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Climate Change Management – Legislative Challenges in the Context of Sustainability

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ABSTRACT:
The research deals with problems arising out of recognising climate change and introducing climate change management in legislation in order to ensure its conformity with the needs of sustainable development.
The objective of the research is to explore the legal framework in the context of climate change management and to find out ways of its improvement in order to achieve the efficient use of natural resources, so mitigating the adverse impacts of climate change and fostering the sustainable development of society.
The research has employed descriptive, analytical, deductive and inductive methods. These methods have been used to analyse laws and the opinions of legal scholars and formulate conclusions and suggestions.

Keywords: climate change, climate neutrality, climate policy, responsibility

1. Introduction

Climate change is today's reality. Progress in technology and a rise in consumption, which are attributable both to the growth of population and to the increasing welfare of society and a rise in the standards of living, are causing adverse impacts, such as the depletion of natural resources and negative climate change. The environment and its components – water, air, earth, anthropogenic factors – are vital for human life. Meanwhile, human well-being as a prerequisite for dignified life cannot be disregarded. Challenges arise in terms of proportionality: how meeting an individual's needs can be balanced with the preservation and sustainable use of natural resources. Climate change, which is caused by human interference in the natural environment, disturbs the natural balance and reduces the availability of resources, which in the long run limits opportunities for the development of countries and may lead to uncontrolled migration, illegal fight for resources and other geopolitical problems. It is important to have a transparent and enforceable regulatory framework that would be oriented towards long-term development already in place.

2. Research

2.1. Environmental policy for regulating climate change

Before starting a discussion about the needs of a human as a social being, it should be pointed out that a human primarily needs biological conditions to sustain life. According to literary sources, "common requirements for life on Earth include carbon, the need for water, the use of energy, and the ability to grow or reproduce." (Kershner:

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2024) Human life is obviously linked with the use of natural resources. Technological development, growth of population, ever increasing consumption – these are only some of circumstances that produce environment impacts. It is beyond argument that natural resources are being exploited increasingly to meet economic needs. In accordance with statistical data, the current world population exceeds eight billion people, forest loss and land lost to soil erosion are more than one million hectares only this year, while CO2 emissions are constantly going up. (Worldometers: 2024) Accordingly, resources are decreasing, but the need for resources is rising. This is adversely affecting the quality of human life and could potentially lead to conflicts, also armed conflicts, over the extraction and re-allocation of resources. According to scientists, "Socio-economic development and global sustainability are often considered to be at odds because of the trade-offs between a growing world population, higher living standards and managing the impact of production and consumption on the global environment" (Grigss, Smith, Rockstrom & all: 2014).

Environmental quality and protection are in the realm of each country's national legislation and international legislation. It should be noted that governing these matters is complicated because environmental policy requires addressing simultaneously several aspects such as national security interests, economic interests of entrepreneurs, and private interests of people. It is undeniable that each country's national interests are intertwined with its economic interests, which presents a significant challenge in terms of developing a unified approach to regulation. Climate interests can encompass a vast array of issues, ranging from a municipality to a region, a country, a continent, and beyond. It is also important to recognise that nation states may have different interests, types and amounts of resources, different visions of the results to be achieved and the benefits to be gained. However, it is not necessarily the case that national interests present an insurmountable obstacle to the realisation of common goals and objectives. Indeed, international cooperation can be a particularly valuable mechanism for addressing common climate challenges. The environment, meaning the world we live in – air, water, earth, forests – is a resource that belongs to everyone in society, but is also owned by world population as a whole because it is necessary for life. Considering the existence of property rights, certain elements of the environment (for example, land, buildings, companies, etc.) are privately owned and owners can derive benefits from these resources. As a result, there is a collision of two fundamental rights enshrined in the Constitution (Constitution of the Republic of Latvia: 1922): the right to live in a benevolent environment and the right to own property. These fundamental rights are in a horizontal relationship with each other, so no hierarchy is applicable in their interpretation, namely: proportionality should be sought in their application, instead of excluding or giving greater weight to one of these rights. An individual's interests may be restricted for the common good, but the benefit to be derived by society, criteria concerning the type and extent of such restrictions and the proportionality of the expected benefit and restrictions should be clearly understandable. In this connection, Kristīne Krūma, a former judge of the Constitutional Court of the Republic of Latvia, rightly pointed out that environmental protection must be an integral part of the development process. Hence, to facilitate sustainable development, it is essential to balance economic development and environmental protection. (Krūma: 2008) Also, a general opinion can be inferred from several judgments delivered by the

