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EDITORIAL ANALYSIS

# At the UNGA, Incomplete Climate Justice

INDIAN EXPRESS

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# At the UNGA, Incomplete Climate Justice

 The Indian Express

22 May 2026

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## INTERVIEW ANGLE

*"India abstained on the UNGA resolution operationalising the ICJ climate ruling. Was that the right call for a country that positions itself as a voice of the Global South on climate?"*

## EDITORIAL SUMMARY:

Indian Express argues that the UN General Assembly resolution operationalising the ICJ climate advisory ruling — adopted 141-8-28 with India abstaining in late May 2026 — fails to deliver real climate justice because it imposes symmetric compliance obligations without securing finance, technology transfer and CBDR-RC commitments from developed countries. India's abstention is defensible: climate justice must be anchored in equity and historical responsibility, not in treaty-style enforcement of obligations on developing countries.

## THE UNGA VOTE AND ITS CONTEXT

In late May 2026, the UN General Assembly adopted a resolution operationalising the International Court of Justice's 23 July 2025 advisory opinion on climate change. The vote split sharply.

INDICATOR	VALUE
In favour	141
Against	8
Abstentions	28
India's vote	Abstain
Other notable abstainers	China, Saudi Arabia (with US and Russia in complicated positions)

The resolution sought to give the ICJ's advisory opinion operational teeth by translating its legal findings into UN-system follow-up. The disagreement was not on the science or on the legal correctness of the advisory; it was on the framing of obligations and the absence of any matching finance or technology commitment from historical polluters.

## THE ICJ ADVISORY OPINION — A LANDMARK, CAREFULLY READ

The **ICJ's advisory opinion of 23 July 2025** was a landmark of international environmental law.

### How the Question Reached The Hague

- Initiated by **Vanuatu**, with a coalition of Pacific Small Island Developing States
- Routed through the UN General Assembly via **Resolution 77/276 of 29 March 2023**, which formally requested an advisory opinion from the ICJ
- A 15-judge bench heard the matter and delivered a **unanimous opinion**

### What the Court Held

- States have a legal obligation under existing international law to protect the climate system
- The relevant legal regimes include the **UNFCCC (1992)**, the **Paris Agreement (2015)**, **UNCLOS** and **customary international law**
- A failure to act in accordance with these obligations can constitute an **“internationally wrongful act”** triggering state responsibility under the ILC Articles on State Responsibility
- The opinion created a legal foundation for damages claims by climate-vulnerable nations against historical polluters

The advisory opinion is non-binding in form but extraordinarily authoritative in substance. The question for the UNGA in May 2026 was how to convert that authority into action — and on that the world divided.

## THE CBDR-RC PRINCIPLE — EQUITY ANCHORED IN LAW

**Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC)** is the bedrock equity principle of the international climate regime.

- Codified in **Article 3 of the 1992 UNFCCC**
- Distinguishes **Annex I countries** (developed, historical emitters) from **Non-Annex I countries** (developing, low per-capita emitters)

- The 2015 Paris Agreement softened the regime by replacing top-down differentiation with bottom-up **Nationally Determined Contributions (NDCs)** and the language of “respective capabilities” — but did not abandon the principle

## The Equity Arithmetic

INDICATOR	INDIA	UNITED STATES	CHINA	EUROPEAN UNION
Per capita CO <sub>2</sub> emissions (approx, tCO <sub>2</sub> )	~2	~14	~8	~7
Cumulative share of historical emissions	~3-4%	~25%	(varies by methodology)	~17%

Equity in climate policy is not a slogan. It is the recognition that the atmospheric carbon budget has been overwhelmingly used by a small group of countries that achieved industrialisation on the back of unregulated fossil-fuel combustion, and that any framework which obscures this **asymmetry** cannot deliver justice.

## INDIA'S CLIMATE POSITION — ACTION WITHOUT RECIPROCITY

India's climate diplomacy has consistently combined ambitious domestic action with a principled defence of CBDR-RC and the demand for delivered means of implementation.

