

## **“Climate Change and Sea level rise and its implication in International Law”**

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“Life on this earth first emerged from the sea. As the polar ice melts and sea level rises, we humans find ourselves facing the prospect that once again we may quite literally become ocean”.

-John Luther Adams  
(American Composer)

As we are the creature of the blue planet as oceans covered around 3/4<sup>th</sup> of the globe. A large number of fisherman’s economic activity depend upon the Ocean and around 90% of India’s trade done through the ocean. Apart from this Ocean regulates rain and droughts as it Holds 97% of the water of our planet, So almost all rain comes from the sea. Even many Country’s economies depend upon ocean tourism like Maldives, Indonesia, Malaysia, etc. But for centuries we have been very badly abused the oceans because of global warming, oil spill. The latest incident of an oil spill occurred in Russia where Russia declared a state emergency after the leakage of a huge oil spill in the Arctic region, this incident astonished the environmentalist around the world.

The drastic change in our climate calls a majority threat to our globe, which is become the important subject matter of International Law. For some piece of land, the war is being taken place among the countries to safeguard their sovereignty and territorial integrity. And if we warm up the planet, we are going to melt a lot of the ice that’s lead to disappear the major coastal land across the world and lots of freshwaters will be contaminated and this loss is far greater than the land which conquers by any state. The Problem of Sea-level rising is entirely based on human activity such as industrialization, Exploitation of fossil fuel for their habitation. It is a very serious situation and for that reason, the government is looking at options for relocating the people who are residing in a coastal city.

### **International Effort**

Nowadays many international organization calls the summit of the world leader for reducing the carbon emissions. The UNFCCC (United Nations Framework Convention on Climate Change) is a global agreement for the environment which was adopted at the Earth Summit,1992, Rio de Janeiro. Many Countries had ratified this treaty. As per Article 2 i.e. Objective of this treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The Conference of Parties(COP) is the apex decision-making body to monitor or review the implementation of the objective of the UNFCCC(United Nations Framework Convention on Climate Change) and their member have been meeting every year since 1995. The COP 21

which was held in Paris, France in the year 2015 which was resulted in the adoption of the Paris agreement on 12<sup>th</sup> December 2015. This Protocol is the first Comprehensive regime in the world to tackle the problem of climate change. The main objective of this protocol is to hold or decrease the increase in the global average temperature to below 2 degrees Celsius above the industrial level and the last COP 25 meeting was held in Madrid in December 2019. India ranked 9<sup>th</sup> in the Climate Change Performance Index which was released in the COP 25, this index was released by German Watch, New Climate Institute, and Climate Action Network.

The International Law Commission which is the body of UN, mandated to do studies and giving recommendations on the development of International law and its codification, in 2019 at its 71<sup>st</sup> Session decided to include a topic that is "Sea-level rise in international law" for its Program of work.

### **Observation and Studies by Researcher**

As per the 5<sup>th</sup> Assessment Report of The Intergovernmental Panel on Climate Change an intergovernmental body of the United Nations, It is estimated that the sea level has risen an average of 3.2mm per year since the year 1993.

The Arctic region and Antarctica control the substantial water level of the earth. The total Antarctic region generally can be classified into three regions: (1)The Antarctic Peninsula ice sheet,(2)West Antarctic ice sheet, and (3)East Antarctic ice sheet and the eastern part of Antarctica is the largest of Antarctica's ice sheet and this is started melting. 27Km<sup>3</sup> is the total volume of ice in the Antarctica region which is equal to 58m of the global sea level, suppose if the ice sheet in Antarctica melted then the sea level would rise by 58m.

As per the report prepared by the "Nature" a British weekly scientific journal, Antarctica lost 219 billion tons of ice sheet every single year from 2012 to 2017, which is thrice the rate of ice melt before 2012 and since Antarctica has abundant ice, to raise the sea-level which resultant destruction of lives in the world and it's a dangerous indication to island countries.

### **A threat Call to SIDS Countries**

The United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, which was held in Rio de Janeiro, Brazil (3–14 June 1992) here the SIDS countries were recognized as a special case for their environment and development. Small Island Developing States (SIDS) is a group of developing countries facing specific social, economic, and environmental challenges.

Presently there a total of 52 countries and territories are classified as SIDS by the United Nations OHRLLS(Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries, and Small Island Developing States) and 38 are a member of the United Nation among them. The SIDS Countries presently facing the Common Problem that is Rise of Sea-level.

The Republic of Kiribati a country in the central Pacific Ocean and one of the SIDS Country is listed as one of the country in the world where the rising of sea-level at a very alarming stage and the first country which will be swallowed up as consequences of climate change. Kiribati is accountable for only 0.6% of total greenhouse gas emission in the world, at this moment they are paying the large.

The Scary situation forced them to become an “Environmental Refugee”. But unfortunately, they will not get international refugee status as under The 1951 Refugee Convention there is no provision which granted International Refugee status based on this Situation.

As per the UNHCR, the term ‘refugee’ means “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”

Apart from the SIDS countries Indonesia, an archipelago country decided to change its Capital from Jakarta to Java where the rising sea level is one of the Significant factors.

### **Mitigation Measures**

- The Greenhouse gasses are the major contributor to this issue so we should ensure ourselves to less dependency on fossil fuel.
- The Sustainable Development Goal (SDG) a bundle of 17 Global targets fixed for the year 2030, designed under the recommendation of the UN General Assembly, Although it’s a non-binding in nature but every nation should adopt this by their domestic legislation effort.
- Need to amend the provision relating to the status of International refugees under ‘The Refugee Convention,1951 and include the environmental refugee, because rising sea level is a global menace.
- Creation of an Organisation like ‘International Solar Alliance’ which promote the use of Solar energy.
- An Urgent need of implementing Policy on environmental tax where the additional tax should be imposed on the polluter.
- In India, the government of India in the year 1986 enacted a general law on the matter of environment i.e The Environment (Protection)Act,1986. Every nation should enact such kind of law for their territory.
- Restoration and Protection of Wetlands as it acts as natural buffers for coastal areas during rainstorms and hurricanes.

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