

The Melting of Himalayan Glaciers: Revisiting Climate Change Accountability in view of recent international developments

The geographically sensitive Himalayas, which have the largest number of glaciers on earth, are warming at a rate far in excess of the world average. Keeping the temperature rise below 1.5 degree Celsius compared to pre-industrial levels is essential to preserving the Himalayan eco-system. The ecological crisis in the Himalayas is bound to affect some of the most vulnerable, especially the entirety of the population in Nepal – a landlocked country – and certain parts of India, Pakistan, Bhutan and Bangladesh. The change in weather patterns present ominous signs in the nature of flash floods, landslides and subsidence, and the resultant loss of lives and property. The affected South Asian economies will not be able to prevent or manage the looming crisis on their own.

In the above backdrop, the request made by Vanuatu, a small island developing state (SIDS), before the International Court of Justice (ICJ) seeking clarity on the responsibility of states for climate change marks a watershed moment. The opinion of ICJ will have profound implications in clarifying the established law and legal principles on climate change. The advisory opinion will also help to contextualise the multilateral outcomes achieved so far and the future negotiations.

This Panel is a follow-up to the Panel organised by the World Chair Programmes, India and Nepal in the Trade and Investment House, CoP-29, Baku, Azerbaijan. In the above setting and given the backdrop of the recent developments (advisory opinion of the ICJ and the CoP 29 outcome), this panel examines the role of international law and institutions in providing appropriate redressive mechanisms in identifying responsibility and mitigating the adverse effects of climate change on specific geographical regions. In addition, the panel will examine the role of supportive measures which are backed by an enforceable regime, specifically in light of the recent outcomes.

This Panel will examine the following questions:

1. Is there a concept of state responsibility for anthropogenic actions that lead to climate change under international law? What are the situations in which state responsibility can be attributed?
2. What inter-agency cooperation is needed at the regional and international level for averting a climate catastrophe?
3. In what way can climate pacts promote financial help for vulnerable economies affected by climate crisis? How can the Loss and Damage fund be revitalized?

Names of Moderator and Speakers:

1. Prof. Dr. James J. Nedumpara, Head and Professor, Centre for Trade and Investment Law, and WCP Chair, India (Moderator).
2. Prof. Dr. Achyut Wagle, Registrar, University of Kathmandu and WCP-Chair, Nepal.
3. Mr. Deepak Raju, Senior Managing Associate, Sidley Geneva [Virtual]
4. Prof. Dr. Bed Mani Dahal, Associate Dean, School of Science, Kathmandu University
5. Prof. Dr. Rijan Bhakta Kayestha, Professor of Glaciology, Department of Environmental Science and Engineering, School of Science Kathmandu University
6. Ms. Shiny Pradeep, Assistant Professor, Centre for Trade and Investment Law, Indian Institute of Foreign Trade, New Delhi.