

No more wiggle room for Israel

After ICJ ruling, the only meaningful action to take is ceasefire

We welcome the ruling of the top UN court ordering Israel to take action to prevent genocidal acts in Gaza. There is an inescapable irony in the fact that the Jewish state finds itself under trial for the same crimes that had led to the UN adopting the Genocide Convention 75 years ago, following the Holocaust. While the International Court of Justice (ICJ) on Friday didn't rule on whether Israel has committed a genocide, it is still a momentous judgement as it recognises the Palestinians' right to protection from genocide and, by extension, the plausibility of claims about them being decimated in the besieged strip. And the fact that the court reached its decision so quickly only highlights the urgency of the situation.

There is, however, room for concerns as the court stopped short of ordering an immediate halt to the war. In the ruling, judges voted in favour of most provisional measures requested by the plaintiff South Africa—including provision of aid in Gaza—with the notable exception of a ceasefire. This may prove to be a deterrent for peace efforts. Already, Israel's prime minister welcomed the ICJ's decision not to order a ceasefire, and said Israel would continue to "defend" itself. In other words, it will continue its military offensive—a position that its allies, including the US, also support.

So, for those expecting an end to deadly strikes in Gaza, the judgment offers no concrete hope. The question we must ask then is: Can the orders of the court be really implemented without a ceasefire? Can one respect international law, as Israel claims to do, and continue hostilities at the same time? Hundreds of civilians are still dying under Israeli bombardment in Gaza, with the death toll already surpassing 26,000, about 70 percent of them women and children.

Against this backdrop, what we need is meaningful action—not evasive tactics—in compliance of the ICJ ruling. Unfortunately, although its orders are legally binding, the court does not have the power to enforce them. It then falls on Israel's diplomatic and military backers to bear on it to comply with the orders. Its allies, especially the US, must urgently use their leverage to ensure a ceasefire. Beyond the immediate imperative of ending hostilities, the international community must also address the root causes of the conflict in Palestine.

Don't let water bodies be destroyed at will

Govt must do more to save at-risk flood flow zones

The juxtaposition of two pictures published in this paper on Friday—of a flood flow zone on Turag River 10 years apart—is a stark example of how unfettered greed has destroyed these vital wetlands that prevent, among other things, waterlogging in the city. The area in question, as an image from 2014 shows, was once covered with green, low-lying paddy fields that served as a reservoir of excess water during rainy seasons. However, as the other image shows, now it has been almost filled with various structures, including a particularly protruding restaurant.

This is just one of the many such areas that have been encroached and filled up over the years. Between 2010 and 2019, for example, Dhaka lost a mindboggling 3,440 out of the 9,556 acres of flood zones, water retention areas and water bodies. The result has been disastrous, with waterlogging invariably paralysing the city during heavy rainfall. These areas serve as important rainwater reservoirs and allow the biodiversity to flourish. They are also critical during fires as water from these areas can be used to put them out. With so much at stake, why are we still allowing their destruction?

Unfortunately, despite having various laws and policies in place to protect these precious zones, government institutions have often allowed encroachment to go on unabated. Rajuk, which can refuse to give permission for filling up such zones, must particularly bear the responsibility for its failure in this regard. The latest Detailed Area Plan (DAP) for Dhaka, for instance, allows construction of structures in certain flood flow zones. Experts have rightly criticised the provision in DAP for setting up eco parks and other structures on farmlands, thus encouraging encroachment. But it seems such concerns are falling on deaf ears.

We know why these areas are being filled up—because of greedy, politically connected encroachers. But this must stop. The government must hold relevant organisations accountable for their failure to prevent onslaughts on these areas and restore them as quickly as possible.

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ICJ INTERIM RULING ON ISRAEL'S WAR ON GAZA

Unsurprisingly disappointing

A CLOSER LOOK

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The International Court of Justice (ICJ), in its interim ruling on Israel's war on Gaza, has fallen short on calling for an immediate ceasefire and failed to directly order Israel to halt its bloody aggression. However, the ICJ did reject Israel's claim that the court did not have the jurisdiction to hear South Africa's case, as evidence for the genocide case has been found. The World Court, the judicial body of the UN, has also recommended provisional measures calling on Israel to adhere to the 1948 Genocide Convention and prevent genocidal acts in Gaza, among a total of six orders.

