

CLIMATE CHANGE

❖ **Can countries be sued over climate change?**

➤ **CONTEXT:** Recently, the United Nations General Assembly passed a resolution that asked the International Court of Justice at The Hague to provide an opinion on what kind of obligations countries have towards climate change reduction, based on the promises they have made to the U.N. Framework Convention for Climate Change (UNFCCC).

- What made it particularly important was that the resolution passed by consensus had been pushed through by one of the smallest countries in the world, the Pacific Island of Vanuatu, an island that was devastated in 2015 by the effects of Cyclone Pam, believed to have been spurred by climate change, that wiped out 95% of its crops and affected two-thirds of its population.

➤ **What does the resolution seek?**

- The draft resolution (A/77/L.58) 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 for present and future generations?

✓ What are the legal consequences under these obligations for states where they, by their acts and omissions, have caused significant harm to the climate system, particularly for Small Island Developing States (SIDS) and for people who are harmed.

- 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. The entire process is expected to take about 18 months for the ICJ to deliberate and deliver its opinion.

➤ **What is India's position?**

- India has thus far been cautiously silent about the move, although it is generally supportive of the need for climate justice, and holding the developed world accountable for global warming. The government is understood to have referred the resolution to legal authorities in the country who will look into the implications and international ramifications of the ICJ opinion.

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

- However, it is significant that India did not join the overwhelming majority of countries that co-sponsored the draft resolution. In the neighbourhood, the list of co-sponsors included Bangladesh, Maldives, Nepal, Sri Lanka, and a number of island countries in the Indian Ocean Region (IOR).

- India is also watching how global powers like the U.S. and China respond to the resolution, as without their support, it will be hard to implement. During the discussion on the resolution, the U.S. representative voiced concerns about whether "launching a judicial process" was the best way to reach "shared goals". "Successfully tackling the climate crisis is best achieved via diplomatic efforts," the U.S. added, according to a UN press release.

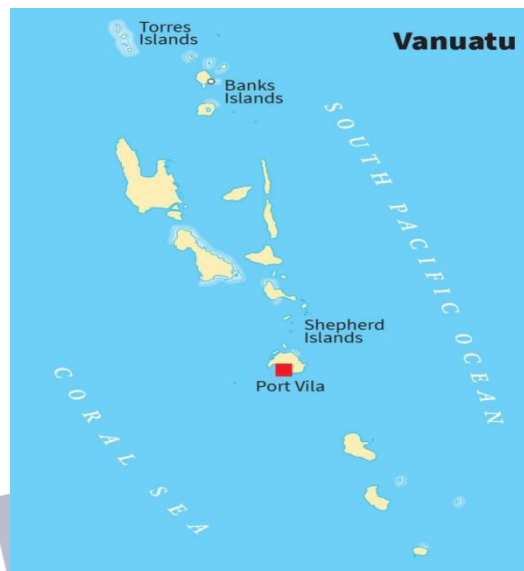
- Indian officials have also said that the ICJ process can only speak about climate change issues and problems broadly and that it cannot name or profile any one country in the process. Pointing to the Paris agreement as a landmark shift towards a "bottom-up" approach, where states themselves determine their ability to mitigate climate change, they also said any attempt to impose an opinion in a "top-down" manner would be resisted.

- Many other countries are likely to voice their opinion as the process gathers momentum in the months ahead.

➤ **What do sponsors of the resolution want?**

- A legal opinion from the ICJ, the highest global court recognised by all 193 UN members is expected to bolster the efforts under the UNFCCC to ensure all countries work towards mitigating climate change and global warming to the suggested 1.5-2°C limit.

- While it is expected to give its opinion on the basis of the Convention already consented to by all countries, what will be watched closely is what it says about more contentious issues such as climate reparations by the developed world, legal culpability for countries that don't achieve their NDC promises, and climate support to the most vulnerable parts of the world battling the effects of global warming.



