

Climate Change is Here: Why Law Must Shift from Prevention to Adaptation

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ABSTRACT

Objective: Climate change is no longer just a future problem, it's a current issue that affects how we govern, our rights, how we spend public money, and who is responsible for what. While it's still crucial to reduce the amount of greenhouse gases we release to limit how bad things will get, we also need to adapt to the changes that are already happening. **Method:** We should look at what's working and what's not, like the European Court of Human Rights' decisions on climate change, and use that to make our laws better. **Results:** The Paris Agreement and other international plans are a good start, but we need to do more. We need to make sure we're prepared for really big problems, like sea levels rising, and that we're working together internationally to solve them. **Novelty:** The next step in dealing with climate change should be to create a system that combines reducing emissions, adapting to changes, making sure we can withstand problems, and being accountable for what we do. This will help us get ready for what's coming and make sure we're doing everything we can to protect people and the planet.

INTRODUCTION

Climate change isn't a looming threat for the future anymore; it's a pressing issue we face today in terms of law and governance. While cutting down on greenhouse gas emissions is still crucial the ongoing effects of climate change mean that our legal systems need to tackle the fallout that we can't simply avoid through mitigation. The Intergovernmental Panel on Climate Change (IPCC) has made it clear that climate change is already having effects and we need to adapt to lessen our vulnerability and boost our resilience. This shift in perspective calls for a look at how we approach climate law. Of viewing adaptation as a mere afterthought to mitigation modern climate governance should place adaptation at the forefront recognizing it as a key legal issue that involves responsibilities for protection, planning, funding, accountability and fair distribution of the burdens that come with climate change [1]. The international community has already taken significant steps towards addressing climate change through adaptation. The Paris Agreement, for instance, sets a clear goal for adaptation, aiming to enhance resilience, boost adaptive capacity, and reduce vulnerability to climate change. This global objective has been further refined through the UAE Framework for Global Climate Resilience, which outlines specific targets for adaptation and resilience across various themes [2]. These developments demonstrate that adaptation is no longer just a matter of national policy, but an integral part of the international climate framework. However, despite this progress, the legal framework still lacks clarity on the enforceable obligations of states to protect their populations from

the foreseeable impacts of climate change. The key question, therefore, has shifted from whether adaptation fits into climate law to how our existing international commitments can be translated into concrete responsibilities for states. In other words, it's no longer a question of whether we should adapt, but rather how we can ensure that our commitments are turned into tangible actions that protect people and the planet [3]. Despite the growing recognition of adaptation within climate law a significant legal gap remains between broad international commitments and clearly defined, enforceable obligations concerning climate-risk assessment, adaptation planning, implementation, financing and protection of vulnerable populations. This gap raises questions concerning the extent of state responsibility for foreseeable climate impacts and the legal consequences of inadequate adaptation measures [4]. This article looks at how climate adaptation is changing and evolving in the legal world. It wants to figure out how current laws can be made stronger to deal with the impacts of climate change that can't be avoided. The focus is on things like what countries have promised to do to adapt to climate change under the Paris Agreement, how nations are planning to adapt, how money is being spent on adaptation, protecting human rights, dealing with loss and damage, and what the law says about rising sea levels [5].

RESEARCH METHOD

This study employs a doctrinal legal research methodology to examine the evolving role of adaptation within international climate law. The analysis is based on secondary legal sources, including the Paris Agreement, UNFCCC decisions and adaptation frameworks reports of the IPCC and UNEP relevant international judicial decisions and materials of the International Law Commission.

This research takes a close look at how countries are adapting to climate change and how well they're doing it. It compares what countries have promised to do with what they're actually doing, and checks if they're taking real steps to make their promises a reality. The study also looks at how adaptation fits in with other important issues like reducing emissions, getting money to help with climate change, protecting human rights, dealing with the bad effects of climate change, and rising sea levels. A big focus is on finding areas where countries are not living up to their commitments and figuring out how to make sure they follow through on their promises.

