

World Court's Advisory

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World Court's Advisory : Legal Accountability for Climate Damage

Context

Recently, the **International Court of Justice (ICJ)** issued an advisory opinion declaring that **government actions contributing to climate change are illegal**. It stated that countries should be **held legally responsible** for their emissions. This is the first time the world's highest judicial forum has addressed climate change in such clear legal terms.

Introduction

The ICJ, also known as the **World Court**, plays a vital role in maintaining **international law** and resolving disputes between states. In this landmark advisory opinion, the ICJ reinforced the **binding obligations under climate treaties** and reminded nations, particularly **Annex I countries under the UNFCCC**, of their historical and legal duties in combating climate change. While the ruling is **non-binding**, its legal and moral influence could reshape climate negotiations globally.

International Court of Justice - Overview

- **Established** in **1945** under the UN Charter; operational since **April 1946**
- **Location** - The Hague, Netherlands; the only UN principal organ not based in New York
- **Official Languages** - English and French
- **Composition** - **15 judges**, elected for **nine-year terms** by the UN General Assembly and Security Council; no two judges from the same country
- **Jurisdiction** - Settles legal disputes between states and gives advisory opinions to authorized UN organs/agencies; only states can be parties in contentious cases; jurisdiction based on mutual consent

- **Binding Nature** – Decisions are final and binding only on the parties involved; ICJ lacks enforcement power, requiring UN Security Council action for implementation
 - **Significance** – Maintains peaceful dispute resolution, upholds international law, and provides authoritative interpretations on global legal matters
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ICJ's Observations on Climate Responsibility

- Climate treaties impose **binding obligations** on states to protect the climate system from **anthropogenic greenhouse gas emissions**
 - Countries must take measures to **mitigate emissions** and **adapt to climate change**
 - **Annex I nations** under the UNFCCC have additional duties to **lead in combating climate change**, aiming to return to **1990 emission levels**
 - Reaffirmation of the **historical responsibility** of developed countries, diluted under the Paris Agreement
 - Any breach of these obligations constitutes an **internationally wrongful act**, leading to:
 - Cessation of wrongful actions or omissions
 - Assurances of non-repetition
 - **Full reparation** to affected states, including restitution, compensation, and satisfaction, if a direct causal link is established
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Legal Impact

- Although **non-binding**, the opinion carries **significant legal weight and moral authority**
- Can influence **policy-making** and **global climate action**
- Requested by the UN Secretary-General following appeals from **Pacific youth, island nations, and civil society groups**

- Marks the **first-ever ICJ opinion on climate change**
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Future Implications

- **Revival of global climate negotiations**, particularly after recent stagnation in talks such as the **Bonn negotiations**
 - Provides **negotiation leverage** to climate-vulnerable countries, including **India**
 - Likely to influence discussions at **COP30 in Belem, Brazil**
 - Encourages stronger commitments towards **collective climate goals** and **financial support mechanisms**
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Key Global Climate Initiatives

- **Paris Agreement (2015)** - Limit warming to below 2°C; regular updates to national climate action plans
 - **Vienna Convention (1985) & Montreal Protocol (1987)** - Protection and recovery of the ozone layer
 - **Convention on Biological Diversity (1992)** - Conservation, sustainable use, and fair benefit-sharing of biodiversity
 - **UN Convention to Combat Desertification (1994)** - Address land degradation in drylands and promote sustainable land management
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Conclusion

The ICJ's advisory opinion represents a **milestone in global climate governance**. By reaffirming the legal obligations of states and emphasizing the role of historically high emitters, it strengthens the concept of **climate justice**. While it may lack direct enforcement, its **moral, political, and legal influence** could drive stronger international cooperation and accountability in addressing the climate crisis.