- According to the latest IPCC “Synthesis report”, global climate levels have already increased 1.1 degrees since pre-industrial levels in the past century, and deep cuts in greenhouse gas emissions reductions, as much as by a half are required by 2030 to keep this goal. UN Secretary General Antonio Guterres who has called for measures to defuse the “climate-time bomb” said that the ICJ opinion was “essential”, and would “guide the actions and conduct of states in their relations with each other, as well as towards their own citizens.”
- The UNGA route adopted by Vanuatu and its supporters also appears to have been more inclusive than two other attempts for an Advisory Opinion sought in December 2022 by Small Island States to the International Tribunal for the Law of the Sea specifically asking about marine environment commitments; and another by Colombia and Chile in January 2023 at the Inter-American Court of Human Rights (IACHR) asking for an Advisory Opinion on human rights obligations for countries pertaining to the “climate emergency”.
- **What sparked the idea for the resolution?**
- The original idea for taking the case for climate obligations to the highest legal court came from a group of 27 Pacific Island law students, who set up a campaign and brought it to the Pacific Islands Forum.
- Since 2019, the Vanuatu government, with the support of an 18-member “core group” of countries, has been promoting the idea of an Advisory Opinion from the ICJ. It prepared the draft resolution that was eventually co-sponsored by 132 countries at the UNGA and went through without a vote.
- While the U.S was among a few countries that expressed some reservations, no country opposed the resolution. Vanuatu’s Prime Minister Ishmael Kalsakau, called it “a win for climate justice of epic proportions”.
- **Is the advisory opinion of the ICJ binding?**
- The ICJ is being asked for an “advisory opinion”, which by definition would not be legally binding as an ICJ judgment. However, its clarification of international environmental laws would make the process more streamlined, particularly as the COP (Conference of the Parties) process looks at various issues like climate finance, climate justice, and the most recently agreed to “loss and damages” fund at the COP27 in Sharm El-Sheikh in 2023.
- The ICJ carries “legal weight and moral authority”, said the sponsors of the resolution, and gave as examples 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, that have been respected.

IMPORTANT INTERNATIONAL AFFAIRS

- ❖ **Why is Britain joining a trans-Pacific trade pact?**
- **CONTEXT: Britain recently agreed to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), a trade pact based around the Pacific rim, as it seeks to build ties around the world after leaving the European Union.**
- **What is CPTPP?**
- CPTPP is a free trade agreement (FTA) that was agreed in 2018 between 11 countries – Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.
- Britain will become the 12th member, and the first to join since the partnership since its inception.
- According to British Prime Minister’s office the CPTPP countries will have a combined GDP of 11 trillion pounds (\$13.6 trillion) once Britain joins, or 15% of global GDP.
- It does not have a single market for goods or services, and so regulatory harmonisation is not required, unlike the European Union, whose trading orbit Britain left at the end of 2020.
- **How much does Britain trade with CPTPP?**
- Exports to CPTPP countries were worth 60.5 billion pounds in the twelve months to end-Sept. 2022.
- Membership of the grouping will add another 1.8 billion pounds each year in the long run, and possibly more if other countries join.
- But in an impact assessment of the deal when negotiations started in 2021, Britain said the agreement is estimated to deliver an increase of just 0.08% to GDP over the long term.
- Only Malaysia and Brunei weren’t covered by existing FTAs, and they only account for 0.33% of UK trade.
- **Rules of Origin Benefits**
- According to trade experts exporters could benefit from CPTPP membership even when trading with countries where there is a bilateral FTA.
- To benefit from preferential tariffs, exporters must demonstrate a product as a sufficient proportion of “locally” sourced parts.
Rules of origin under rolled-over post-Brexit free trade agreements with Japan, Mexico and Canada, for instance, allow exporters to count EU inputs as “local”.
- However, under CPTPP, inputs from CPTPP members can usually be considered local, giving exporters another option if it is beneficial.
- **Sectoral Impact**

- Britain has agreed a quota on beef imports, but did not agree to lower food standards, under which hormone-treated beef is banned.
- Tariffs on palm oil from Malaysia will be liberalised, and Britain also agreed tariff reductions on bananas, rice and crab sticks following requests from Peru, Vietnam and Singapore respectively.
- Britain highlighted that 99% of exports to CPTPP would be eligible for zero tariffs, including for on cheese, cars, chocolate, machinery, gin and whisky.
- The phased elimination of Malaysia's 165% tariff on whisky was welcomed by the Scottish Whisky Association, and added "the UK's accession to CPTPP will open up new opportunities for Scotch Whisky and other UK products in key markets in the region."
- **Geopolitical factors**
- While the long-term benefit for Britain's economy is set to be modest, Britain has other reasons for joining the bloc.
- China has applied to join CPTPP, and Morita-Jaeger cited Britain's pivot towards the Indo-Pacific, where it has highlight China as an "epoch-defining challenge."
- The CPTPP could enable the UK to enhance strategic ties with like-minded countries to protect a free and open Indo-Pacific region.

