



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Obligations of States in respect of Climate Change

The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly

THE HAGUE, 23 July 2025. The International Court of Justice has today given its Advisory Opinion on the *Obligations of States in respect of Climate Change*.

It is recalled that, on 29 March 2023, the General Assembly of the United Nations adopted resolution 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 following questions:

- “(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. During the written phase of the proceedings, 91 written statements and 62 written comments were filed in the Registry by States and international organizations. The Court held public hearings in the proceedings from 2 to 13 December 2024, during which 96 States and 11 international organizations presented oral statements. This is the highest level of participation in a proceeding in both the history of this Court and that of its predecessor, the Permanent Court of International Justice. The Court adopted today’s Advisory Opinion unanimously — only the fifth time in its nearly eighty-year history that it has done so. To date, the Court has issued 29 advisory opinions.

In its [Advisory Opinion](#), the Court responds to question (a) posed by the General Assembly as follows:

- The climate change treaties set forth binding obligations for States parties to ensure the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions. These obligations include the following:
 - (a) States parties to the United Nations Framework Convention on Climate Change have an obligation to adopt measures with a view to contributing to the mitigation of greenhouse gas emissions and adapting to climate change;
 - (b) States parties listed in Annex I to the United Nations Framework Convention on Climate Change have additional obligations to take the lead in combating climate change by limiting their greenhouse gas emissions and enhancing their greenhouse gas sinks and reservoirs;
 - (c) States parties to the United Nations Framework Convention on Climate Change have a duty to co-operate with each other in order to achieve the underlying objective of the Convention;
 - (d) States parties to the Kyoto Protocol must comply with applicable provisions of the Protocol;
 - (e) States parties to the Paris Agreement have an obligation to act with due diligence in taking measures in accordance with their common but differentiated responsibilities and respective capabilities capable of making an adequate contribution to achieving the temperature goal set out in the Agreement;
 - (f) States parties to the Paris Agreement have an obligation to prepare, communicate and maintain successive and progressive nationally determined contributions which, *inter alia*, when taken together, are capable of achieving the temperature goal of limiting global warming to 1.5°C above pre-industrial levels;
 - (g) States parties to the Paris Agreement have an obligation to pursue measures which are capable of achieving the objectives set out in their successive nationally determined contributions; and
 - (h) States parties to the Paris Agreement have obligations of adaptation and co-operation, including through technology and financial transfers, which must be performed in good faith.
- Customary international law sets forth obligations for States to ensure the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions. These obligations include the following:
 - (a) States have a duty to prevent significant harm to the environment by acting with due diligence and to use all means at their disposal to prevent activities carried out within their jurisdiction or control from causing significant harm to the climate system and other parts of the environment, in accordance with their common but differentiated responsibilities and respective capabilities;
 - (b) States have a duty to co-operate with each other in good faith to prevent significant harm to the climate system and other parts of the environment, which requires sustained and continuous forms of co-operation by States when taking measures to prevent such harm.
- States parties to the Vienna Convention for the Protection of the Ozone Layer and to the Montreal Protocol on Substances that Deplete the Ozone Layer and its Kigali Amendment, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in Those

Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, have obligations under these treaties to ensure the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions.

- States parties to the United Nations Convention on the Law of the Sea have an obligation to adopt measures to protect and preserve the marine environment, including from the adverse effects of climate change and to co-operate in good faith.
- States have obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking necessary measures to protect the climate system and other parts of the environment.

The Court responds to question (b) put by the General Assembly as follows:

- A breach by a State of any obligations identified in response to question (a) constitutes an internationally wrongful act entailing the responsibility of that State. The responsible State is under a continuing duty to perform the obligation breached. The legal consequences resulting from the commission of an internationally wrongful act may include the obligations of:
 - (a) cessation of the wrongful actions or omissions, if they are continuing;
 - (b) providing assurances and guarantees of non-repetition of wrongful actions or omissions, if circumstances so require; and
 - (c) full reparation to injured States in the form of restitution, compensation and satisfaction, provided that the general conditions of the law of State responsibility are met, including that a sufficiently direct and certain causal nexus can be shown between the wrongful act and injury.

Reasoning of the Court

The Court first establishes that it has jurisdiction to render the requested opinion and concludes that there is no compelling reason for it to decline to give the opinion requested (paras. 37-49). The Court then turns to the general context within which resolution 77/276 was adopted and the relevant scientific background (paras. 72-87), before examining the meaning and scope of the questions put before it.

