1. M., 2017.
3. Garafova D., Kichigin N. Access to justice in environmental matters - comparative analysis of Russian and Swedish legal practices // Journal of Legal, Ethical and Regulatory Issues, 2016, Vol. 19, Special Issue, pp. 106-111.
4. Garafova D.I. International legal issues of the Earth's climate conservation during armed conflicts // Proceedings of the I International Scientific and Practical Convent of Students and Postgraduates 'Legal Science 2.0: A Look into the Future', Kazan, November 17-19, 2016, KFU.

5. Garafova D.I. Approaches to the effectiveness of the climate change agreements / Proceedings of the 6th Biennial conference of the Asian society of international law, Seoul, Korea, 24 - 26 August, 2017.
6. Valeev R.M., Garafova D.I. Theoretical approaches to the effectiveness of International Climate Agreement, Revista Publicando, 4 No 12 (1), 2017, pp. 700-708. (Web of Science)
7. Garafova Diliara. Compliance, social impact and more: evaluating the effectiveness of international climate agreements // International law and integration problems, No 3 (51), 2017, pp. 23-30.