UNGA Resolution and Its Impacts on Climate Change

Why in news?

Recently, United Nations General Assembly (UNGA) passed a resolution asking the ICJ to give an advisory opinion about obligations of countries to protect people from climate extremities based on the promises they have made to the UNFCCC.

How vulnerable are countries to climate change?

- According to ***German Watch Institute,*** Japan, Philippines and Germany and small island nations are the most affected countries by climate change today.
- According to ***Emissions Gap Report 2022***
  - The world must cut emissions by 45% to avoid global catastrophe
  - The world is far off track to limiting global warming to 1.5°C the most-ambitious target set out by the Paris Agreement.

What is the resolution about?

- The resolution was passed by the ***Pacific Island of Vanuatu*** and supporters that was devastated by ***Cyclone Pam*** in 2015.
- It prepared the draft resolution that was eventually co-sponsored by 132 countries at the UNGA and went through without a vote.
- The draft resolution invoked ***Article 96 of the U.N. Charter*** to ask the ICJ to deliberate on two questions
  - What are the obligations of states under international law to ensure the protection of the climate system
  - What are the legal consequences under these obligations for states that have caused significant harm to the climate system, particularly for Small Island Developing States (SIDS)
- The resolution refers to several international protocols including the Paris Agreement (2015), the United Nations Convention on the Law of the Sea and even the Universal Declaration of Human Rights.

Article 96 of U.N. charter states that The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

What is India's position in the resolution?

- India ***did not join*** the majority of countries that co-sponsored the draft resolution.

- India is also watching how global powers like the U.S. and China respond to the resolution.
- Indian officials have said that the ICJ process can only speak about climate change issues and problems broadly and cannot name or profile any one country in the process.

India has updated its NDC (nationally determined contribution) commitments and as required by the 2015 Paris Agreement India is on its way to sourcing half its electricity from renewable sources by 2030.

What is the jurisdiction of international court of justice (ICJ)?

- *ICJ IS the highest global court recognized by all 193 UN members.*
- It is composed of ***15 judges*** elected to **9 year terms of office** by the United Nations General Assembly and the Security Council.
- The President and Vice-President are elected by the Members of the Court *every three years* by secret ballot.
- The Court is not composed of representatives of governments.

- There are two types of ICJ jurisdictions.
  - **Contentious jurisdiction** - Resolving legal disputes between consenting states
  - **Advisory jurisdiction** - The UNGA, the Security Council and other specialized bodies of the organization can request the ICJ for an ***opinion on a legal question***.
  - The ICJ's advisory opinions are ***non-binding*** but carries legal weight and moral authority.
- Advisory opinions given in the past on the Palestinian issue (Construction of the Wall), nuclear threats and on the dispute between the U.K. and Mauritius over the Chagos Islands have been respected.

Quick facts

United Nations Framework Convention on Climate Change (UNFCCC)

- It is the United Nations entity tasked with supporting the global response to the threat of climate change.
- The secretariat was established in 1992 when countries adopted the UNFCCC.

- **Membership -Has near** universal membership (199 Parties) and is the parent treaty of the 2015 Paris Agreement.
- **Conference of the Parties (COP)** -Supreme decision-making body of the UNFCCC.
- The recently conducted COP was COP 27.

Paris Agreement

- The Paris Agreement is a legally binding international treaty on climate change.

- It was adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015.

Small Island Developing States (SIDS)

- SIDS are a distinct group of *38 UN Member States and 20 Non-UN Members/Associate Members* located in 3 geographical regions - The Caribbean, the Pacific, and the Atlantic, Indian Ocean and South China Sea (AIS).
- SIDS were recognized as a special case both for their environment and development at the 1992 United Nations Conference on Environment held in Rio de Janeiro, Brazil.
- The aggregate population of all the SIDS is 65 million, slightly less than 1% of the world's population.

Vulnerable Twenty (V20) Group

- The V20 Group was established in 2015.
- The V20 Group of Ministers of Finance of the Climate Vulnerable Forum is a dedicated cooperation initiative of economies systemically vulnerable to climate change.
- The V20 works through dialogue and action to tackle global climate change.

References

1. The Hindu | UNGA Resolution
2. UNFCCC | About UNFCCC

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