

ICJ RULING ON CLIMATE CHANGE - ENVIRONMENT

NEWS: The International Court of Justice (ICJ) has issued a landmark advisory opinion affirming that countries have a legal obligation under international law to reduce greenhouse gas emissions.

WHAT'S IN THE NEWS?

Background of the ICJ Advisory Opinion Request

- **UN General Assembly Initiative (2022):**
In 2022, the **United Nations General Assembly (UNGA)** formally requested the **International Court of Justice (ICJ)** to provide an **advisory opinion** on legal aspects of climate change obligations under international law.
- **Key Legal Questions Raised by UNGA:**
The request focused on two central legal queries:
 - (i) What are the **international legal obligations** of states to protect the **climate system**?
 - (ii) What are the **legal consequences** for states that fail to meet these obligations?

Key Takeaways from the ICJ's Advisory Opinion (2025)

- **Examination of Climate-Related Treaties and Laws:**
The ICJ's opinion was based on a comprehensive analysis of various international instruments, including:
 - **UNFCCC (1994)** – foundational climate framework
 - **Kyoto Protocol (1997)** – binding emissions targets for developed countries
 - **Paris Agreement (2015)** – universal commitment to limiting global warming
 - **Other environmental treaties:**
 - **UNCLOS (1982)** – protection of the marine environment
 - **Montreal Protocol (1987)** – ozone layer protection
 - **Convention on Biological Diversity (1992)**
 - **Convention to Combat Desertification (1994)**
- **Climate Action as a Legal Duty:**
The court clarified that **climate action is a binding legal obligation**, not a matter of voluntary or political discretion.
- **Special Responsibility of Developed Nations:**
 - Under the **principle of common but differentiated responsibilities**, developed nations (Annex I countries under the UNFCCC) have a **greater duty** to:
 - Reduce emissions more aggressively

- Provide **financial and technological support** to developing countries
- **Non-Compliance as an International Wrongful Act:**
 - Failure to take adequate climate action constitutes an "**internationally wrongful act**" under international law.
 - Such violations could result in **legal consequences**, including:
 - **State responsibility for transboundary harm**
 - **Claims for reparation** or compensation
- **Accountability for Corporate Emissions:**
 - The court emphasized that **states may be held liable** if they **fail to regulate private entities** or corporations whose activities cause or worsen climate change.

About the International Court of Justice (ICJ)

- **Founding and Role:**
 - The ICJ is the **principal judicial organ of the United Nations**, established by the **UN Charter in June 1945**.
 - It began functioning in **April 1946**.
- **Location and Composition:**
 - Located at the **Peace Palace in The Hague, Netherlands**.
 - Comprises **15 judges**, elected for **nine-year terms** by the **UN General Assembly** and **Security Council**.
- **Mandate and Functions:**
 - Settles **legal disputes between states**.
 - Provides **advisory opinions** on legal matters referred by authorized **UN organs and agencies**.
 - Operates under international law, and its decisions are legally binding in contentious cases.
- **Administrative Structure:**
 - Supported by a **Registry** (the court's administrative body).
 - Its **official languages** are **English and French**.

Significance of the Advisory Opinion

- **Boosts Climate Accountability:**
 - Reinforces that **climate change obligations are enforceable under law**, not just diplomatic agreements.

- **Supports “Loss and Damage” Principles:**
 - Recognizes that **countries harmed by climate change** are entitled to **full reparations**.
 - Opens the possibility of **legal claims for compensation**, particularly from vulnerable nations against high-emitting countries and **major polluting corporations**.
- **Implications for Developed Countries:**
 - Heightens **legal and moral pressure** on developed nations to meet climate commitments they have long defaulted on.
- **Strengthens Climate Justice Framework:**
 - Reinforces the **right of future generations** and **low-emitting nations** to a safe climate, based on the **principle of intergenerational equity**.