

Introduction

The International Court of Justice's adoption of an Advisory Opinion on *Obligations of States in respect of Climate Change* is, without a doubt, a momentous historical moment. The Court has risen to the challenge. This advisory opinion consolidates, clarifies and concretises a full set of international legal expectations of States in the field of climate change. The Court is fulfilling an important systemic role, and the judicial contribution in this advisory opinion will have significant effect as "an authoritative reference point in legal discourse".¹ The unanimous Advisory Opinion is a direct, serious and frank wake-up call for governments and for the world. United Nations General Assembly Resolution 77/276 asked the Court:²

"Having particular regard to the Charter of the United Nations, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention on the Law of the Sea, the duty of due diligence, the rights recognized in the Universal Declaration of Human Rights, the principle of prevention of significant harm to the environment, and the duty to protect and preserve the marine environment,

- (1) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations;
- (2) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:
 - (a) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?
 - (b) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?"

The Court's unanimous response has been welcomed widely, taking into account that the proceedings came about as a result of Vanuatu's sustained, law student-initiated campaign spearheaded by the small island States of the Pacific and the Caribbean.³ However in some respects the Advisory Opinion may not offer everything we have heard it does, while at the same time it may offer more, including points valuable for domestic climate litigation. The set of working papers available here probes the Advisory Opinion's key dimensions, informing readers around the Court's main findings and putting forward a few reflections. The set of papers is structured around the aspects of the Advisory Opinion expected to attract most attention and interest, about which readers may be curious or wish to be knowledgeable.

¹ Joshua Paine, *The Functions of International Adjudication and International Environmental Litigation* (Cambridge University Press 2024) 12.

² United Nations General Assembly, Resolution 77/276, "Request for an Advisory Opinion of the International Court of Justice on the Obligations of States in respect of Climate Change", adopted 29 March 2023, UN Doc. A/RES/77/276.

³ See, for instance, "Pacific Islands Forum Secretary General at the Reception for the ICJ Advisory Opinion on Climate Change", Pacific Islands Forum, 28 July 2025 available at: <https://forumsec.org/publications/remarks-pif-sg-reception-icj-advisory-opinion-climate-change>

Overall, the 2025 Advisory Opinion has clear implications for the decisions made in future by the United Nations Framework Convention on Climate Change (UNFCCC) Conferences of the Parties (COPs). There can be no mistaking the legal requirements for States to do their utmost, individually and collectively, to address climate change. COP negotiations and decisions, and individual States' part in them, will be judged by the concrete contribution they make. There are also implications for States in setting and implementing their Nationally Determined Contributions (NDCs) under the Paris Agreement, for instance considerably greater attention to fossil fuel production permitting policies may be called for. In general, States can expect greater scrutiny of their NDCs,⁴ and as Judges Bhandari and Cleveland have observed, all three branches of government will need to be involved in coordinated action.⁵ At the same time, the Court itself underlines that international law makes only a particular contribution to far broader social and economic processes.⁶

⁴ *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025 [2025] ICJ Reports, Declaration of Judge Tladi.

⁵ Joint Declaration of Bhandari and Cleveland [29].

⁶ *Obligations of States* (n 4), [456]. See also Gleider I. Hernández, *The International Court of Justice and the Judicial Function* (Oxford University Press, 2014) 292.