## The Panchamrit Pledge — COP-26 Glasgow, November 2021

COMMITMENT	2030 TARGET
Non-fossil installed capacity	500 GW
Cumulative emissions cut by 2030	1 billion tonnes
Renewable share of installed capacity	50%
Emission intensity reduction (from 2005 baseline)	45%
Net-zero target year	2070

## Supporting Initiatives

- **LiFE (Lifestyle for Environment)** — launched at COP-27 in 2022, a behavioural-change framework to embed sustainability in individual choices
- **Ethanol blending** — E20 achieved nationally in 2025; E30 standard notified in May 2026

- **National Green Hydrogen Mission 2023** — target of 5 MMT green hydrogen production by 2030
- **Solar PLI and ALMM (Approved List of Models and Manufacturers)** — building indigenous manufacturing capacity to substitute for promised but undelivered Western technology transfer

India has acted. The developed world has not delivered the matching finance or technology.

## THE CLIMATE FINANCE FAILURE

The climate finance architecture is the single largest indictment of developed-country good faith.

PLEDGE / MECHANISM	PROMISE	REALITY
Copenhagen pledge (2009)	\$100 billion a year by 2020	First met in 2022 at \$116 billion, largely as loans
Loss and Damage Fund (agreed COP-27 Sharm-el-Sheikh 2022; operationalised COP-28 Dubai 2023)	Address loss and damage in vulnerable countries	~\$700 million pledged against needs estimated in the hundreds of billions a year
New Collective Quantified Goal — NCQG (COP-29 Baku, 2024)	New climate finance goal post-2025	Settled at \$300 billion a year by 2035 — formally rejected as inadequate by the Global South

The number that matters in any honest negotiation is the gap between needs and delivery — and that gap remains an order of magnitude or more.

## TECHNOLOGY TRANSFER — PROMISED, NOT DELIVERED

**Article 4.5 of the UNFCCC** requires developed countries to take all practicable steps to promote, facilitate and finance the transfer of environmentally sound technologies to developing countries.

### The Reality

- **TRIPS** intellectual property barriers restrict access to advanced clean-energy technologies
- **Export controls** by developed countries limit transfer of dual-use and frontier technologies
- **Commercial-only transfers** at full market rates negate the concessional intent of Article 4.5

India's response has been to build domestic capability — Solar PLI, ALMM frameworks, the Green Hydrogen Mission, and indigenous battery and electrolyser manufacturing — as a strategic alternative to a promise that has not been kept.

## WHY INDIA'S ABSTENTION IS DEFENSIBLE

The UNGA resolution operationalising the ICJ opinion failed three tests that any meaningful climate-justice instrument must pass.

- ❶ **Symmetry without equity** – The resolution imposed compliance obligations on all states without differentiating historical emitters and low per-capita developing economies
- ❷ **No new finance** – No matching commitment on the New Collective Quantified Goal, the Loss and Damage Fund, or the Copenhagen pledge
- ❸ **Litigation risk asymmetry** – The enforcement framing could expose developing countries to litigation by activist groups and Northern jurisdictions, while historical polluters remain insulated by domestic legal doctrines and political cover

India, China, Saudi Arabia and other Global South voices abstained on this reasoning. The 28 abstentions represented a significant share of global population, emissions and climate-vulnerable countries – not a fringe.

## WAY FORWARD

Indian Express's recommended path:

- ❶ **Push for CBDR-RC-anchored UNGA resolutions** – explicit equity language tied to historical responsibility
- ❷ **Strengthen the Loss and Damage Fund** – binding contributor obligations, burden-share formulas, and direct access for vulnerable countries
- ❸ **Build a Global South coalition** – through G77+China, the V20 group of climate-vulnerable nations and the Africa Group
- ❹ **Leverage COP-30 Belem (Brazil, November 2025) outcomes** – particularly on Article 6 carbon markets and finance architecture
- ❺ **Deploy the ICJ advisory as a sword** – for vulnerable nations seeking loss-and-damage reparations from historical polluters
- ❻ **Protect domestic policy space** – for the [Panchamrit](#) trajectory and the net-zero-by-2070 commitment, against pressure for earlier targets without matching means of implementation
- ❼ **Accelerate indigenous capacity** – solar PLI and ALMM, green hydrogen, battery manufacturing, and EV ecosystems – to insulate India from undelivered technology transfer