With regard to question (a), the Court notes that the unqualified reference to obligations “under international law” indicates the intention of the General Assembly to seek the Court’s opinion on the obligations incumbent upon States under the entire corpus of international law, and not to limit the Court’s reply to any particular source or area of international law. With regard to the scope of question (b), the Court considers that it has been requested to address legal consequences in a general manner, and that it is not called upon to identify the legal responsibility of any particular State or group of States. The determination of such responsibility requires an *in concreto* assessment that must be undertaken on a case-by-case basis. In relation to question (b), the Court finds that it is only called upon, first, to establish the applicable legal framework of State responsibility in respect of States that have breached their obligations to protect the climate system, and, second, to outline in general terms the legal consequences flowing therefrom (paras. 94-108).

As for legal consequences with respect to certain categories of States that are “specially affected” or are “particularly vulnerable”, the Court notes that the application of the rules on State responsibility under customary international law does not differ depending on the category or status of an injured State. Thus, “specially affected” States or States that are “particularly vulnerable” are in principle entitled to the same remedies as other injured States. The challenges faced by certain

States, owing to their geographical circumstances and level of development, are governed by the relevant primary rules of international law. The Court observes that the second part of question (b) enquires about the legal consequences with respect to peoples and individuals of the present and future generations affected by the adverse effects of climate change. The Court considers that whether or not individuals have any entitlement to invoke the legal responsibility of States, or to make a claim in a particular circumstance involving injury or harm arising from climate change, is dependent on the relevant primary obligations of States (paras. 109-111).

Having defined the scope and meaning of the questions posed by the General Assembly, the Court then addresses question (a), and begins by determining the most directly relevant applicable law. The Court identifies the following as such: the Charter of the United Nations; the three climate change treaties, namely the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement; the United Nations Convention on the Law of the Sea; the Vienna Convention for the Protection of the Ozone Layer; the Montreal Protocol on Substances that Deplete the Ozone Layer; the Convention on Biological Diversity; the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; customary international law, and specifically the duty to prevent significant harm to the environment and the duty to co-operate for the protection of the environment; the core human rights treaties, and the human rights recognized under customary international law. It further determines that the principles of sustainable development, common but differentiated responsibilities and respective capabilities, equity, intergenerational equity and the precautionary approach or principle are applicable as guiding principles for the interpretation and application of the most directly relevant legal rules (paras. 113-161).

The Court then turns to the question of whether any of the rules identified above are excluded by virtue of the interpretative principle of *lex specialis*. The Court considers that the argument according to which the climate change treaties constitute the only relevant applicable law cannot be upheld and finds that the principle of *lex specialis* does not lead to a general exclusion by the climate change treaties of other rules of international law. The Court emphasizes that it has determined only the applicable law which is most directly relevant for answering question (a), and that this determination is without prejudice to other rules of international law that may also be relevant under various circumstances in the context of climate change (paras. 162-173).

The Court then sets out the obligations of States under the climate change treaty framework, under customary international law relating to climate change, under other environmental treaties, under the law of the sea and related issues, and under international human rights law (paras. 174-404).

With respect to question (b), the Court considers that this question concerns the legal consequences arising for States that have breached any of the obligations identified in relation to question (a). It finds that its task is to identify, in a general manner, the legal framework under which the conduct of States can be assessed in order to determine whether a State, or a group of States, is responsible for a breach of its obligations pertaining to the protection of the climate system and the remedies that are available to the injured State or States in case of such a breach (paras. 405-406).

The Court concludes that responsibility for breaches of obligations under the climate change treaties, and in relation to the loss and damage associated with the adverse effects of climate change, is to be determined by applying the well-established rules on State responsibility under customary international law. The Court then addresses the questions of attribution and causation. In the Court's view, the well-established rule of international law that the conduct of any organ of a State must be regarded as an act of that State is applicable in the context of climate change. Failure of a State to take appropriate action to protect the climate system from greenhouse gas emissions — including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies — may constitute an internationally wrongful act which is attributable to that State. The Court also emphasizes that the internationally wrongful act in question is not the emission of greenhouse gases per se, but the breach of conventional and customary

obligations identified under question (a). In relation to private actors, the Court observes that the obligations it has identified under question (a) include the obligation of States to regulate the activities of private actors as a matter of due diligence. Therefore, attribution in this context involves attaching to a State its own actions or omissions that constitute a failure to exercise regulatory due diligence. Thus, a State may be responsible where, for example, it has failed to exercise due diligence by not taking the necessary regulatory and legislative measures to limit the quantity of emissions caused by private actors under its jurisdiction.