PRELIMS

1. Export Credit Guarantee Corporation

➤ **CONTEXT:** Under the new Foreign Trade Policy (FTP), exporters may soon be able to obtain insurance coverage for some losses incurred as a result of countries' sudden imposition of trade barriers.

- The definition of "political risk" under the export guarantee scheme will be expanded to cover any fresh imposition of non-tariff barriers by importing nations after a shipment has left Indian shores.
- In general, the Export Credit Guarantee Corporation (ECGC) compensates exporters for losses incurred when buyers become insolvent or default on payments, as well as political risks such as war and unexpected import restrictions or the promulgation of laws or decrees but do not cover anti-dumping measures or non-tariff barriers.
- The new policy also pledges to form an inter-ministerial committee to investigate trade-related issues of micro, small, and medium enterprises (MSME).

➤ **About ECGC**

- ECGC is an acronym for Export Credit Guarantee Corporation of India Ltd.
- It is a government owned export credit provider.
- It is under the ownership of Ministry of Commerce and Industry and is based in Mumbai.
- It provides export credit insurance support to Indian exporters.
- Its topmost official is designated as Chairman and Managing Director who is a central government civil servant under ITS cadre.
- The GoI had initially set up Export Risks Insurance Corporation (ERIC) in July 1957.
- It was transformed into Export Credit and Guarantee Corporation Limited (ECGC) in 1964 and to Export Credit Guarantee Corporation of India in 1983.

➤ **Functions of ECGC**

- ECGC provides a range of credit risk insurance covers to exporters against loss in export of goods and services as well.
- It offers guarantees to banks and financial institutions to enable exporters to obtain better facilities from them.
- It provides Overseas Investment Insurance to Indian companies investing in joint ventures abroad in the form of equity or loan and advances.

➤ **Facilities by ECGC**

- Offers insurance protection to exporters against payment risks.
- Provides guidance in export-related activities.
- Makes available information on different countries with its own credit ratings.
- Makes it easy to obtain export finance from banks/financial institutions.
- Assists exporters in recovering bad debt.
- Provides information on the creditworthiness of overseas buyers.

2. Indian Council for Cultural Relations (ICCR)

➤ **CONTEXT:** The Indian Council for Cultural Relations (ICCR) is aiming to expand the country's artistic and creative footprint globally, by tapping into the experiences of foreign students studying here.

- The Indian Council for Cultural Relations (ICCR) was established to conduct programmes that promote Indian culture on an international platform.
- It is under the administrative control of the Ministry of External Affairs.

- ICCR was founded in 1950 by Maulana Abul Kalam Azad, independent India's first Education Minister.
- **Objective**
- to actively participate in the formulation and implementation of policies and programmes pertaining to India's external cultural relations.
- to foster and strengthen cultural relations and mutual understanding between India and other countries,
- to promote cultural exchanges with other countries and people, and to develop relations with nations.
- It is running 36 cultural centres in different countries with the promotion of Indian culture and projecting India as a hub for higher education.
- It instituted several awards for foreign nationals as a way to promote India's culture abroad:
 - ✓ Distinguished Indologist Award
 - ✓ World Sanskrit Award
 - ✓ Distinguished Alumni Award – Citation and Plaque
 - ✓ Gisela Bonn Award

3. **Microplastics**

➤ **CONTEXT: An estimated 170 trillion plastic particles weighing about 2 million metric tons are currently afloat in the oceans across the world, according to a new study.**

➤ **What are microplastics?**

- Microplastics are fragments of any type of plastic less than 5 mm in length.
- They cause pollution by entering natural ecosystems from a variety of sources, including cosmetics, clothing, food packaging, and industrial processes.
- Microplastics are particularly harmful to the oceans as they don't readily break down into harmless molecules and adversely affect the health of marine organisms, which mistake plastic for food.
- Moreover, these particles can trigger loss of biodiversity and threaten ecosystem balance.