Constitutional Court of the Republic of Latvia: fundamental rights are not absolute and can be restricted by balancing the interests of an individual against those of society. (Constitutional Court of the Republic of Latvia: 2008) The environment is transforming both naturally, due to conditions beyond human control, and artificially, as a result of human economic activity. It is both public interest and duty to control the processes of environmental transformation, meanwhile anticipating the course of environmental transformation processes and providing measures to mitigate negative consequences. These conceptual matters are dealt with by both international and national law.

Interrelatedness of the environment and climate should be a matter of discussion today. It is clear that environmental transformations affect climate. A complex approach needs to be employed to environmental and climate change management. The legal framework is complex, taking into account issues concerning both vertical competence, such as inter-state relations, and horizontal relations, such as relations between the state and private individuals.

The environment can be described as a continuously changing closed system, encompassing a combination of natural, anthropogenic and social factors. It should be stressed that nature as an independent resource is an essential element for maintaining and preserving this system. Meanwhile, nature is characterised by climate, which is affected by human activity. Human-induced climate change has been on the public and political radar recently. It is common knowledge that climate change drives environmental transformations, which sometimes may be irreversible and pose a threat to the existence of people. Politicians around the world are particularly addressing the mitigation of climate change. Climate change was defined as early as in 1995 in the UN Framework Convention on Climate Change: "'climate change' means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods." (UN: 1995) Therefore, legislation should deal with human economic activity that produces direct or indirect impacts and may cause or causes climate change. It is also important that this convention defines principles to underpin legislation, which should be considered by national parliaments:

1) protection of climate systems;
2) consideration of specific needs and special circumstances;
3) precautionary measures;
4) sustainable development;
5) cooperation;
6) research and systematic observations. (UN: 1995)

The initial stage of legislation – political guidelines – is incorporated in several laws and regulations under the common name – environmental policy. As regards the principles of environmental policy, it is noted in scientific literature that "Environmental policy is a commitment to laws, regulations and other policy mechanisms that deal with environmental issues and sustainability. A wide range of issues are not limited to but include the effects of pollution on our water, air and land." (Islam, Ferdous & all: 2014) Environmental policy is a complex body of international and national law aimed at ensuring a package of measures for sustainable development, balanced with environmental protection and the human right to a benevolent environment. Legislation ensures both a

state's positive duty and a mechanism for executing this duty. The legal framework contains a substantive element, namely specific rights and duties of persons in legal relationships, and procedures for executing duties and exercising rights, mechanisms for enforcing laws, and liability for breaches of laws.

Articles 11 and 191 to 193 of the Treaty on European Union and the Treaty on the Functioning of the European Union determine that the European Union is competent to act in all areas of environmental policy, such as air and water pollution, waste management and climate change. Its scope is limited by the principle of subsidiarity and the requirement of unanimity in the Council in areas such as fiscal matters, urban and rural planning, land use, quantitative water resources management, choice of energy sources and energy supply structure. (Treaty on European Union and Treaty on the Functioning of the European Union: 2016). Regulation (EU) 2021/1119 of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ("Climate Law") (European Union: 2021) was adopted on 30 June 2021. By linking environmental transformation causally with climate change, this law introduced a brand new concept – "climate neutrality" – and set a new objective of achieving climate neutrality by 2050. As follows from the Climate Law, "The existential threat posed by climate change requires enhanced ambition and increased climate action by the Union and the Member States." (European Union: 2021) It should be concluded that climate neutrality is becoming topical in the area of environmental policy and, accordingly, legislation should be adapted to solving this matter. Climate change is a result of environmentally transformative activity, so there is no denying that tackling climate change must be seen in the context of environmental protection. In order to achieve climate neutrality, it would be beneficial to engage in constructive debate on a number of factors. These include the feasibility of reaching the target in question, along with potential economic, social and technical challenges and possibilities for each Member State. In addition, the authors highlight certain elements of the Latvian national legal framework that could be of use to other countries in the pursuit of climate neutrality. The national legal framework of Latvia contains several laws addressing environmental sustainability. The National Development Plan of Latvia for 2021–2027 sets quality living environment and regional development among priorities. (the Saeima (Parliament) of the Republic of Latvia: 2020) This means that the State of Latvia has committed to securing "Low-carbon, resource-efficient and climate-sustainable development so that Latvia could achieve national goals concerning climate, energy, reduction of air pollution, improvement of the condition of waters and waste management, ensure the preservation and improvement of the quality of the environment, produce safe and high-quality food, including organic food, utilise natural resources sustainably, and implement a policy for the environment, sustainable management of natural resources and energy based on fairness and mutual trust, public support for nature and climate protection measures, setting clear and open cooperation models between the state and the population and involvement in decision-making". (the Saeima (Parliament) of the Republic of Latvia: 2020)