The Court further notes that some participants in the proceedings submitted that it is difficult to invoke responsibility in the context of climate change given that the wrongful conduct is cumulative in nature, involving different States over a period of time, and involving a plurality of States that cause injury to a plurality of injured States. In this respect, the Court observes that while climate change is caused by cumulative greenhouse gas emissions, it is scientifically possible to determine each State's total contribution to global emissions, taking into account both historical and current emissions. What constitutes a wrongful act is not the emissions in and of themselves but actions or omissions causing significant harm to the climate system in breach of a State's international obligations.

In this context, the Court considers that each injured State may separately invoke the responsibility of every State which has committed an internationally wrongful act resulting in damage to the climate system and other parts of the environment. And where several States are responsible for the same internationally wrongful act, the responsibility of each State may be invoked in relation to that act (paras. 410-431).

With regard to causation, the Court begins by observing that causation of damage is not a requirement for the determination of responsibility as such. The Court recalls that the fact that the damage may be the result of concurrent causes is not sufficient to exempt a State from any obligation to make reparation. The Court is of the view that the required legal standard of "a sufficiently direct and certain causal nexus" between an alleged wrongful action or omission and the alleged damage is flexible enough to address the challenges arising in respect of the phenomenon of climate change.

The Court observes that causation involves two distinct elements. First, whether a given climatic event or trend can be attributed to anthropogenic climate change; and second, to what extent damage caused by climate change can be attributed to a particular State or group of States. While the second element must be established *in concreto* in respect of specific claims brought by States in respect of damage, in many cases the first element may be addressed by recourse to science. The scientific evidence adduced in these proceedings establishes that significant harm to the climate system has been caused as a result of anthropogenic greenhouse gas emissions. In light of the foregoing, the Court concludes that while the causal link between the wrongful actions or omissions of a State and the harm arising from climate change is more tenuous than in the case of local sources of pollution, this does not mean that the identification of a causal link is impossible in the climate change context; it merely means that the causal link must be established in each case through an *in concreto* assessment (paras. 433-438).

The Court then turns to the question of whether the character of certain obligations identified under question (a) results in any special legal consequences for States. The Court considers that all States have a common interest in the protection of global environmental commons like the atmosphere and the high seas. Consequently, States' obligations pertaining to the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions, in particular the obligation to prevent significant transboundary harm under customary international law, are obligations *erga omnes*. In the treaty context, the Court recalls that the Framework Convention and Paris Agreement seek to protect the essential interest of all States in safeguarding the climate system, which benefits the international community as a whole. As such, the Court considers that the obligations of States under these treaties are obligations *erga omnes partes*. As a result, all States parties have a legal interest in the protection of the main mitigation obligations set

forth in the climate change treaties and may invoke the responsibility of other States for failing to fulfil them (paras. 439-441).

As for the legal consequences arising from wrongful acts, the Court finds that it cannot, in the context of these advisory proceedings, specify precisely what consequences are entailed by the commission of an internationally wrongful act of breaching obligations to protect the climate system from anthropogenic greenhouse gas emissions, since such consequences depend on the specific breach in question and on the nature of the particular harm. As a general observation, the Court notes that breaches of States' obligations under question (a) may give rise to the entire panoply of legal consequences provided for under the law of State responsibility. The Court also notes that breaches of States' obligations do not affect the continued duty of the responsible State to perform the obligation breached. It then proceeds to set out the legal consequences resulting from the commission of an internationally wrongful act (paras. 445-455).

The Court concludes by noting that through this Opinion, it is participating in the activities of the United Nations and the international community represented in that body, with the hope that its conclusions will allow the law to inform and guide social and political action to address the ongoing climate crisis (para. 456).

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Vice-President SEBUTINDE appends a separate opinion to the Advisory Opinion of the Court; Judge TOMKA appends a declaration to the Advisory Opinion of the Court; Judges YUSUF, XUE and BHANDARI append separate opinions to the Advisory Opinion of the Court; Judges BHANDARI and CLEVELAND append a joint declaration to the Advisory Opinion of the Court; Judge NOLTE appends a declaration to the Advisory Opinion of the Court; Judge CHARLESWORTH appends a separate opinion to the Advisory Opinion of the Court; Judges CHARLESWORTH, BRANT, CLEVELAND and AURESCU append a joint declaration to the Advisory Opinion of the Court; Judge CLEVELAND appends a declaration to the Advisory Opinion of the Court; Judge AURESCU appends a separate opinion to the Advisory Opinion of the Court; Judge TLADI appends a declaration to the Advisory Opinion of the Court.

A full summary of the Advisory Opinion appears in the document entitled "[Summary 2025/4](#)", to which summaries of the declarations and opinions are annexed. This summary and the full text of the Advisory Opinion are available on the [case page](#) on the Court's website.

Earlier [press releases](#) relating to this case, including the history of the proceedings, are available on the Court's website.

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

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, 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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