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1. ICJ begins hearing on landmark climate change case: Why is this significant?**Introduction**

The recently concluded annual climate talks in Baku, Azerbaijan, ended in disappointment for the developing countries. The main agreement negotiated at this conference promised to mobilise just \$300 billion a year in climate finance for the developing countries, far less than the \$1.3 trillion a year they had been demanding in line with their requirements assessed by several studies.

The refusal of the developed nations to fully meet their obligations on climate finance follows the continuing neglect of their responsibilities on emission cuts.

To hold the developed countries to account for their climate responsibilities, the developing nations, particularly the small island states, have now taken their concerns to another forum, the International Court of Justice (ICJ), the main judicial arm of the United Nations. Recently, the ICJ began hearings in a case that seeks its advisory opinion on the obligations of countries on climate change under existing international laws, and the legal consequences of those obligations.

The case is expected to have significant implications for the increasing number of climate-related lawsuits being filed everywhere. It could potentially also influence the negotiations at the annual climate talks.

The case

The case results from a resolution passed by the UN General Assembly (UNGA) in March last year, at the initiative of Vanuatu, a small country in the Pacific Ocean located about 2,000 km northeast of Australia. Like several other small island states, Vanuatu is one of the most vulnerable countries, with its existence threatened by rising sea levels.

Vanuatu moved a proposal seeking an advisory opinion of the ICJ on climate change in September, 2021. It received support from a large number of countries, and eventually the UNGA, in March last year, adopted the resolution that was co-sponsored by 132 countries.

The resolution seeks answers to two specific questions. One, what are the obligations of the countries under international laws to protect the climate system. Two, what are the legal consequences under these obligations for countries that have caused harm to this climate system.

Although the 1994 UN Framework Convention on Climate Change (UNFCCC) and the 2015 Paris Agreement are the two international laws that deal exclusively with climate change, there are several other legal instruments which are relevant to the issue. These include the UN Convention on the Law of the Seas, the Convention on Biological Diversity, the Convention to Combat Desertification, the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the UN Charter itself.

The UNGA resolution has sought the ICJ opinion on the climate obligations of countries in light of these, and other related, international laws.

The significance

The two-week hearings at ICJ would result in only an advisory opinion, as sought by the UNGA resolution. But it could have far-reaching ramifications.

Currently, the UNFCCC defines the climate obligations of countries based on their share of historical emissions. A group of about 40 rich and developed countries, which had the maximum share of historical emissions till then, were held mainly responsible for causing climate change. These countries were asked to reduce their emissions, and also help the developing nations, through provision of finance and technology, in fighting climate change. Over the years, the rich and developed countries have not just managed to largely ignore these obligations, but also succeeded in transferring a part of their burden on the developing countries.

The ICJ ruling can potentially show that the obligations of the developed nations stem not just from the UNFCCC and the Paris Agreement, but also from several other international legal frameworks. This can become a new argument in the climate negotiations. More importantly, defining the legal consequences for climate change can have implications for demands of small island states that they be compensated for the damage caused by climate change.

At the minimum, the outcome of this case could become a precedent for the thousands of climate lawsuits that have been filed in recent years, seeking accountability from governments and corporations. As of 2023, more than 2,600 lawsuits have been filed worldwide that seek courts to adjudicate matters on climate change, or rely on climate arguments to decide issues of public importance. A few of these have already resulted in landmark judgments. For instance, earlier this year, the European Court of Human Rights held that Switzerland had failed to meet its greenhouse gas emission reduction targets, and thus violated the human rights of its citizens.

Several countries are also enacting climate-specific legislation. In April this year, India's Supreme Court had expanded the scope of the fundamental rights to life and equality to include the right to be free from adverse impacts of climate change.

Record representations

The importance of this case can be gauged also from the record number of representations that have been made before the ICJ. The court has already received over 90 written submissions from countries and organisations. At least 97 countries and a dozen international organisations are scheduled to participate in the hearings, which too is a record for any case at ICJ.