The basic idea of the Sustainable Development Strategy of Latvia until 2030 (the Saeima (Parliament) of the Republic of Latvia: 2010) invites to satisfy the needs of the present generation, balancing public welfare and environmental and economic

development interests and concurrently ensuring the observation of the environmental requirements and the preservation of natural diversity in order to avoid the reduction of possibilities to satisfy the needs of future generations.

Policy papers encompass all necessary components arising out of the need for environmental protection. Although it should be pointed out that policy papers should rather be viewed as a memorandum of intent, which still needs to be reflected in specific laws and related enforcement mechanisms. Generally, policy commitments are incorporated in the Environmental Protection Law (Environmental Protection Law: 2006), according to which sustainable development means the integrated and balanced development of public welfare, the environment and economy, which meets the present social and economic needs of inhabitants and ensures compliance with environmental requirements, not endangering the possibility to meet the needs of the future generations.

Political determination does not always produce high-quality and enforceable laws. The state should have regulatory mechanisms in place. The regulatory mechanisms can be classified by the type of influence: "Regulatory Instruments: Regulatory instruments are also known as command and control approach" (Islam, Ferdous & all: 2014), meanwhile highlighting the significant role of society in environmental protection, as we should agree with the opinion that "A feature of environmental protection measures is that these measures form a multi-level system." (Kudeikina, Kaija: 2019).

Finding a balance between economic interests of the state and private individuals, personal interests of individuals, interests of society as a whole and effective judicial review poses a challenge for the regulatory framework. These issues are analysed also in scientific literature. For example, "several controversial issues in the context of sustainable development arise from perceived trade-offs between socio-economic development and global environmental sustainability, for example between energy use and climate change through greenhouse gas emissions or land-use change for food production and biodiversity loss." (Grigss, Smith, Rockstrom & all: 2014). This does not mean however that challenges need not be overcome. It is mechanisms employed to elaborate and improve legislation that are of importance. First, it is science – legislation must be based on scientific knowledge and may not be arbitrary; second, it is involving society as "consumers" of the environment in decision-making; third, it is judicial review of environmental matters. Here it is important to emphasise the availability of comprehensive and unbiased information for implementing adequate policies. In order to obtain reliable data, scientific research is needed on climate change and its impact on various matters of national importance, such as climate-related migration, which can be affected by factors such as sea level rise, coastal inundation, soil subsidence, storms, droughts, etc., which can cause also food shortages, forcing people to move to more habitable areas. It is essential to provide support to people who have to look for more suitable places to live due to climate change. The state must ensure that those involved in climate migration can do it safely and in a manner that respects human dignity.

The aforementioned studies could potentially contribute to identifying not only short-term but also long-term needs. This could involve exploring the most effective ways to address climate-related challenges. It might be beneficial for legal scholars to consider engaging with such studies, as this may foster the advancement of national legal policy,

including the development of innovative legal instruments for emerging issues or the enhancement of existing regulatory frameworks.

While it could be argued in the past that climate matters used to be a narrow and specific area, today climate change issues affect most forms of human activity; lawyers are no exception. In this context, legal faculties of universities should probably introduce more comprehensive training of young climate lawyers. In legal practice, both private and public law deal with climate matters, including those affecting internal and external national security. Students should learn to solve environmental issues in new ways, relying on both national and international law and employing an interdisciplinary approach, investigating matters also from the viewpoint of economy, finance, human rights, etc.

It may be beneficial to consider separate research into adaptive regulatory frameworks that could encourage businesses and communities to support sustainable development. Such frameworks might help to achieve a balance between economic growth and environmental responsibility, which could in turn lead to additional co-benefits.

