

How Can Non- Compliance of the States to The Paris Agreement Be Addressed: Escalating Action for Climate Change Through the International Courts of Justice

Frances Ann Marie Gumapac

College of Law, De La Salle Lipa, Philippines

Abstract

The hazard of climate change faced globally is greatly felt and can even be seen by the catastrophes experienced by different countries. The Paris Agreement is one of the recent legal measures which focus on climate change which operates by facilitating and promoting compliance under a non- adversarial and non- punitive manner. Not included therein is resort to the International Courts of Justice should there be an issue of non- compliance to its provisions nor any other form of enforcement mechanism. Hence, this paper is intended to fill the gap on the enforcement of obligations by bringing non-compliance issues committed by state parties under the Paris Agreement before the International Courts of Justice and holding all those liable of violations with respect to the issue on climate change, specifically excessive greenhouse gas emissions. The qualitative research design was utilized and the data gathering focused on document reviews and online interviews. Summarily, the Paris Agreement may not be an “end-all, be- all” solution to the climate crisis. Even so, it lays down the necessary obligations recognizing the in dire need for action to address the subject issue reconciled with the diverse capacities and milieu of the state- parties. Notwithstanding the appreciable number of initiatives, emphasis on the respective NDCs laid down by the states, it is certain that the efforts are not enough and achieving the goals are implausible. Nevertheless, although it appears that there are more challenges accounted should the International Courts of Justice be involved in the matter, the court’s advisory power can be availed of in order to bring about persuasive effect on the states by rendering the latter to apply and incorporate the same domestically through policy making.

Keywords: Paris Agreement, Non- compliance to Obligations under the Paris Agreement, Climate Change, International Courts of Justice