

11/06/2024**(MODEL ANSWER)**

- Q. Discuss the role of international legal frameworks and conventions in addressing climate change. Analyse the implications of advisory opinions sought by vulnerable nations and its impact on global climate action.

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Answer Template:**Introduction:**

- International legal frameworks and conventions play a crucial role in addressing climate change by providing a framework for cooperation, setting targets, and establishing mechanisms for monitoring and enforcement.
- According to the United Nations Framework Convention on Climate Change (UNFCCC), nearly 197 countries are parties to the convention, reflecting global recognition of the need for collective action to combat climate change.
- Additionally, reports such as those from the Intergovernmental Panel on Climate Change (IPCC) highlight the urgency of addressing climate change and the role of international cooperation in mitigating its impacts.

Body:

- **International legal frameworks and conventions:**
 - **International Climate Change Litigation:**
 - International legal frameworks provide a platform for countries and organizations to seek justice and enforce climate action.
 - **Role of International Legal Frameworks:**
 - These frameworks set the rules and standards for climate action, ensuring that all countries contribute to the global effort to mitigate climate change.
 - **United Nations Framework Convention on Climate Change (UNFCCC):**
 - The UNFCCC, adopted in 1992, is the primary international treaty aimed at addressing climate change.
 - *Example: The Paris Agreement, adopted under the UNFCCC in 2015, sets targets for reducing greenhouse gas emissions and provides a framework for international cooperation on climate action.*
 - **Kyoto Protocol:**
 - The Kyoto Protocol, adopted in 1997, established legally binding emissions reduction targets for developed countries.
 - *Case Study: The Clean Development Mechanism (CDM) under the Kyoto Protocol enables developed countries to invest in emission reduction projects in developing countries as a means of meeting their targets.*

- **Paris Agreement:**
 - The Paris Agreement, adopted in 2015, aims to limit global warming to well below 2 degrees Celsius above pre-industrial levels.
 - Example: *The Nationally Determined Contributions (NDCs) submitted by countries under the Paris Agreement outline their commitments to reducing greenhouse gas emissions and adapting to climate change.*
- **International Court of Justice (ICJ):**
 - The ICJ has the authority to adjudicate disputes between states related to environmental issues, including those arising from violations of international climate agreements.
 - Case Study: *In the case of "Australia v. Japan" (Whaling in the Antarctic), the ICJ ruled that Japan's whaling program in the Antarctic violated international law, highlighting the role of international legal mechanisms in addressing environmental concerns.*
- **Advisory Opinions and Vulnerable Nations:**
 - Vulnerable nations often seek advisory opinions from international legal bodies, such as the International Court of Justice, to address climate-related disputes and assert their rights.
 - It highlights the urgent need for climate action and the responsibilities of all countries in addressing climate change.
 - These opinions can influence international policies and actions on climate change, pushing for more ambitious climate targets and measures.
 - Example:
 - *The Republic of the Marshall Islands sought an advisory opinion from the ICJ on the obligations of states to prevent climate change and its adverse effects, emphasizing the legal responsibilities of states in addressing climate change.*
 - *(Commission of Small Island States) COSIS sought the opinion from **International Climate Change Litigation (ITLOS)** concerning the specific obligations of the Parties to the UNCLOS on climate change mitigation.*
 - Case Study - Small Island Developing States (SIDS): *SIDS are among the most vulnerable nations to climate change impacts globally. They often seek advisory opinions to highlight their plight and push for stronger climate action.*
 - Implications of Advisory Opinions:
 - Advisory opinions provide legal clarity and guidance on the interpretation and implementation of international climate agreements, influencing global climate action and policy development.
 - Strengthening Legal Accountability:

- Advisory opinions contribute to strengthening legal accountability and compliance with international climate agreements, encouraging states to fulfill their obligations and commitments.
- **Challenges in Implementation:**
 - Despite the existence of international legal frameworks and advisory opinions, challenges remain in effectively implementing climate agreements and holding states accountable for their commitments.
 - *Example: The withdrawal of United States from the Paris Agreement under the Trump administration highlighted challenges in achieving consensus and maintaining global cooperation on climate action.*
- **Need for Enhanced Cooperation:**
 - Enhanced cooperation and coordination among states, international organizations, and non-state actors are essential for effectively addressing climate change and advancing climate justice.
 - *Case Study: The Kigali Amendment to the Montreal Protocol, aimed at phasing down hydrofluorocarbons (HFCs) to mitigate climate change, demonstrates successful multilateral cooperation on environmental issues.*