It should also be considered that many climate changes will become reality in the future, so we need to recognise the magnitude of these changes today, balancing our current desire for everyday comfort with the sustainable management of climate resources for the sake of future. In this context, criminalising environmental crime, such as water and air pollution leading to material damage, which was adopted by many countries as late as the mid-twentieth century, should be mentioned as an example. At present, protection of the environment through criminal law is a self-evident duty in the European Union Member States, as this is necessary for maintaining quality of the environment and ensuring the sustainable use of natural resources.

2.2. Control mechanisms for climate change management

The role of society is important in climate change management, because society is the "end consumer". Public rights can be viewed in a variety of aspects: the environment is essential for everyone's life, which is the actual aspect. The legal aspect represents legislation establishing the right of people to participate in the solution of environmental matters and the state's obligation to ensure that this right is exercised. Participation starts with awareness. The public has the right to be aware of both the state of the environment and planned, also restrictive, environmental protection measures. The public's right to information concerning the state of the environment is fundamental and is guaranteed by the Constitution of the Republic of Latvia. According to Article 115 of the Constitution of the Republic of Latvia, the state has a positive duty to provide information about the state of the environment. (Constitution of the Republic of Latvia: 1922) So, Latvia has substantive rules in place ensuring the public's right. However, exercising this right in a meaningful way requires a mechanism that would in practice ensure the public's right to be informed, express their views and influence the articulation of policy papers, i.e. it is important not only to formally ensure public rights, but also to provide a legal environment in which public views are heard and taken into account by the executive. Creating this environment logically follows from the principles of public governance. A specific procedure for expressing public views is set out in certain laws.

Planning development is a primary tool for securing the sustainable development of the state and the public, and the public's right to be informed and express their views is ensured by means of planning legislation. The Development Planning System Law sets out principles to be taken into account in the planning process. As regards environmental protection, the following principles should be highlighted: "the principle of sustainable development – the present and next generations shall be ensured with quality environment and balanced economic development, natural, human and material resources shall be used rationally, the natural and cultural heritage shall be preserved and developed; and the participation principle – all stakeholders shall have a possibility to participate in the drawing up of the development planning document." (Development Planning System Law: 2008) These principles explicitly define the public's right to take part in the elaboration of policy papers and the duty of public authorities to hear and assess the opinions of both society as a whole and its individual members. It should also be noted that it would be incorrect to view this right through the prism of society's arbitrariness. Those applying law must be able to draw a distinction between subjective points of view or emotions and well-considered, reasoned opinions underpinned by law, or in other words: the rule of law is paramount in decision-making and enforcement in a state governed by the rule of law. The Supreme Court of the Republic of Latvia has pointed out an significant aspect: neither public participation in the assessment process nor views and demands expressed by the participating public preclude implementation of the proposed action, rather being a tool for finding better solutions. (Supreme Court of the Republic of Latvia: 2018)

The significant role of public participation was noted by Xiao-liang Xu and Xue-fen Xu more than ten years ago in their article, *The Study on Public Participation in Environmental Protection*, in which they wrote that "Environmental protection has become an important issue in economic development, and public participation has become an important part of environmental protection through its use." (Xiao-liang Xu, Xue-fen Xu: 2013)

Opinions of the state and the public should not be pitted against each other, but should rather be brought together to contribute to sustainable development of the state, of which environmental protection is a part. The quality of information exchange is facilitated by clear and enforceable criteria defined in legislation concerning the procedure and timeframe for expressing public views. General requirements regarding public participation are laid down in the Spatial Development Planning Law, which is a tool of environmental protection, providing for both the need and procedure for hearing public views. (Spatial Development Planning Law: 2011) The legal framework defines persons who are responsible for public participation and the procedure for public disclosure, including the timing and form of feedback. Public participation cannot indeed be regarded as a formal duty. Providing feedback is a right of society and of each of its members, the exercise of which is left to the discretion of society or relevant individuals; however, if this right is exercised, public authorities are obliged to treat proposals, comments or objections made with the utmost care, bearing in mind that this particular legal relationship between the state and society should be characterised as a horizontal partnership rather than a vertical power relationship, while a draft law (draft decision) is still being developed. People may go to court to safeguard their rights. The Supreme Court of the Republic of Latvia has rightly held that "Spatial development planning is an environmental matter that the

public can take to court, because spatial development planning is one of the tools for ensuring a quality environment, balanced economic development and rational use of natural, human and physical resources." (Supreme Court of the Republic of Latvia: 2021)

Environmental protection is indeed complicated; it consists of several stages, from the assessment of projected activities that will transform the environment through to the monitoring and control of active companies, so it is clear that possibilities and procedures for public participation may vary from stage to stage, but these general principles should be respected at any stage of any process.