While overall, the world community is seeing the ICJ ruling as a positive development for the Palestinians—since it can now be said that Israel is being officially investigated for genocidal acts in Gaza—the court's failure to call for an immediate ceasefire has disappointed the Palestinians, who continue to endure indiscriminate bombing by Israel.

ICJ's failure to ask Israel to immediately halt the aggression in Gaza comes as a stark contrast to its stance in the Ukraine war, where it had unequivocally ordered Russia to "immediately suspend" its military operations in Ukraine, which Russia chose to ignore. This apparent double standard in the treatment of Ukraine versus Gaza—despite the latter shouldering a heavier humanitarian toll, with more than 26,000 deaths (10,000 being children)—raises questions about the potential pro-Western bias of ICJ prosecutors.

Not that the ICJ call for an immediate ceasefire would have had any direct impact on Israel's actions, which has already rejected the World Court's rulings, with Netanyahu boldly stating that it would continue its attacks on Gaza as self-defence. Although how an occupying state attacking its helpless occupied population constitutes self-defence remains a major controversy, which no party is willing to investigate or address.

Article 51 of the UN Charter states that "nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations..." But Israel was not threatened by Palestine; even the October 7 attacks did not happen in a vacuum, as the US Secretary-General himself has said. UN Special Rapporteur



A person holds a sign during a pro-Palestinian demonstration outside the International Court of Justice (ICJ) in The Hague, Netherlands on January 26. PHOTO: REUTERS

on the Occupied Palestinian Territories Francesca Albanese had also suggested that "The right to self-defence can be invoked when the state is threatened by another state, which is not the case [with Israel]."

It is an obvious question: on what grounds is Israel claiming that it is razing Gaza to the ground, indiscriminately killing civilians, displacing millions, and dismantling civilian infrastructures as "self-defence"?

In fact, after the ICJ ruling, Israeli Finance Minister Bezalel Smotrich reportedly said that the "...judges of The Hague, who are concerned about the residents of Gaza, should invite countries to receive them [residents] and help rebuild Gaza." While this statement demonstrates the Israeli ultra-right wing government's total disregard for international humanitarian laws or judicial bodies, it also once again clearly exposes the occupation state's genocidal intent against the Palestinians, which it is carrying out with ruthless barbarism.

Still, the ICJ recommended provisional measures would make it

harder for Israel's main ally and backer, the United States, to continue its iron-clad support for the genocide state.

While the ICJ does not have the authority to enforce its rulings, South Africa can now take this matter to the UN Security Council for a resolution asking for Israel to adhere to the UN court's recommendations. While in the past, the US had unabashedly

peacekeeping forces in conflict-ridden regions. In 1956, it deployed international peacekeepers on the border between Israel and Egypt. In 1974, UN Disengagement Observer Force (UNDOF) was formed to ensure disengagement of Israeli and Syrian forces from the Golan Heights and, in 1978, UN Interim Force in Lebanon (UNIFIL) was established to see that

Israel pulled out of Lebanon. These two bodies are operational to this day.

Should South Africa choose to move the UNSC to vote on a resolution based on the ICJ interim ruling, it could create significant pressure on Israel's allies—including the UK and Germany, also members of the UNSC—to cease vocally supporting the state's genocidal activities in Gaza.

So, while the ICJ interim ruling has been disappointing—to say the least—it has the potential to force the much-needed ceasefire by creating sufficient pressure on Israel's key allies.

If the US refuses to supply arms to Israel or discontinues providing it with the required funding to carry on the genocide, Israel will be left with no option but to back off. There is no way Israel can continue this butchery in Gaza without the explicit support of the US.

But does the US have the appetite or political will to turn away from the Israeli lobbyists haunting White House corridors and do the right thing? Or is it going to keep enabling genocide in Gaza? We will know in the coming weeks.

used its veto power to protect Israel from facing any kind of pressure or accountability from the UN, vetoing a resolution focused on Israel following the ICJ-ordered measures will not only be difficult for the US, but such an action will put into question the country's moral compass as the leader of the free world—one that always talks about upholding human rights and international humanitarian law. The US' interventions in cases such as the Ukraine war or the Taiwan issue will not hold water.

Under mounting moral pressure, if the US relents and a resolution is passed by the UNSC asking Israel to adhere to the ICJ provisional measures, it will mean either Israel mends its ways or exposes itself to being subjected to punitive measures, which could include arms embargo, economic sanctions, travel bans, and even facing an international force. In 1990, for instance, during the Iraqi invasion of Kuwait, the UNSC adopted Resolution 665, authorising a naval blockade to enforce an embargo against Iraq as per the previous Resolutions 661 and 662.