➤ **Findings**

- From 1990 to 2005, the number of plastic particles more or less fluctuated.
- One of the reasons for this could be due to the effective implementation of important policy measures at the time.
- In the 1980s and 90s, there were some international policies, like MARPOL Annex 5 that enforced laws against dumping trash at sea.
- The concentration of plastic particles including microplastics in the ocean has skyrocketed in the oceans since the mid-2000s, and it continues to increase.
- If the world fails to take any drastic action about the issue, there will be a 2.6-fold increase in plastic flowing into aquatic environments by 2040.

➤ **Impact of microplastics on the oceans and marine life**

- Ingestion of such particles can cause mechanical problems, such as lacerations and blockages to internal systems.
- Ingested plastics can cause chemical problems by leaching absorb chemicals into organisms. Microplastics absorb many hydrophobic compounds, like DDT, PCBs and other industrial chemicals, and evidence shows they can be released when ingested.
- Microplastics can also disrupt the carbon cycle of the oceans. Normally, phytoplankton absorbs carbon and are eaten by zooplankton, who excrete the carbon in the form of faecal pellets that sink to the sea floor.
 - ✓ Once these carbon-containing pellets reach there, the carbon can be remineralized into rocks — preventing it from escaping back into the atmosphere.
 - ✓ But if zooplanktons consume microplastics, their faecal pellets sink at a much slower rate.
- They are more likely to break apart or be eaten by other animals making it less likely that the carbon will reach the seafloor and become permanently sequestered.

ANSWER WRITING

Q. Lok Sabha recently cleared the Competition (Amendment) Bill, 2022, which aims at bringing in greater regulation of corporates and Big Tech firms. Discuss.

The Competition Commission of India (CCI) was established under the Competition Act 2002, to protect and promote competition in markets, and to prevent practices that hinder competition. But the act did not account for the network effect of Big Tech companies that came later. The Competition (Amendment) Bill partially addresses issues associated with this. It aims at authorising the CCI with more powers to regulate anti-competitive behaviour and abuse of dominant position by corporates and big tech firms in the market.

Major changes introduced through the competition (Amendment) Bill 2022:

- Broaden the scope of anti-competitive agreements: The Bill broadens the scope of who will be covered under provisions relating to anti-competitive agreements that cause an appreciable adverse effect on market competition.

- ✓ Earlier only entities engaged in similar businesses were covered under the act. However, now the entities or businesses that are not engaged in similar businesses are also included. This aims at covering the hub and spoke cartels.
- Provision of global turnover for imposing penalties: One of the major changes in the amended law is that it affords the Competition Commission of India (CCI) the ability to penalise entities found engaging in anti-competitive behaviour based on their global turnover derived from all goods and services. Presently, the CCI can impose a penalty of up to 10% of a company's average turnover in the "relevant market."
- Provision of deal value threshold to regulate mergers and acquisitions (M&A): According to the bill, entities are required to seek approval from the CCI if the deal value exceeds Rs 2000 crore and if both companies (acquiring and the target) have substantial business operations in the country.
 - ✓ This provision aims to capture killer acquisitions in digital markets which were hitherto falling below the notification criteria due to asset and revenue-light business models of new-age companies.
- Reduced Time limit: The competition amendment bill also aims at reducing the time limit for approval of mergers and acquisitions from the existing 210 days to 150 days.
- Introduces settlement and commitment framework: Among the amendments introduced is the settlement and commitment framework, which will help to reduce litigations relating to anti-competitive practices.
- Leniency plus provision for cartels: The provision would encourage companies already under investigation for one cartel to report other cartels unknown to the competition regulator. Those disclosing information could be incentivised by CCI in terms of a lesser penalty.
- Decriminalises certain offences: The Bill decriminalises certain offences under the Act by changing the nature of punishment from the imposition of a fine to civil penalties.

