

What Does the International Court of Justice Advisory Opinion on Climate Change Mean for Multilateral Environmental Agreements?

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In July 2025, the International Court of Justice (ICJ) delivered its landmark Advisory Opinion on the Obligations of States in Respect of Climate Change. The opinion provides authoritative legal guidance on states' obligations to address climate change and prevent significant harm to vulnerable countries and communities. While the opinion is non-binding, it makes clear that failure to act can trigger legal consequences. States require timely and accessible analysis to understand their legal obligations and the consequences of breaching them.

This brief is part of a series of publications aimed at unpacking the implications of the opinion and providing clear actions governments can take to ensure compliance across five critical areas: climate adaptation, environmental impact assessments, environmentally harmful subsidies, international investment law, and multilateral environmental agreements.

Introduction

When the UN's highest court delivered its verdict, it did not just clarify states' climate change-related obligations. By painting a legal landscape that extends well beyond the international climate regime, it provided critical guidance on how to design coherent climate and sustainable development policies that are robust, interdependent, mutually reinforcing, and compliant with international law.

Drawing on the findings from the ICJ, this policy brief outlines the breadth of states' climate-related obligations, identifies possible consequences of their breach, and provides a set of actionable recommendations for governments wishing to achieve compliance.



Integrated Implementation of Mutually Reinforcing Obligations

The ICJ provided numerous findings that, taken together, can inform countries' policies and actions going forward—not only in relation to climate but also atmosphere, biodiversity, land, the ocean, and human rights.

During the proceedings, several developed states recalled the *lex specialis* doctrine, according to which specific rules take precedence over more general rules (Earth Negotiations Bulletin, 2024). They argued that by virtue of being *lex specialis*, only the UN climate regime gives rise to states' legal obligations and that other sources of international law must be excluded. The court, however, sided with the majority of countries that cited the principle of systemic integration, contending that legal rules from other multilateral environmental agreements (MEAs) and other sources could inform the interpretation of provisions in the UN climate regime—and vice versa.

Firmly rejecting the *lex specialis* argument, the court concluded that, in addition to the climate treaties, also applicable are relevant obligations stemming from other environmental treaties, human rights law, customary international law, and general principles of law. It confirmed that MEAs, including the Paris Agreement, no longer operate in legal silos but mutually inform and reinforce each other and therefore should be interpreted and implemented in an integrated, coherent manner (ICJ, 2025, paras. 372–382).

The court's findings indicate that countries must take into account climate-related impacts, drivers, and duties when implementing their obligations under the Convention on Biological Diversity (CBD), the UN Convention to Combat Desertification, the UN Convention on the Law of the Sea, and the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol, among other relevant MEAs (ICJ, 2025, paras. 324, 330, 335, 354). For example, MEA decisions and implementation measures that disregard climate risks or result in additional climate harms can no longer be considered compliant under international law.

Countries must also take into account climate considerations when implementing their customary law obligations, such as the duty to prevent significant harm (ICJ, 2025, para. 282). While the court recognized that a determination of what is required by due diligence in this context will vary depending on the specific circumstances, the standard requires not only that appropriate rules and measures be adopted, but also that efforts are made toward their enforcement, including in relation to private actors (Schaugg et al., 2025).

Similarly, states' human rights obligations cannot be considered fulfilled if a state takes no steps on climate change mitigation and adaptation. In this context, the court explicitly recognized (without attempting to be exhaustive) the right to life, the right to an adequate standard of living, including access to food, water, and housing, the right to health, and the right to privacy, family, and home, as well as the rights of women, children, and Indigenous Peoples (ICJ, 2025, paras. 372–386). The court also recognized the right to a clean, healthy, and sustainable environment as a precondition for the enjoyment of many of these rights (ICJ, 2025, paras. 387–393).



The court further held that the implementation of the relevant MEAs can inform an assessment of whether or not a state has acted with due diligence to address climate change. For example, if a state took measures toward implementing its obligation to “[m]inimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions” under the CBD’s Kunming-Montreal Global Biodiversity Framework (Target 8) (CBD, 2022), these could serve as evidence of due diligence in exercising its obligations under the Paris Agreement. Efforts to implement land degradation neutrality targets under the UN Convention to Combat Desertification could also count toward due diligence in tackling climate change.

What this means in practice is that henceforth, poorly coordinated MEA implementation may have greater legal and reputational consequences. If before the Advisory Opinion, cooperation on integrated implementation of climate-related provisions across MEAs was largely discretionary, going forward, evidence of systemic, synergistic, and mutually reinforcing actions will serve to assess due diligence and, ultimately, compliance. In other words, if a state fails to take into account climate considerations when implementing its obligations under various MEAs, it risks violating international law. Similarly, any assessment of a state’s compliance with its obligations under the climate regime must be informed by its efforts to protect biodiversity, land, oceans, and human rights.

Consequences of Non-Compliance

If a state violates international law, the law of state responsibility applies (International Law Commission, 2001). The legal consequences of breach of international obligations include the following:

- cessation, or putting an end to the wrongful act by revoking administrative, legislative, and other measures that constitute an internationally wrongful act;
- restitution, or re-establishment of the situation that existed before the wrongful act was committed, which, admittedly, may be difficult to achieve in the climate change context;
- compensation when restitution is materially impossible; and
- satisfaction, which may take the form of expression of regret, a formal apology, or a public statement or acknowledgement of wrongdoing.

While the appropriate remedy would need to be determined on a case-by-case basis, putting a stop to wrongful conduct constitutes a necessary initial step towards compliance.

Recommendations for States

There are several things governments could do to ensure they are acting in accordance with their legal duties under international law.

1. **Align domestic policies with applicable law.** In the context of climate change, the international climate regime, other MEAs, and human rights law all apply, and countries must align their national policies and actions with legal obligations



emanating from these sources. Withdrawal from a treaty does not free a government from its climate change-related obligations under other treaties it is party to, customary law, human rights law, and general principles of international law.

2. **Integrate climate considerations in MEA implementation.** States must coordinate the implementation of climate-related provisions across MEAs. Systemic, integrated, and mutually reinforcing actions rooted in the best available science can serve as evidence of due diligence in living up to obligations under the climate regime and other environmental treaties—and, ultimately, compliance with international law.
3. **Assess your capabilities.** The Advisory Opinion adds additional “nuance” to the principle of common but differentiated responsibilities and respective capabilities under the international climate regime. It recognizes that the status of a state as developed or developing is not static but depends on an assessment of evolving “national circumstances.” This suggests that states can “graduate” from the developing country category within the meaning of the United Nations Framework Convention on Climate Change, thereby acquiring new legal obligations that are binding on developed nations. These include having to assist vulnerable countries in adapting to climate change impacts and doing more in the context of the 1.5°C temperature goal to be considered to achieve the due diligence threshold.

To align policies and actions with their international obligations, governments can make specific determinations of what is required of them to align with the 1.5°C pathway (Choi, 2025), what constitutes appropriate conduct, and when due diligence can be considered fulfilled. The Advisory Opinion can guide them in these efforts.

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