## UPSC MAINS ANALYSIS

### GS Paper 3 – Environment and Climate Change

- ICJ Advisory Opinion 23 July 2025; UNGA Resolution 77/276 (March 2023)
- CBDR-RC principle – UNFCCC Article 3; Paris Agreement softening
- Climate finance – Copenhagen pledge, Loss and Damage Fund (COP-27/COP-28), NCQG
- India's Panchamrit, LiFE, National Green Hydrogen Mission

### GS Paper 2 – International Relations

- India's positioning in the Global South – G77+China, V20, Africa Group
- Multilateral diplomacy at UNGA and the UNFCCC COPs
- Relations with developed-country bloc and the Pacific Small Island Developing States

**Keywords:** ICJ Advisory Opinion 2025, UNGA Resolution 77/276, CBDR-RC, UNFCCC 1992, Paris Agreement 2015, Panchamrit, LiFE, National Green Hydrogen Mission 2023, Loss and Damage Fund COP-27/COP-28, NCQG COP-29 Baku 2024, COP-30 Belem 2025, Vanuatu, G77+China, V20.

*The deepest argument in Indian Express's editorial is that climate justice cannot be conjured by enforcement language imposed on those who did not cause the problem. The ICJ's advisory opinion is a powerful legal instrument; the UNGA resolution operationalising it could have been a moment of genuine reckoning. Instead, by ducking finance, technology and CBDR-RC, the resolution made the global climate regime less just, not more. India's abstention was not climate denialism – it was climate realism. The harder task now is to convert that realism into a positive agenda: equity-anchored resolutions, a properly capitalised Loss and Damage Fund, and a Global South coalition that can use the ICJ ruling as a sword and not allow it to be turned into a shield.*

Sources: [Indian Express](#), [UNFCCC](#)

#### ● KEY ARGUMENTS AT A GLANCE

**The UN General Assembly resolution operationalising the International Court of Justice climate advisory ruling — adopted 141-8-28 with India abstaining — fails to deliver real climate justice because it imposes uniform compliance obligations without securing finance, technology transfer and CBDR-RC**

**commitments from developed countries; India's abstention is defensible because climate justice must be anchored in equity and historical responsibility, not in treaty-style enforcement of developing-country obligations.**

**✓ SUPPORTING**

- The ICJ's 23 July 2025 advisory opinion, sought by Vanuatu via UNGA Resolution 77/276 (March 2023), held unanimously that states are legally obliged to protect the climate system under the UNFCCC, the Paris Agreement, UNCLOS and customary international law, and that failure to act can constitute an "internationally wrongful act" — a powerful legal foundation that should have been wedded to equally robust finance and technology obligations on historical polluters.
- The CBDR-RC principle, codified in Article 3 of the 1992 UNFCCC and softened but not abandoned in the 2015 Paris Agreement, recognises that India's per capita emissions of around 2 tCO<sub>2</sub> sit alongside roughly 14 tCO<sub>2</sub> for the United States, around 8 tCO<sub>2</sub> for China and around 7 tCO<sub>2</sub> for the European Union, while India's cumulative historical share of global emissions is roughly 3-4% against the US share of approximately 25% and the EU share of approximately 17%.
- Climate finance has structurally under-delivered: the \$100 billion-a-year Copenhagen 2009 pledge was met only in 2022 (at \$116 billion, largely as loans), the Loss and Damage Fund agreed at COP-27 (Sharm-el-Sheikh 2022) and operationalised at COP-28 (Dubai 2023) has attracted around \$700 million in pledges against estimated needs of hundreds of billions, and the New Collective Quantified Goal (NCQG) agreed at COP-29 Baku in 2024 settled at only \$300 billion a year by 2035 — terms that the Global South has formally rejected as inadequate.
- India has done its share on action — the Panchamrit pledge made at COP-26 Glasgow in November 2021 commits the country to 500 GW non-fossil capacity by 2030, a 1-billion-tonne emissions cut, 50% renewable share in installed capacity, a 45% reduction in emission intensity of GDP from 2005 levels and net zero by 2070, alongside the LiFE (Lifestyle for Environment) initiative, ethanol blending and the National Green Hydrogen Mission — without any matching delivery on finance or technology by the historical polluters.

**⚠ COUNTER**

A more confident articulation of India's leadership of the Global South might have argued for voting in favour of the resolution while securing explicit CBDR-RC framing language

and finance language — abstention can be read as hedging rather than principled opposition, and risks ceding the climate-justice narrative to civil-society coalitions and Small Island Developing States that voted yes; equally, the ICJ ruling itself, properly deployed, can be a sword for developing countries to demand reparations and not only a shield for historical polluters.

