ICJ urges States to be Held Accountable for Emissions

Mains: *GS2 – International relations | Important International institutions, agencies and fora- their structure, mandate.*

GS3 – Environment | Conservation, environmental pollution and degradation.

Why in News?

Recently, the International Court of Justice (ICJ) stated that government actions driving climate change are illegal and states should be held legally responsible for their emissions.

What is International Court of Justice (ICJ)?

- **Established in – 1945** by the **United Nations Charter**, began work in April 1946.
- **Location** - The Hague, Netherlands, Only principal UN organ not based in New York.
- **Official Languages** - English and French.
- **Composition -** 15 judges serving nine-year terms, whom were elected by the UN General Assembly and Security Council.
- No two judges can be from the same country.
- **Jurisdiction** - Settling legal disputes between states and giving advisory opinions to authorized UN organs/agencies.
- Only states may be parties in contentious cases, jurisdiction is based on consent by concerned states.
- **Binding status -** They are final and are ***binding only on the parties involved***.
- It has ***no formal enforcement power*** and implementation may require action by the UN Security Council.
- **Significance -** Principal judicial organ of the UN, often called the "**World Court**".
- It is crucial in maintaining international law, peaceful dispute resolution, and providing advisory opinions.
- Judges act impartially independent of national governments

How ICJ makes states responsible for their executive actions?

- **ICJ observation** - The climate change treaties set forth binding obligations for states parties to ensure the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions.
- **Reminded responsibilities** - It directed nations to adopt measures with a view to contributing to the mitigation of greenhouse gas emissions and adapting to climate change.
- States parties listed in Annex I to the UNFCCC have additional obligations to take the

lead in combating climate change.

> ***Annex 1 countries*** *(both developed and with economic transition countries) of UNFCCC are obligated to reduce their greenhouse gas emissions, aiming to return to 1990 levels, as outlined in the UNFCCC.*

- historical responsibility of developed countries to the fore, which was almost put on the backburner when all countries agreed to the Paris Agreement that diluted the responsibility of the Annex 1 countries.
- It is also noted that " … A breach by a State of any obligations … constitutes an internationally wrongful act entailing the responsibility of that State".
- **Wrongful acts** - The legal consequences resulting from the commission of an internationally wrongful act may include the obligations of
  - cessation of the wrongful actions or omissions, if they are continuing
  - providing assurances and guarantees of non-repetition of wrongful actions or omissions, if circumstances so require
  - full reparation to injured States in the form of restitution, compensation and satisfaction, provided that the general conditions of the law of State responsibility are met, including that a sufficiently direct and certain causal nexus can be shown between the wrongful act and injury.
- **Legal impact** – Despite this judgement does not have a binding force, the court's advisory opinions has a legal impact and moral authority on the state parties.
- The court's conclusions will allow the law to inform and guide social and political action to solve the ongoing climate crisis.

• **Determinants of the ruling** - The first-ever ruling of the highest global judicial forum on climate change, has been passed in an advisory capacity *as requested by the Secretary-General of the United Nations.*
• UN decision, to refer the matter to the ICJ, was *driven by a demand from Pacific youth and island nations* supported by a coalition of civil society, indigenous peoples and states.

What are future implications?

- **Rejuvenate global climate talks** – It *Promotes active engagement* in the global allied efforts to address collective climate goals and financial commitments.
- Particularly after the recent Bonn negotiations subdued apparently due to US president Donald Trump's strong anti-climate change rhetoric and a spate of wars across the world.
- **Relief to climate vulnerable countries** - It *Provide lot of negotiation* ammunition to climate vulnerable countries including India, which is one of the biggest sufferers due to climatic impacts.
- **Future prospects** – This order would play a key role in the upcoming *COP30 negotiations to be held at Belem, Brazil* and It would also rejuvenate global climate talks.

Quick facts

Some Global Climate Conservation Initiatives
• **Paris Agreement (2015):** Limits global warming to below 2°C, with countries submitting updated climate action plans every five years to reduce emissions and support vulnerable nations. • **Vienna Convention (1985) & Montreal Protocol (1987):** Framework and binding treaty to protect the ozone layer by phasing out ozone-depleting substances, leading to significant ozone recovery. • **Convention on Biological Diversity (1992):** Conserves biodiversity, promotes sustainable use, and ensures fair benefit-sharing from genetic resources globally. • **United Nations Convention to Combat Desertification (1994):** Addresses land degradation in drylands through sustainable land management, crucial for food security and climate resilience.

Reference

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