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# ICJ's Landmark Ruling: States Must Act on Climate Change

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The advisory opinion originated from a 2019 initiative by law students in Fiji, endorsed by the Vanuatu government in 2021, calling on the ICJ to clarify climate obligations. This process involved hearings in December 2024 with participation from over 100 states and international organizations, reflecting broad global engagement. The timing is particularly significant, given the current climate context: extreme weather events, such as heat waves and flooding, have claimed over 1,000 lives this summer, with reports of flooding in the U.S. and Pakistan underscoring the urgency. The "Emissions Gap Report" indicates that current policies are projected to result in global warming of more than 3°C (5.4°F) by 2100, far exceeding the Paris Agreement's 1.5°C target, risking catastrophic impacts and tipping points like ice sheet melting. The International Court of Justice (ICJ) issued an advisory opinion on climate change today, July 23, 2025, emphasizing countries' legal duties to combat climate change. This opinion, while not legally binding, carries significant weight and could influence global climate policy and litigation. The ICJ appears to have stated that states must cooperate to curb greenhouse gas emissions, recognizing climate change as a critical issue. Failure to act may constitute an internationally wrongful act, potentially leading to legal action by affected countries, with possibilities for reparations on a case-by-case basis. It seems likely that national climate plans must be highly ambitious, aiming to meet the Paris Agreement's goal of limiting global warming to 1.5°C. The opinion also highlights the human right to a clean, healthy, and sustainable environment, linking it to other human rights. Research suggests that industrialized nations, due to their historical emissions, should take a leading role, though this may spark debate given differing national capacities and responsibilities.



The Court Hall during the hearing at International Court of Justice at Hague Palace, Hague, Netherlands.

## Comprehensive Analysis of the ICJ Climate Change Advisory Opinion

This section provides an in-depth examination of the ICJ's advisory opinion on climate change, issued on July 23, 2025, at The Hague's Peace Palace. The opinion, while not legally binding, is a landmark decision that underscores the legal responsibilities of nations to address climate change, reflecting a growing international consensus on the issue. It responds to questions posed by the U.N. General Assembly regarding states' obligations under international law to protect the climate from greenhouse gas emissions and the legal consequences for countries harming the climate system. This analysis draws on detailed reports from reputable sources, including Reuters and CNN, to ensure a comprehensive understanding.

The ICJ's opinion, spanning over 500 pages, delivers several critical findings:

**Legal Obligations to Address Climate Change.** The court emphasized that climate change is an "urgent and existential threat" caused by human activities, not territorially limited. States must cooperate to reduce planet-heating pollution, aligning with "stringent obligations" under climate treaties. Failure to do so may constitute an internationally wrongful act, potentially breaching international law.

**Potential for Litigation and Reparations.** The opinion suggests that countries harmed by climate change may be entitled to reparations on a case-by-case basis, opening the door for legal action by affected states. This aligns with the growing trend of climate litigation, with nearly 3,000 cases filed across almost 60 countries, as per June 2025 figures from London's Grantham

Research Institute on Climate Change and the Environment.

**Ambitious National Climate Plans.** States are required to ensure their national climate plans are of the highest ambition, collectively meeting the aims of the 2015 Paris Agreement, including limiting global warming to 1.5°C above pre-industrial levels. This is crucial given the current trajectory toward 3°C warming by century's end.

**Human Rights and Environmental Linkage.** The opinion recognizes the human right to a clean, healthy, and sustainable environment as essential for other human rights, reinforcing the legal basis for climate action as a matter of human rights protection.

**Historical Responsibility and Leadership.** The ICJ highlighted that greenhouse gas emissions are disproportionately linked to historical emissions from rich industrialized countries. These nations, responsible for the majority of past emissions, are expected to lead in mitigation efforts, though this may be a point of contention given differing national capacities and economic considerations.

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Representative image, depicting climate change!



These concurrent developments indicate a growing judicial consensus on climate responsibilities, potentially setting precedents for future cases.

Experts suggest this opinion could catalyze further climate litigation, with nearly 3,000 cases already filed globally, indicating a robust legal avenue for climate action. It may also strengthen the position of vulnerable nations, such as small island states, in international negotiations, potentially influencing funding mechanisms like the Loss and Damage Fund established at COP27.

## Conclusion

The ICJ's advisory opinion on July 23, 2025, is a pivotal moment in international climate law, reinforcing states' legal duties to combat climate change. It underscores the urgency of action, the need for ambitious climate plans, and the historical responsibility of industrialized nations, while opening avenues for legal accountability through potential litigation and reparations. While not binding, its influence is expected to be profound, shaping future climate policy and legal actions globally. This comprehensive analysis.

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## Legal and Political Weight

Although advisory opinions are not legally binding, this ruling carries significant legal and political weight. It is expected to influence future climate-related litigation and bolster climate negotiations, particularly at international forums like COP meetings. Experts and activists, such as Flora Vano, Vanuatu country manager for ActionAid, have described it as a "powerful tool to demand accountability," potentially strengthening global efforts to enforce climate commitments.

## Comparative Context with Other Courts

The ICJ's opinion aligns with recent rulings from other international courts, enhancing its legal significance:

- The International Tribunal for the Law of the Sea (May 2024) declared CO<sub>2</sub> from fossil fuels as marine pollution, affirming countries' legal obligations to mitigate impacts.
- The Inter-American Court of Human Rights, earlier in July 2025, ruled that countries have a duty under international law to address the climate change threat, further solidifying the legal framework.

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