



INTERNATIONAL COURT OF JUSTICE

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Press Release

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The General Assembly of the United Nations requests an advisory opinion from the Court on the obligations of States in respect of climate change

THE HAGUE, 19 April 2023. On 29 March 2023, the General Assembly of the United Nations adopted resolution A/RES/77/276 in which, referring to Article 65 of the Statute of the Court, it requested the International Court of Justice to give an advisory opinion on “the obligations of States in respect of climate change”. The following questions are put to the Court by the General Assembly in its resolution:

“Having particular regard to the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant 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,

- (a) 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;
- (b) 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:
 - (i) 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?
 - (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?”

The request for an advisory opinion was transmitted to the Court by the Secretary-General of the United Nations by a letter dated 12 April 2023, which was received in the Registry on 17 April 2023.

Procedure

Article 96 of the United Nations Charter gives the General Assembly and the Security Council the power to request an advisory opinion from the Court on any legal question. The General Assembly may also authorize other organs of the United Nations, specialized agencies or related organizations to ask the Court for advisory opinions on legal questions “arising within the scope of their activities”. At present, two other United Nations organs, one subsidiary organ of the General Assembly, one related organization and 15 specialized agencies are authorized to submit such requests.

Advisory proceedings begin with the filing of a written request, which is communicated to the Court by the body authorized to do so in accordance with the United Nations Charter. The Registrar then immediately informs all States entitled to appear before the Court and gives them an opportunity to submit written statements relating to the legal question(s) raised in the request. In addition, any international organizations likely to be able to furnish information are also notified of the request and given the same opportunity. States and organizations that avail themselves of this possibility may then provide further comments on the other statements thus presented.

All States and organizations invited to submit written statements are then invited to make an oral statement at public sittings held on dates fixed by the Court, whether or not they have participated in the written phase. After the closing of the oral proceedings, the preparation of the Court’s opinion follows the same deliberation and drafting process as for judgments. As with the delivery of judgments in contentious cases, advisory proceedings also conclude with the delivery of the opinion at a public sitting of the Court.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The full text of the request for an advisory opinion will shortly be available on the Court’s website: www.icj-cij.org.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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