

INTERNATIONAL COURT OF JUSTICE AND ITS RECENT CLIMATE CHANGE RULING

The International Court of Justice (ICJ) has issued a landmark advisory opinion on climate change, underscoring its profound scope and significance. This pivotal judgment was delivered on July 23, 2025, and is set to shape the future of global climate law.

What is the ICJ (in brief)?

As the primary judicial arm of the UN, the ICJ plays a crucial role in addressing legal disputes between states and offering advisory opinions when requested by UN agencies. Its jurisdiction covers a wide range of categories—

- Cases of conflicts between competing states
- Advisory Opinions provide authoritative interpretations of international law upon request by UN organs. While not legally binding, they hold considerable persuasive influence. The Court's reasoning often shapes treaty practices, influences domestic courts, and guides negotiations.

How did this climate case come before the ICJ?

- Following a campaign by Pacific Islands and youth advocates, the UN General Assembly asked the ICJ to clarify States' climate responsibilities and the consequences of non-compliance (UNGA Res. 77/276, 29 March 2023).
- On July 23, 2025, the ICJ published its comprehensive Advisory Opinion regarding the Obligations of States concerning Climate Change (General List No. 187). The complete 140-page report, which delves into the intricacies of the case, is now available to the public.

The ICJ addressed the following questions:

UNGA asked

- What responsibilities do states have under international law to protect the climate and environment from human-produced greenhouse gas emissions?
- What legal consequences could states face if their actions or emissions cause significant harm? The Court suggested it would provide a broad response rather than blame specific states.

Sources of the law that the ICJ applied

The Court identified a group of laws that are applicable, which encompasses –

- UNFCCC, Kyoto Protocol, and Paris Agreement (all currently relevant and without conflict)
- UNCLOS (Law of the Sea) – Part XII details responsibilities for marine safeguards relevant to climate-induced damages, such as ocean warming and acidification.
- Other environmental treaties include the Montreal Protocol, the CBD, and the UNCCD.
- The duties under customary international law to prevent significant transboundary environmental harm and to cooperate are independent of treaty obligations.

What did the ICJ hold (key takeaways)?

- States have distinct legal obligations concerning climate change, which courts acknowledge through guiding principles like sustainable development, CBDR–RC, equity, intergenerational equity, and the precautionary principle. These principles shape the interpretation and enforcement of these obligations.
- Under UNCLOS, States must carry out comprehensive due diligence efforts to protect the marine environment, aiming for the most effective measures to prevent or reduce the effects of climate change and ocean acidification, going beyond the commitments of the UNFCCC/Paris Agreement if necessary.
- Treaty decisions, such as COP guidance and the latest scientific findings, guide the practical implementation of due diligence.

Are human rights invoked, including the right to a clean, healthy, and sustainable environment?

The Court concluded that this right is essential for enjoying other rights, such as life, health, and an adequate standard of living, and that climate conditions can undermine its effective enjoyment.

Legal Consequences for breach = law of State responsibility

When a State's actions breach its obligations as outlined in (a), this constitutes an internationally wrongful act. Such acts create responsibilities for cessation, non-repetition, and reparation—such as restitution, compensation, or satisfaction following customary law. Although the Court provides a general framework, the specific responsibility must be evaluated individually in each case.

What does this imply in practice (implications)?

Improving due diligence standards is essential because policies that ignore the best scientific evidence—such as unchecked fossil fuel expansion and subsidies without proper mitigation — might violate international obligations. This is particularly concerning regarding marine impacts, considering the responsibilities under UNCLOS.

Both treaties and customary obligations, those involving even non-parties or weaker treaty commitments, necessitate actions to prevent significant harm and promote cooperation. Going through the motions for the Paris Agreement may not be enough.

Rights-based leverage, directly connected to the right to a healthy environment, offers a more explicit legal foundation for national courts, human rights organizations, and policymakers.

Reparations are discussed while attribution is still primarily based on evidence. Still, the opinion indicates that compensation or restoration may be granted once a breach and its causal link are proven. (The Court emphasized cessation, non-repetition, and different kinds of reparation.)

How does it fit with other climate courts?

The ICJ built upon ITLOS's 2024 advisory opinion under UNCLOS, which emphasizes that marine protections also tackle climate-related harms, aligning with the Inter-American Court of Human Rights' July 2025 stance on States' climate responsibilities. These developments represent a convergence in global legal perspectives.

Timeline and Context (quick)

- On March 29, 2023, the UNGA sought an opinion, led by Vanuatu and a broad coalition.
- On July 23, 2025, the ICJ delivered its opinion, with President Yuji Iwasawa summarizing it in open court. The complete document is about 140 pages long.

More Sources of reading and reporting (recent)

- Official PDF of the Advisory Opinion (23rd July 2025) contains authoritative rulings on UNCLOS, due diligence, and remedies.
- Explainers and news (consensus: obligations clarified, reparations possible; non-binding but influential): CarbonBrief, Reuters, Washington Post, FT, SEI, IUCN





International Court of Justice Climate Change Advisory Opinion 2 July 2025

 HOW CASE REACHED ICJ UNGA Resolution 77/276 (20 Mar 2023) asked legal questions. spearheaded by Pacific island states	 QUESTIONS ASKED (a) States' obligations to protect climate system from human-caused HGs (b) Legal consequences for significant harm from acts / omissions
 SOURCES OF LAW UNFCCC - Kyoto - Paris UNCLOS (Part XII) Customary law - prevent significant transboundary harm: cooperate Human rights law: right to a healthy environment	 KEY HOLDINGS Obligations are real and present UNCLOS duties apply to climate change measures must be effective & far reaching Human rights engaged (life, health)
 LEGAL CONSEQUENCES ON BREACH State-responsibility: cessation & non-repetition Reparation (restitution / compensation / satisfaction)	 WHY IT MATTERS Raises bar on mitigation & adaptation No) limited to Paris 'boxes' Boosts rights-based litigation
TIMELINE 29 Mar 2023: UNGA request	Supports claims for loss & damage (case-by-case)

Non-binding but authoritative, guides courts, negotiations, policy

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