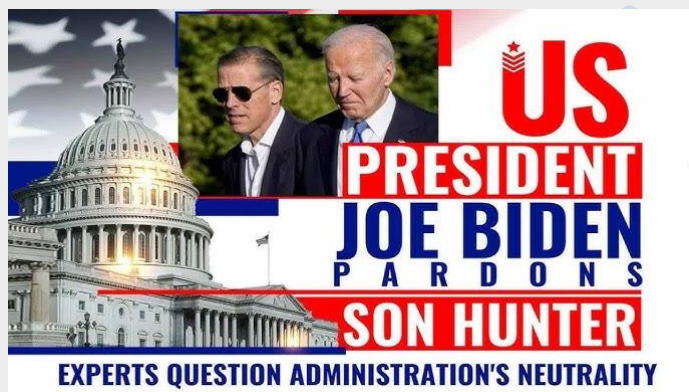
Even countries that accept ICJ's authority only in a limited manner, including India, China and the United States, are participating in this case.

Relevance: GS Prelims & Mains Paper II; International Issues

Source: Indian Express

2. Presidential Pardons and Political Interference

Overview of the Pardon



Outgoing U.S. President Joe Biden issued a presidential pardon to his son, Hunter Biden, covering any federal crimes he "committed or may have committed or taken part in" between January 1, 2014, and December 1, 2024. Hunter Biden was previously convicted on federal gun and drug charges and pleaded guilty to tax charges in California.

• Context of Charges:

O Gun Form Charges: President Biden noted that individuals are rarely brought to trial solely for errors in completing gun forms unless aggravating circumstances exist.

O Tax Evasion: He highlighted that late tax payments followed by full restitution with interest and penalties, often result in non-criminal resolutions.

Criticism of the Pardon

The pardon has drawn scrutiny for being "full and unconditional," potentially shielding Hunter Biden from future prosecutions by the incoming Trump administration. Concerns center on charges that may arise from Hunter's foreign business dealings, including unlawful lobbying and corruption-related payments.

Historical Context of Pardons

Presidential pardons are common in U.S. politics, with past presidents exercising this power extensively:

- Donald Trump: Granted 143 pardons, including to high-profile individuals such as:

- O Steve Bannon (Republican lobbyist)

- O Michael Flynn (former National Security Adviser)

O Joe Arpaio (controversial sheriff)

- **Bill Clinton:** Pardoned his half-brother Roger Clinton, convicted on drug-related charges.

Concerns About Justice and Polarisation

President Biden's pardon raises questions about whether justice can be administered fairly in a politically polarised environment.

- **Weaponisation of Law Enforcement:** Biden argued that "raw politics" has tainted legal processes, a claim mirrored by Trump, who accuses Biden's Department of Justice of bias.
- **Impact on Trust in Justice:** The use of pardons for political allies or family members risks eroding public trust in the impartiality of the justice system.

Conclusion

While presidential pardons are a constitutional right, their use in highly polarised environments requires caution. Leaders across party lines must exercise restraint to ensure the justice system remains free from political interference.

Relevance: GS Prelims; International Issues

Source: The Hindu

3. With Ratapani in MP declared India's latest tiger reserve, all about the protected areas

Overview

Recently, India got its 57th tiger reserve in Madhya Pradesh's Ratapani Wildlife Sanctuary, after receiving in-principle approval from the Union Ministry of Environment, Forest, and Climate Change.

This development comes after the state's Madhav National Park received approval to be declared a tiger reserve on December 1. Following official notification, it will become India's 58th tiger reserve.

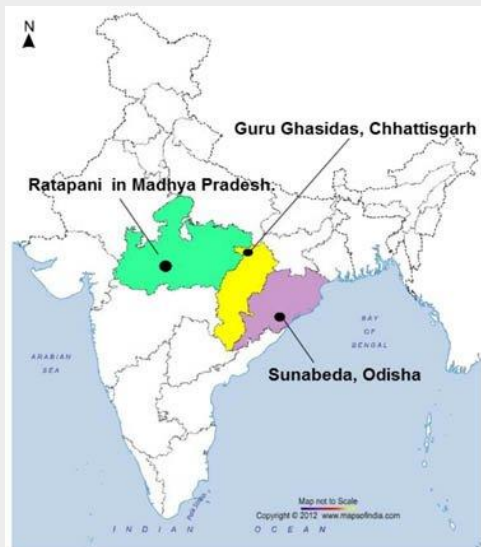
What is a tiger reserve?