An analysis of the legitimate goal of public participation suggests that it is associated with securing fundamental rights, legitimacy of decisions made by public authorities and statutory compliance. Scientific literature spotlights the following perspectives: "People's involvement in environmental decision-making is rationalised from two main perspectives – from the perspective of the process and from the perspective of the content." (Richardson, Razzaque: 2006) Allowing the public to participate in decision-making ensures public acceptance of planned decisions, or the incentive function, where the public voluntarily commits to complying with law. However, deficiencies can be found in the procedure prescribed by law for exercising public's rights. It should specifically be emphasised that spatial development plans are regarded as legal acts pursuant to Article 25(1) of the Spatial Development Planning Law (Spatial Development Planning Law: 2011); accordingly, they can be challenged only by means of constitutional complaints. This procedure substantially hinders an individual's rights in terms of procedural arrangements, albeit not making their exercise impossible. In accordance with Article 19^2(2) of the Constitutional Court Law, a constitutional complaint (application) may be submitted only if all the options have been used to protect the specified rights with general remedies for protection of rights (a complaint to the higher authority or higher official, a complaint or statement of claim to a general jurisdiction court, etc.) or if such do not exist. (Constitutional Court Law: 1996)

On the positive side, the deficiency of the legal framework is partially remedied by case law, by means of individualising legislation. Important principles can be derived from opinions found in case law. For example, information must be provided to the public in a way enabling them to judge whether they may be interested in exercising their right of participation in assessing the proposed activity; an irregularity of a procedural nature does not per se mean that the decision is illegitimate, neither does it give grounds for annulling the decision, provided the irregularity has not entailed negative consequences. (judgment delivered by the Department of Administrative Cases of the Senate of the Supreme Court of the Republic of Latvia on 23 March 2021 in Case A420264418, SKA-381/2021: 2021) The court gives its opinion concerning the application of law, checking whether decisions are lawful, while private individuals will always be in a subordinate relationship in proceedings and may face difficulties in exercising their rights. It would be useful to define clear and understandable individual's rights in legislation. It is laid down in Article 9(1) of the Climate Law that "The Commission shall engage with all parts of society to enable and empower them to take action towards a just and socially fair transition to a climate-neutral and climate-resilient society." (European Union: 2021) However, neither this law nor any other regulation defines the procedure for ensuring public cooperation, frequency of cooperation and, what is most important, liability for infringing this rule.

Apart from public participation, legal liability for environmental violations can be used as a control mechanism. Grounds for introducing liability can be found in policy papers, namely: regardless of public attitudes, there are violations that lead to liability for the sake of sustainability of the entire society. We should agree with the view expressed by researcher J. Razzaque that "Environmental laws are not and cannot be self-enforcing function in the absence of effective implementation which on the other hand, extensive administrative capacity is required, detailed regulatory powers, strong government commitment and an active civil society that participates in legal and decision-making processes."(Razzaque: 2011)

It should be noted that legislation concerning liability is not codified. Like in other situations, environmental and climate violations may entail administrative, civil and criminal liability. The types of liability have different prerequisites and different procedures for establishing and investigating offences, so it is challenging to formulate common principles in this regard. It should be pointed out that matters associated with liability are defined by law clearly enough, while there are problems with proving and evidence. Previous studies (Kudeikina, Kaija: 2019) have already revealed that, for example, claiming civil damages may be difficult as damages cannot be quantified, given that the environment is a system and damaging one of its elements affects the condition of another element, which may not always be accurately quantifiable. For example, water pollution can damage soil. A similar problem arises when determining victims, namely persons who have suffered damage. It can be several persons, or society as a whole, or a certain part of society.

