



UNEP Emissions Gap Report 2022

The report is the 13th edition in an annual series that provides an overview of the difference between where greenhouse emissions are predicted to be in 2030 and where they should be to avert the worst impacts of climate change.

The report shows that updated national pledges since COP26 make a negligible difference to predicted 2030 emissions and that we are far from the Paris Agreement goal of limiting global warming to well below 2°C, preferably 1.5°C. Policies currently in place point to a 2.8°C temperature rise by the end of the century.

Collectively, the G20 members are not on track to achieve their new or updated nationally determined contributions ('NDC'). There is an implementation gap, defined as the difference between projected emissions under current policies and projected emissions under full implementation of the NDCs.

Transformations in the way we power our homes and businesses; transport people, goods and services; grow and consume food; build our cities; and manage our lands, are among the required shifts, which need to take place while simultaneously improving the livelihoods of the poorest including women and minorities, and achieving the Sustainable Development Goals. Shifts are needed from phasing out fossil fuels, to electrifying transport, to stopping deforestation, to retrofitting buildings.

The energy, food security and cost of living crises fuelled by the war in Ukraine, with resulting energy supply shortages and price spikes, have added an additional imperative to act. The conflict highlights the vulnerability of the current global energy system, given its dependence on fossil fuels produced by a very small number of countries. In the short term, many governments seek to secure alternatives to Russian oil and gas however, the net effect on the climate agenda and transition to renewables is still unknown.

News at a Glance

- Pakistan PM Shehbaz Sharif is on a two-day visit to Beijing, starting Tuesday, to meet Chinese leaders and discuss the China Pakistan Economic Corridor (CPEC). This is a \$65 billion dollar investment which is a part of China's Belt and Road Initiative. For more information, read [here](#).
- On Thursday, Russia was slammed by the USA and its allies at the United Nations Security Council for repeatedly raising the issue of biological weapons programs in Ukraine. Both the USA and Ukraine have denied these claims and Russia is now pushing for an investigation through formal enquiry. More information regarding this can be found [here](#).
- Russian President Vladimir Putin, on Monday, revealed details about the damage done to gas pipelines Nordstream 1 and 2. He also announced his cooperation with Turkish President Tayyip Erdogan in setting up Turkey as a hub for gas supplies. For more information, read [here](#).



UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

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The task facing the world is immense: not just to set more ambitious targets, but also to deliver on all commitments made. This will require not just incremental sector-by-sector change, but wide-ranging, large-scale, rapid, and systemic transformation. This will not be easy, given the many other pressures on policymakers at all levels.

Precautionary Principle under Environmental Law

The Precautionary Principle is a notion that supports taking protective action before there is complete scientific proof of a risk. This purports the idea that an action should not be delayed simply because full scientific information is lacking, yet not taking hasty decisions without fully assessing the risks associated with the technology. The widespread practice of the precautionary Principle through International Environmental Agreements has given it recognition as a general principle of International environmental law. This Principle is also one of the most contentious principles in

contemporary international legal development. Several legal scholars have questioned its nature and scope, especially because the nature and scope of the application of the Precautionary principle is dependent upon the context and sector within which it has been applied. Its primary role is to help determine whether a developmental process is sustainable or not. It underlies sustainable development which requires that the activity must be stopped if it causes serious and irreversible environmental damage.

One of the most important expressions of the Precautionary Principle internationally is in the Rio Declaration from the 1992 United Nations Conference on Environment and Development, also known as Agenda 21. The Essence of Precaution as per these declarations lies in three elements:

- When we have a reasonable suspicion of harm and
- Scientific uncertainty about cause and effect, then
- We have a duty to take action to prevent harm.

But furthermore, the basic feature of the Precautionary Principle represents a Paradigm Shift in decision-making.