Experts are seeing these changes as strengthening the powers of CCI to deter the potential violators of antitrust law. The amendments can help in promoting competition by ensuring a level-playing field for the companies, whether big, small, old or new.

MCQs

1. With reference to the Export Credit Guarantee Corporation consider the following statements:
 1. It is under the ownership of Ministry of Commerce and Industry, Government of India.
 2. It provides export credit insurance support to Indian exporters and banks.
 3. It has branches at every major port cities in India with it's headquarter in Mumbai, Maharashtra.

Which of the statements given above is/are correct?

 - a) **1 and 2 only**
 - b) 2 and 3 only
 - c) 1 and 3 only
 - d) 1,2 and 3
2. With reference to Indian Council for Cultural Relations (ICCR) consider the following
 1. It was founded in 1950 by Maulana Abul Kalam Azad, independent India's first Education Minister.
 2. It functions under Ministry of Education in collaboration with Ministry of Culture
 3. It's one of the objective is to promote cultural exchange with other countries and peoples

Which of the above statement/s is/are not correct?

 - a) 1 and 2 only
 - b) 2 only**
 - c) 2 and 3 only
 - d) 3 only
3. With reference to the Tribal Cooperative Marketing Development Federation of India (TRIFED), consider the following statements:
 1. It is established under the Multi-State Cooperative Societies Act, of 1984.
 2. TRIFED is a multi-State Cooperative Society under Ministry of Tribal Affairs.
 3. It facilitates participation of tribal artisans to enable them to interact directly with art lovers to assess market needs.

Which of the statements given above is/are correct?

 - a) 1 and 2 only
 - b) 1 and 3 only
 - c) 2 and 3 only
 - d) 1,2 and 3**
4. Consider the following statements.
 1. Microplastics are small pieces of plastic, less than 50 mm in length, that occur in the environment as a consequence of plastic pollution.
 2. Microplastics are present in cosmetics, synthetic clothing, plastic bags and bottles.
 3. Normal Plastic and Microplastics both are biodegradable.

Which of the above statements is/are correct?

 - a) 1 and 2 only

- b) **2 only**
 c) 1 and 3 only
 d) 1, 2 and 3.
5. With reference to the International Court of Justice (ICJ), which of the following statements is correct?
 1. The International Court of Justice arbitrates only in water disputes.
 2. Environmental jurisdiction is not included in the power of the International Court of Justice.
- Choose the correct answer using the codes given below
 a) 1 only
 b) 2 only
 c) Both 1 and 2
d) Neither 1 nor 2
6. Which one of the following statements about the National Green Tribunal is not correct?
 a) It was set up in the year 2010.
 b) It is involved in effective and expeditious disposal of cases relating to environmental protection and conservation of forests.
 c) It may consider giving relief and compensation for damages to persons and property.
d) It is bound by the procedures laid down under the Code of Civil Procedure, 1908.
7. Asola Bhatti Wildlife Sanctuary often seen in news is associated with which of the following Hill/Mountain Range?
 a) Western Ghats
 b) Eastern Ghats
c) Aravali Hill range
 d) Eastern Himalayan Mountain
8. Consider the following statements regarding Repo rate :
 1. It is the rate at which RBI lends money to Commercial Banks generally against Government Securities
 2. It is the rate at which RBI borrows money from Commercial Banks generally against Government Securities
 3. It is the rate at which Commercial Banks keep Deposits with RBI
- Which of the above statements is/are correct?
a) 1 only
 b) 2 only
 c) 3 only
 d) 1, 2 and 3
9. The Eravikulam National Park (ENP) in Kerala, a fernarium set up inside the park, this is the first time such a fern collection is being set up in the hill station. With reference to Fern consider the following
 1. Ferns are part of the Epiphytic family.
 2. They grow naturally in a soilless condition.
 3. The plants obtain water and nutrients through leaching from trees.
- Which of the above statement/s is/are correct?
 a) 1 and 2 only
 b) 2 and 3 only
 c) 1 and 3 only
d) 1, 2 and 3
10. Which of the following are the characteristics of Autism?
 a) Poor Socialization
 b) Stereotypic behavior
 c) Poor Communication
d) All of the above