Meanwhile, legislation does not provide for any exceptions with regard to facts to be proven. Article 93(1) of the Civil Procedure Law sets forth that each party must prove facts upon which they base their claims or objections. Plaintiffs must prove that their claims are well-founded. (Civil Procedure Law: 1993)

Apart from civil liability and the duty to compensate for damages, there is administrative and criminal liability. Depending on harmful consequences of offences, a distinction is made between types of liability for environmental crime: administrative or criminal liability. "Environmental crime covers the gamut of activities that breach environmental legislation and cause significant harm or risk to the environment, human health, or both." (Europol: 2024) But administrative liability is often ineffective, it is also related to the lack of capacities of administrative resources. (Di Vita: 2015)

The most severe type of liability – criminal liability – is provided for by the Criminal Law, for example, for violation of provisions regarding the management and utilisation of the earth, or its depths, waters and forests, for violation of provisions regarding the circulation of radioactive and chemical substances, , for pollution of the air of the atmosphere, for failure to take measures for the elimination of environmental pollution, etc. (Criminal Law: 1999) Constituent elements of offences cover all significant environmental violations. It should be stressed that environmental crime may be cross-border and should be given appropriate weight. Considering the importance of the environment and the aforementioned problems, detecting environmental crime is one of Europol's priorities today – "To disrupt criminal networks involved in all forms of environmental crime, with a specific focus on waste and wildlife trafficking, as well as on criminal networks and individual criminal entrepreneurs with a capability to infiltrate legal

business structures at high level or to set up own companies in order to facilitate their crimes." (Europol: 2024)

Therefore, legislation is based on several aspects: detection and prevention of crime and prosecution of perpetrators. Nowadays, the importance of cross-border crime is growing, as mentioned above, but it is also a big challenge for law-enforcement authorities. It is pointed out also by Di Vita: "Here we can emphasize the growing importance of the cross-border dimension of environmental protection (eg air, waste, water, global warming: green crimes include air pollution, water pollution, deforestation, species depletion, hazardous waste dumping). etc.). This indicates the need for the international community to unambiguously define this concept. The main obstacle to achieving this goal is that the identification of environmental goods protected by criminal sanctions depends on the socio-economic situation of each individual country." (Di Vita: 2015)

Cooperation of law-enforcement authorities, clear division of duties, approximation of the legal framework – these are tools that would be useful in combating environmental crime.

It would be beneficial to engage in further discussions on the potential for improving the implementation of climate change management controls. This could lead to the development of lessons on best possible practices, which could inform the integration of effective public engagement strategies into legislation. It might be suggested that there is currently a great deal of potential for the use of artificial intelligence in various fields, including climate change management. Indeed, there are already a number of possibilities that have been identified in the use of this technology. For example, there are a variety of ways in which artificial intelligence could be used to compare the models chosen by different countries for managing climate change, as well as to identify the risks associated with this process. It might be possible to consider using specific forms of artificial intelligence for a range of purposes, including measuring the control performance and impact of measures, as well as evaluating the effectiveness of control measures.

3. Conclusion and Implications

As a result of the research, the authors have arrived at the following:

1) The legislation governing climate change management is fragmented and incomplete.
2) Regulatory control mechanisms are not clear, liability for non-compliance and infringements is insufficient.
3) The involvement of society in the elaboration of the legal framework and compliance monitoring must be improved. This would enhance the significance of public involvement in environmental decision-making processes. Public participation is an essential part of effective climate change management and can be seen as a form of democratic governance, whereby citizens play an important role in shaping policies that affect their environment and future.
4) It is necessary to increase the number of high-quality scientific studies about climate change and its impact on various matters of national importance; the state should increase research funding.

5) Universities must pay more attention to training young lawyers to deal with climate matters in both private and public law.

Climate has a broader meaning than the environment. Climate change is linked to changes in the components of the environment, which occur due to both natural and human activities (both economic and domestic). When analysing climate management issues, the first step is to explore the environmental regulatory framework. Climate regulation is derived from environmental regulation and includes the following concepts: the content of climate change, acceptable characteristics of climate change, defining limits necessary for ensuring the sustainable development of society with accurate criteria for setting limits, and public involvement and the liability of society for infringements of law. The need to address the issue in a holistic way, considering the interdependency of several factors, as well as ensuring the principle of proportionality in legal relationships whose subjects may have diametrically opposed interests, pose significant challenges for the improvement of the legal framework. It is thought that dialogue between stakeholders – including governments, industries, lawyers and communities – might potentially contribute to the development of legal policies that are both environmentally sustainable and economically viable. Such policies could promote cooperation in the search for comprehensive legal solutions to climate change.

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