News at a Glance

- Russia orders the evacuation of civilians from occupied Southern Ukraine, claiming that Ukraine might use unconventional weapons of war. For more information, read [here](#).
- Due to global monetary tightening, the war in Ukraine and China's sharp economic slowdown, the International Monetary Fund (IMF) cut Asia's growth forecast to 4.0% this year, down by 0.9% from April. More about this forecast can be found [here](#).
- British Prime Minister Rishi Sunak will not be attending the COP27 Summit to be held in Egypt in November, with other senior ministers representing Britain at the summit in his stead. Britain has reiterated its stance in supporting COP27 and tackling climate change. Non-attendees also include [King Charles](#) and climate activist [Greta Thunberg](#). To read more, see [here](#).
- On Wednesday, Egyptian authorities arrested almost 70 people connected to calls for a protest via social media scheduled to be on November 11. This date coincides with the COP27 summit to be held in Cairo this month. To read more, see [here](#).



It allows for five key elements that can prevent irreversible damage to people and nature –

1. Anticipatory Action – Government, business, and community groups as well as the general public share this responsibility wherein it becomes a duty to take anticipatory action to prevent harm.

2. Right to Know – The Community/Affected stakeholders have the right to know complete and accurate information on potential risks associated with the selection of a particular product, technology, service, etc. The burden to furnish this information and make it available to the public lies with the proponent.

3. Alternatives Assessment – The application of the precautionary principle accords with an obligation to examine a full range of alternatives and select the alternatives with the least potential impact on human health and the environment. This includes the alternative of doing nothing.

4. Full Cost Accounting – Evaluation of alternatives comes with a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation etc. The long-term and short-term thresholds should be carefully examined before one considers planning.

5. Participatory Decision process – Decisions applying the precautionary principle must be transparent, participatory, and informed by the best available science and other relevant information.

In India, there are a lot of Environmental regulations but the Environmental regulations such as Water Act, 1974, the Air Act 1981, and the Environmental protection Act 1986 are aimed at cleaning up pollution and controlling the amount of harm it causes to the community. The precautionary principle has not been explicitly mentioned in any of the above laws in India. However, the Apex court of the country has invoked this principle numerous times while passing judgments. Punjab v. Modern Cultivators Ladwa 1964 SCR (8) 273 and Rajkot Municipal Corporation V. Manjulben Jayantilal Nakum (1997) 9 SCC 552 are two landmark cases discussing the same.

News at a Glance

- Lebanese President Michel Aoun's 6-year term officially ending has left the politically and socially unstable country of Lebanon president-less. For more information, read [here](#).
- Concerned about Iranian threats to Saudi Arabia, a White House spokesperson on Wednesday said that the USA will not hesitate to respond if necessary. Read more [here](#).
- On Monday, North Korea, in an official statement, threatened "more powerful, follow-up measures" if the USA and South Korea do not stop their large-scale military exercises which began on the same day. The operation is called Vigilant Storm and will run until Friday. It will feature about 240 warplanes conducting about 1,600 sorties. To read more, see [here](#).



Indian outlook on this principle especially due to the lack of its statutory recognition comes from a claim that the Precautionary Principle is a part of Customary International law and hence by practice part of the domestic laws as well. This is still a field where environmental law jurisprudence is still widening its scope. But in light of environmental accidents and the need for such statutory recognition, India is not far from making the requisite changes.

The Eclipse of the Uganda-Tanzania Oil Pipeline Project

The 1,445km East African crude oil export (EACOP) pipeline is being constructed between Kabaale in the Hoima District of Uganda and Chongoleani in Tanga, Tanzania. On completion, it will become the world's longest-heated crude oil export pipeline. The Governments of Uganda and Tanzania signed a \$3.5bn inter-governmental agreement in May 2017 for the development, which is expected to have an export flow rate of 216,000 barrels a day.

The main backers of the multibillion-dollar project are the French oil company TotalEnergies and the China National Offshore Oil Corporation (CNOOC). This oil pipeline will produce vast amounts of carbon dioxide, according to a new analysis. The project will result in 379 metric tonnes of climate-heating pollution, according to an expert assessment, more than 25 times the combined annual emissions of Uganda and Tanzania, the host nations.