RESULTS AND DISCUSSION

Results

As we reflect on the journey of developing National Adaptation Plans, it's clear that while we've made significant progress, there are still many hurdles to overcome. The UNFCCC framework has been instrumental in guiding the creation of NAPs, which aim to reduce vulnerability by bolstering our capacity and resilience, as well as integrating adaptation into the very fabric of development planning across various sectors and levels of government [6]. By 2025, numerous countries had launched their adaptation plans, demonstrating a growing commitment to addressing climate

resilience. However, simply having these planning mechanisms in place is no guarantee of their effective implementation. For adaptation measures to truly take hold, they must be woven into the laws that govern critical areas such as infrastructure, land use, water management, agriculture, public health, disaster response, and urban development [7]. To make a meaningful shift towards adaptation, we need to move beyond broad policy promises and establish robust legal frameworks that set clear standards, define institutional responsibilities, monitor implementation, and provide solutions when governments fall short in addressing the climate risks that lie ahead. This requires a concerted effort to create a comprehensive and effective framework that can help us navigate the complexities of climate change and build a more resilient future [8].

The huge difference between what countries say they need to adapt to climate change and what they actually get is a big problem. The UN Environment Programme's 2025 report says that developing countries might need around \$310 billion every year by 2035 to deal with the effects of climate change. This number goes up to \$365 billion when we consider what countries have promised to do to adapt to climate change. But in 2023, only \$26 billion was actually given to help countries adapt. This is a big issue of fairness and who is responsible for paying for the damage caused by climate change [9]. If some countries are expected to deal with the effects of climate change when they didn't cause it, who should pay for it? While international laws are starting to recognize the importance of money, technology, and help for countries to adapt, the big gap in funding shows that we need a stronger system to make sure countries do what they promise and get the help they need. We need laws that not only say countries have to adapt to climate change, but also make sure they have the resources to do it. This is crucial for countries that are most vulnerable to climate change and need help to protect themselves. The current system is not working, and we need to find a way to make sure that countries get the support they need to deal with the effects of climate change [10].

The concept of human rights law provides a crucial foundation for strengthening adaptation responsibilities. A landmark ruling by the European Court of Human Rights in 2024, in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, has significant implications for climate change mitigation and adaptation. The court ruled that Article 8 of the European Convention on Human Rights encompasses a right to robust protection from state authorities against the far-reaching impacts of climate change on life, health, well-being, and overall quality of life [11]. Notably, the court emphasized that while mitigation efforts are vital, they must be complemented by adaptation strategies that address the immediate and pressing effects of climate change. This perspective is critical, as it reframes climate protection as a fundamental duty of the state towards its citizens, rather than solely an environmental goal. As a result, this ruling reinforces the idea that governments have a responsibility to create and effectively enforce regulations that safeguard communities from predictable climate-related risks, ultimately bolstering the notion that human rights and climate change are inextricably linked [12].

Discussion

Adapting to climate change is vital, but it has its limitations. Some climate impacts are unavoidable, no matter how much we invest in infrastructure, planning, insurance, or technology. This raises a critical legal issue: loss and damage. The Warsaw International Mechanism, established under the UNFCCC in 2013, specifically addresses loss and damage related to climate change effects, including disasters and gradual changes, particularly in vulnerable developing nations. The creation of institutional frameworks and funding solutions indicates that international climate governance is starting to acknowledge a broader range of responses, from mitigation to adaptation, and ultimately, to the unavoidable losses we face. This shift has significant implications for legal accountability. When adaptation can reduce the impact but not completely eliminate it, both international and domestic laws must clarify how to handle responsibility, compensation, support, displacement, and recovery. It's no longer feasible to assume that every climate-related loss can be avoided [13]. As we move forward, it's essential to develop a more comprehensive approach to addressing loss and damage, one that takes into account the complexities of climate change and its far-reaching consequences. This will require a concerted effort from governments, international organizations, and civil society to establish clear guidelines and protocols for addressing loss and damage, and to ensure that those most vulnerable to climate change receive the support and compensation they need. Ultimately, acknowledging the limits of adaptation and addressing loss and damage will be crucial in building a more resilient and equitable future, one that prioritizes the needs of those most affected by climate change. By working together, we can develop a more effective and just response to the climate crisis, one that recognizes the unavoidable losses we face and provides support and compensation to those who need it most [14].

