

Limits of the global climate governance: An assessment of the Kyoto, Paris, and post-Paris eras

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Climate change is a global crisis that has demanded successive international legal frameworks, with the Kyoto Protocol and the Paris Agreement representing two significant but divergent approaches. The Kyoto Protocol, pioneered binding emission reduction commitments on developed countries to reduce greenhouse gas (GHG) emissions, but was constrained by limited participation, ambitious objectives, and enforcement challenges. In response, the Paris Agreement sought to address these shortcomings by incorporating a more flexible and inclusive approach within its framework, relying on nationally determined contributions. However, questions remain as to whether the Paris Agreement has been successful in this endeavour. This paper addresses the research problem of evaluating the extent to which the Paris Agreement overcomes the structural and legal constraints of the Kyoto Protocol, while also assessing the emerging practice in the post-Paris era. Using a doctrinal and jurisprudential methodology, the analysis examines the legal architecture of both treaties alongside landmark climate litigation case laws. This paper contributes to the literature by situating the Paris Agreement not only in contrast to Kyoto but also within a post-Paris Agreement context, thereby highlighting the evolving interaction between treaty law and climate litigation in shaping global climate governance. Finally, it will be argued that although the Kyoto Protocol did not achieve complete success, it cannot be regarded as an absolute failure either. Rather, its structural weaknesses were partly addressed through the more flexible and inclusive framework of the Paris Agreement. Nonetheless, given the complex dynamics surrounding its ratification and implementation, more robust and coordinated global efforts are indispensable to address climate change.

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