Environmental assessments by the EACOP consortium were approved by the host governments, but only the construction and operation of the pipeline were considered. The construction and operation account for merely 1.8% of the total emissions of the final project. The project has suffered a severe backlash in the past most noticeably by the European Union Parliament which passed a resolution, opposing this pipeline and exhorting the two countries to suspend the project for purportedly not adhering to the international standards regarding climate change, with prior concerns of human rights violation.

The developers of the project on the other hand claim the project will create about 12,000 direct jobs and

Upcoming Activities

1. Accountability of Transnational Organisations Conference.

Philippa Webb and Associate Professor Rishi Gulati are hosting this conference to bring together academics, practitioners, and international organisation officials to discuss key developments around the legal accountability of transnational institutions. The conference will take place on Wednesday, 16 November 2022 at King's College London) (hybrid). Register [here](#).

2. Call for Papers: Legitimate International Authority and Institutional Diversity.

On 14-15 March 2023 Maynooth University, in association with PluriCourts and the University of Graz, will host an interdisciplinary workshop examining ways institutional diversity and convergence shape international institutions' legitimate authority. The Call for Papers with further information is available [here](#). Abstracts (max 400 words) should be sent to AuthorityAndDiversity@gmail.com by Friday 25 November 2022. Queries should be addressed to the organisers, Dr Antoinette Scherz (antoinette.scherz@uni-graz.at) and Dr Oisín Suttle (oisin.suttle@mu.ie).

nearly 50,000 indirect jobs during the construction and production phases, with local contractors cashing in on US\$1.7 billion worth of business opportunities. Apart from jobs, the project is touted to increase Uganda and Tanzania's foreign direct investment by 60% and generate annual revenues of up to US\$2 billion from oil exports to countries including China and India. But these statistics do not justify the fact that the oil extraction and pipeline will pose serious environmental and social risks to protected wildlife areas, lakes and rivers, forests, wetlands, national parks and communities throughout Uganda and Tanzania. It will also make available close to a quarter of a million barrels of oil per day at a time when much of the world is racing to reduce emissions and reliance on fossil fuels.

According to calculations by researchers at the Stockholm Environment Institute, the carbon emissions associated with the peak oil production of the Lake Albert oil fields would equal to over 33 million tonnes per year, over 30 times the current annual emissions of Uganda and Tanzania. According to Oxfam, over 100,000 people will be directly affected by the project in Uganda and Tanzania, with about 14,000 expected to be displaced from the 5,300 hectares of land needed for construction. Over Two hundred and sixty community groups from Uganda, Tanzania and other African countries, along with international organisations, have coalesced to push #StopEACOP – a global campaign to halt the project largely through public mobilisation, legal actions, research, shareholder activism and media advocacy.

Write to us at centerforinternationallaw@ilslaw.in for requests and suggestions on sessions that can be organised in the future

Upcoming Activities

3. Call for Papers: International Workshop Developing Robust and Sustainable Ocean Regimes for Uncertain Futures.

This conference will be held at Yong Pung How School of Law, Singapore Management University, 28 April 2023. The deadline for abstracts is 15 January 2023. More information can be found [here](#).

4. Call For Papers: American Society of International Law International Courts and Tribunals Interest Group.

The International Courts and Tribunals Interest Group (ICTIG) of the American Society of International Law (ASIL) has announced a call for papers. Submissions on any topic related to international courts or tribunals are accepted. Abstracts (of 500 words or less) should be emailed in Word or PDF format to fords@uic.edu, as well as queries and enquiries to Professor Stuart Ford. The deadline to submit an abstract is 6 January 2023. For more details, see [here](#).

5. Call for Papers: The London International Boundary Conference.

The fifth London International Boundary Conference ("LIBC") will take place on 12 – 13 December 2022 in a hybrid format. Scholars, practitioners, government officials and others interested in international boundaries and would like to be a panellist submit an abstract on [selected topics](#). The deadline for submissions is 4 November 2022. For more information, see [here](#).