On 29 March 2023, the United Nations General Assembly adopted a resolution requesting the International Court of Justice (ICJ) to issue an Advisory Opinion on States’ obligations in respect of climate change. The resolution was the result of the leadership of Vanuatu and 18 other States (Angola, Antigua and Barbuda, Bangladesh, Costa Rica, Federated States of Micronesia, Germany, Liechtenstein, Morocco, Mozambique, New Zealand, Portugal, Romania, Samoa, Sierra Leone, Singapore, Uganda, and Viet Nam). The resolution requests the ICJ to clarify States’ obligations with regard to climate change, with specific attention to vulnerable States and affected peoples and individuals, including future generations. The full text is available here in all official UN languages.

The International Court of Justice has now, for the first time in history, the mandate to address the obligations of States with regard to climate change, under multiple sources of law including international environmental law and human rights law.

Initial written submissions from States in the ICJ climate advisory proceedings are due by 22 March 2024. Meeting this initial deadline is also a requirement for States to be allowed to provide additional comments on other written statements (by 24 June 2024). It is important that States, especially those worst affected by the climate emergency, send in initial submissions by the March deadline, and fully engage with this vital process, including the public hearings that are expected to be scheduled later in the year. Such engagement is not only critical to communicating the importance of the advisory opinion for States and populations around the world, the real impact of climate change on lives, livelihoods and State functions, and the high stakes for States of obtaining a legal pronouncement that clarifies the legal duties of States and legitimate demands in the midst of a mounting climate emergency. It is also critical to securing a strong and progressive ICJ advisory opinion that provides unambiguous guidance on State obligations with respect to climate action and climate-related harm - including their long-standing duties under multiple sources of public international law.

The Permanent Mission of Vanuatu and the Center for International Environmental Law (CIEL), with the support of the Permanent Missions of Costa Rica and Portugal, have the pleasure to convene this diplomatic briefing to discuss the opportunities that this Advisory Opinion process offers, and the importance for States to meaningfully engage in it.

Speakers:
H.E. Mr. Sumbue Antas, Permanent Mission of Vanuatu
H.E. Mr. Christian Guillermet Fernández, Permanent Mission of Costa Rica (video statement)
H.E. Mr. Rui Macieira, Permanent Mission of Portugal
Prof. David Boyd, Special Rapporteur on human rights and the environment (video statement)
Samira Ben-Ali, World’s Youth for Climate Justice

Moderator: Joie Chowdhury, Center for International Environmental Law (CIEL)