Similarly, the UN can also deploy

How climate agreements and trade measures go together

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Casual observers of the recent United Nations Climate Change Conference in Dubai (COP28) can be forgiven for attributing high stakes to the event. "We are on the brink of a climate disaster, and this conference must mark a turning point," UN Chief Antonio Guterres warned during the proceedings. Then, when a final agreement was reached, Canadian Environment Minister Steven Guilbeault hailed its "breakthrough commitments on renewable energy, energy efficiency, and the transition away from fossil fuels."

But the truth is that neither the contents of the Dubai agreement, nor what was left out of it, will have much impact on climate change. We have seen this movie many times before, starting with the 1992 treaty that created the UN Framework Convention on Climate Change. Back then, all countries committed to preventing "dangerous" climate change, which would have required dramatic cuts in annual global greenhouse gas (GHG) emissions. But emissions have continued to rise, albeit at a lower rate than they might have otherwise. Voluntary commitments have proven mostly hollow.

To be clear, we are not suggesting that fevered warnings about climate risks and the need for action are

misguided. As economists who have spent decades studying climate change, we recognise that some of the economics literature has too often been used by those opposing a meaningful response. Moreover, economists have let their admiration for a single policy solution, carbon taxes, get the better of them. This has given rise to misleading claims that relying on carbon prices alone is the most cost-effective way to reduce emissions.

In a world of urgent challenges, policymakers and the public have limited attention for climate change. Rather than focusing so much on international conferences that require unanimous support, entail no accountability, and ultimately have little effect on emissions, we should be directing our energies towards negotiating agreements that can achieve transformational progress in narrow, but crucial, economic sectors.

We already know that this more targeted approach works. Consider the Montreal Protocol (which protects the stratospheric ozone layer) or the International Convention for the Prevention of Pollution from Ships (MARPOL). Unlike the voluntary commitments made at each COP, these two treaties established binding obligations that can be enforced through international trade

markets. The Montreal Protocol bars participating countries from trading in chlorofluorocarbons (ozone-depleting chemicals) with non-participating countries; and under MARPOL, access to ports is restricted to ships that meet certain technical standards.

These two treaties have worked because they create positive feedback effects: the more countries that agree to participate, the higher the pressure on others to join. As a result, the ozone layer will return to its pre-1980 level in a few decades, and over 99 percent of oil is now shipped according to MARPOL specifications, virtually eliminating a major source of marine pollution.

The same approach has already worked for climate agreements. The Kigali Amendment to the Montreal Protocol phases down hydrofluorocarbons, a powerful greenhouse gas. Like the examples above, the amendment incorporates a trade measure designed to create a positive feedback effect once a critical threshold of participation has been met. Owing to this structure, ratification is in every country's interest.

We should now do the same for other major emissions sources. Aluminium production, for example, is responsible for about two percent of global GHG emissions each year. Yet by replacing carbon anodes with inert anodes, the industry could dramatically reduce its emissions. An aluminium treaty might require that parties both switch to inert anodes and import aluminium only from other participating parties.

In contrast to unilateral threats of trade measures, this approach to

international climate agreements is fundamentally cooperative and multilateral. It differs from unilaterally imposing domestic regulations on foreign production, as the European Union is doing, or from imposing carbon-based tariffs on certain imports without any corresponding domestic regulations, as some in the US have proposed. These methods may only invite retaliation.

To succeed, international climate agreements must be compatible with countries' economic strategies, not least those of lower-income countries, where most future emissions will occur. That is why the Montreal Protocol and Kigali Amendment include provisions whereby richer countries agree to help poorer countries pay the costs of compliance. The international community took the wrong lesson from the Kyoto Protocol. It should be obvious by now that relying on voluntary commitments and aspirational targets does not work. The problem with Kyoto was that it did not get the incentives right.

By focusing climate agreements on individual sectors, linking obligations to trade access, and addressing the "common but differentiated" roles of rich and poor countries in international negotiations, the world will have a better chance to achieve the goals outlined in the Dubai agreement: a rapid and equitable transition to net-zero emissions.

Then, future climate-change COPs can focus on other consequential issues, rather than on crafting the right mix of hollow words that everyone can agree on.