### → WAY FORWARD

Push for CBDR-RC-anchored follow-up UNGA resolutions; strengthen the Loss and Damage Fund with binding contributor obligations and burden-share formulas based on historical emissions; build a Global South coalition around G77+China, the V20 group of climate-vulnerable nations and the Africa Group; leverage COP-30 in Belem (Brazil, November 2025) outcomes on finance and Article 6 carbon markets; deploy the ICJ advisory as legal basis for loss-and-damage claims by vulnerable nations against historical polluters; protect domestic policy space for the Panchamrit and net-zero- by-2070 trajectory; and accelerate indigenous capacity in solar manufacturing (PLI, ALMM), green hydrogen and energy storage to reduce dependence on Western technology transfer that has been promised but never delivered.

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### MAINS ANSWER FRAMEWORK

#### QUESTION

*"True climate justice requires equity, historical responsibility and means of implementation — not symmetric enforcement of obligations on developing countries." Critically examine India's abstention on the UNGA resolution operationalising the ICJ climate advisory opinion in this light. (250 words)*

#### INTRODUCTION

Indian Express argues that the UN General Assembly resolution operationalising the International Court of Justice's July 2025 climate advisory opinion, adopted 141-8-28 with India abstaining, delivers incomplete climate justice because it imposes symmetric obligations without securing finance, technology transfer or CBDR-RC commitments from developed countries — and that India's abstention is therefore defensible.

**BODY**

The ICJ's 23 July 2025 advisory opinion, sought by Vanuatu through UNGA Resolution 77/276 of March 2023, held unanimously that states are legally obliged to protect the climate system under the UNFCCC, the Paris Agreement, UNCLOS and customary international law, and that failure to act can amount to an "internationally wrongful act". The CBDR-RC principle, codified in Article 3 of the 1992 UNFCCC and softened but not abandoned in the 2015 Paris Agreement, distinguishes Annex I historical emitters from Non-Annex I low per-capita emitters: India's per capita emissions of around 2 tCO<sub>2</sub> contrast with around 14 tCO<sub>2</sub> for the United States, around 8 tCO<sub>2</sub> for China and around 7 tCO<sub>2</sub> for the European Union, while India's cumulative historical share of global emissions is roughly 3-4% against approximately 25% for the United States and 17% for the European Union.

India has acted — the Panamrit pledge at COP-26 Glasgow in November 2021 commits to 500 GW non-fossil capacity by 2030, a 1-billion-tonne emissions cut, 50% renewable share in installed capacity, a 45% emission-intensity reduction from 2005 levels and net zero by 2070, alongside LiFE, ethanol blending (E20 in 2025, E30 notified May 2026) and the National Green Hydrogen Mission 2023. The developed world has not.

The Copenhagen 2009 pledge of \$100 billion a year was met for the first time only in 2022 (at \$116 billion, largely as loans), the Loss and Damage Fund agreed at COP-27 Sharm-el-Sheikh (2022) and operationalised at COP-28 Dubai (2023) has attracted pledges of around \$700 million against estimated needs in the hundreds of billions, and the New Collective Quantified Goal agreed at COP-29 Baku (2024) settled at only \$300 billion a year by 2035 — terms the Global South formally rejected as inadequate. Technology transfer obligations under Article 4.5 of the UNFCCC remain blocked by TRIPS, export controls and commercial-only licensing.

The UNGA resolution operationalising the ICJ opinion did not address any of this; it imposed symmetric compliance framing that risks opening developing countries to litigation while shielding historical polluters. India, China, Saudi Arabia and other Global South voices abstained on this reasoning.

**CONCLUSION**

Climate justice must be anchored in equity and historical responsibility, not in symmetric enforcement of developing-country obligations. India should now push for CBDR-RC-anchored follow-up resolutions, a properly capitalised Loss and Damage Fund, a stronger Global South coalition through G77+China, the V20 and the Africa Group, and the deployment of the ICJ advisory as a legal sword for vulnerable nations seeking reparations from historical polluters — leveraging the COP-30 Belem (November 2025) outcomes to convert legal language into delivered finance.


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