A tiger reserve in India is a designated area established under the Project Tiger initiative of 1973 to ensure the conservation of tigers and their habitats. These reserves are part of the government's efforts to protect the tiger population, maintain biodiversity, and restore ecological balance.

Tiger reserves are usually large tracts of land with a core and buffer area. The core area is legally designated as a national park or a sanctuary. In contrast, the buffer or peripheral areas are a mix of forest and non-forest land, which is maintained as a mixed-use area. Buffer zones act as transition areas for wildlife.

Currently, there are 57 tiger reserves in India, spread across around 82,000 sq kilometres and accounting for over 2.3 per cent of India's geographical area, as per the National Tiger Conservation Authority (NTCA).

The NTCA conducts the All India Tiger Estimation to track the big cat numbers, usually in cycles of four years. As per the 5th cycle summary report of 2022, India has a minimum of 3,167 tigers and is home to more than 70% of the world's wild tiger population.



New Tiger Reserves Created

Why and when did the first tiger reserves come up in India?

In the mid-20th century, India's tiger population rapidly declined due to hunting, habitat loss, and other human activities. Following Indian independence in 1947, this decline became even more pronounced. In the first attempt to ensure the big cats were not poached, the Indian Government banned the export of wild cat skins, including of tigers, in 1969.

Extending further protection, the Indian Board for Wild Life (IBWL) formed an 11-member task force to devise a comprehensive conservation strategy, marking the inception of Project Tiger. The task force submitted its final report in August 1972, recommending that eight tiger forests across India be included in the project. On April 1, 1973, Project Tiger was officially launched at the Corbett Tiger Reserve.

The initial phase included nine tiger reserves: Corbett (Uttarakhand), Palamau (Jharkhand), Similipal (Orissa), Sundarbans (West Bengal), Manas (Assam), Ranthambhore (Rajasthan), Kanha (Madhya Pradesh), Melghat (Maharashtra) and Bandipur (Karnataka).

How is a tiger reserve created?

The state government identifies a suitable area for a tiger reserve based on the presence of a viable tiger population and suitable habitat.

Ecological assessments, including studies on prey base, vegetation, and the area's potential to support tigers, are then conducted. The state prepares a detailed proposal, including maps, ecological studies, and management plans.

Finally, a proposal is submitted to the NTCA, which studies and approves it and submits it to the Union Ministry of Environment, Forest and Climate Change for further consideration.

Following this, the state government issues a preliminary notification under the Wildlife (Protection) Act, 1972, declaring the identified area as a tiger reserve. After addressing any objections or modifications, the state issues a final notification under Section 38V of the Wildlife (Protection) Act, formalising the reserve.

The reserve is brought under the Project Tiger initiative, entitling it to central funding and technical support for conservation activities. A detailed management plan is developed, focusing on habitat improvement, anti-poaching measures, and community participation. The NTCA conducts regular monitoring and evaluation.

As per section 38W of the Act, once the notification comes "no State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life".

What are the benefits of tiger reserves?

According to wildlife researchers, as top predators in an ecosystem, tigers play an essential role in regulating and perpetuating ecological processes. Ensuring the conservation of this apex carnivore ensures the health of forest ecosystems, the biodiversity they represent, and the security of water and climate.

Tigers inhabit a wide range of habitats in India, including high mountains, mangrove swamps, tall grasslands, dry and damp deciduous forests, and evergreen and shola forest systems. "Since there are many resources at the disposal of Project Tiger and the national interest behind this project the protection enacted on tigers has an umbrella effect that extends to other sub-species," said an NTCA official.

A 2023 study published in Nature ("Climate co-benefits of tiger conservation") found that protecting tiger reserves has significant environmental benefits. Between 2007 and 2020, these reserves helped prevent the loss of over 5,800 hectares of forest. This, in turn, restricted the release of about 1 million metric tons of carbon dioxide into the atmosphere, contributing positively to combating the effects of climate change.

Relevance: GS Prelims; Environment

Source: Indian Express