The impact of sea-level rise on our legal systems is a pressing concern that demands attention. The upcoming 2025 report by the International Law Commission on the implications of sea-level rise for law highlights the far-reaching consequences of climate change, extending beyond traditional environmental regulations to issues of territory, statehood, maritime boundaries, human migration, and community protection. These challenges underscore the need for a fundamental shift in our approach to climate law, from a sole focus on emissions reduction to a more comprehensive framework that prioritizes resilience and legal preparedness. While mitigation efforts remain crucial in minimizing climate risks, it's essential that we adapt our systems to recognize the interconnectedness of mitigation, adaptation, and loss and damage. The future of climate law should focus on creating obligations to assess and manage anticipated climate risks, integrating adaptation strategies into domestic laws and development plans, ensuring equitable access to adaptation funding, and protecting vulnerable populations through human rights frameworks. Furthermore, we must develop legal solutions to address damages that cannot be averted by adaptation efforts, ultimately prioritizing the well-being and security of communities affected by climate

change. By recalibrating our approach to climate law, we can build a more resilient and just future for all [15].

Taken together these developments demonstrate that adaptation is evolving from a policy-oriented concept into an increasingly important component of legal responsibility. The Paris Agreement and subsequent UNFCCC frameworks establish the basis for adaptation while human-rights jurisprudence strengthens the connection between foreseeable climate risks and state duties to protect individuals and communities. At the time persistent adaptation-finance gaps and unavoidable loss and damage reveal significant limitations, in the current international legal framework.

To effectively address the challenges of climate change, it's crucial to take a multi-faceted approach. This involves not just reducing emissions, but also adapting to the changes that are already happening, building resilient systems, and addressing the damage that has been done. When it comes to creating and implementing adaptation laws, several key elements are essential. Firstly, clear roles and responsibilities need to be defined for various organizations involved in the process. Secondly, there must be effective mechanisms for implementing and monitoring these actions to ensure they are having the desired impact. Additionally, adequate funding and legal support are necessary to protect the rights and interests of those who are most vulnerable to the effects of climate change. By combining these efforts and providing sufficient resources, we can work towards creating a more resilient and sustainable future.

CONCLUSION

Fundamental Finding : Climate laws need to shift their focus from just stopping climate change to also dealing with its effects. The good news is that international law is starting to catch up, with Article 7 of the Paris Agreement emphasizing the importance of adaptation. Reports from the IPCC, UNEP, and other organizations are all pointing to the same thing: adaptation is becoming a major part of climate law. **Implication :** The future of climate law needs to be about holding people accountable for assessing risks and preparing for them. We need laws that support adaptation, provide fair and reliable funding, and protect those who are most vulnerable. It's also essential to have systems in place to deal with the damage that can't be avoided. Climate change is already changing the world, and our laws need to be able to respond to that. The job of climate law is not just to stop climate change, but to make sure society is ready for its effects and that the cost of adapting is shared fairly, with a focus on responsibility and human dignity. **Limitation :** This study looks at how laws and legal cases are changing in response to climate change. **Future Research :** But future research should go further, exploring how adaptation rules are being incorporated into local laws and how they're being used in different contexts, especially in countries that are most affected by climate change. By comparing the laws of different countries, we can see how international promises can be turned into real, tangible legal obligations. For instance, we can learn from countries that are already taking steps to adapt to climate change, and see how their laws and policies are supporting those efforts. We can also identify gaps and weaknesses in current laws,

and work to strengthen them. Ultimately, the goal is to create a legal framework that supports adaptation, protects human rights, and promotes fairness and justice in the face of climate change. So, what does this mean for the future of climate law? It means we need to be thinking about adaptation, not just as a secondary consideration, but as a central part of our response to climate change. It means we need to be working on laws and policies that support adaptation, and that hold people accountable for assessing risks and preparing for them. And it means we need to be prioritizing fairness, justice, and human dignity in all of our efforts to address climate change.

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