

Top UN court to rule on key climate questions

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Matt McGrath

Environment correspondent • [@mattmcgrathbbc](https://twitter.com/mattmcgrathbbc)



The world's top court has begun hearing evidence in a significant case that may clarify the legal responsibilities of governments in relation to climate change.

The International Court of Justice (ICJ) in The Hague will hear testimony from nearly 100 countries including Vanuatu, the Pacific island nation that initiated the effort to get a legal opinion.

The hearing will attempt to answer key questions as to what countries should do to fight climate change and,

critically, what should they do to repair damages linked to rising temperatures.

While the outcome is not legally binding, it could give extra weight to climate change lawsuits all over the world.



Island nations like Vanuatu are particularly at risk from climate change

The idea to get the court to issue a legal opinion was originally proposed by law students in Fiji five years ago. It was then taken up by Vanuatu, an island nation with bitter experience of the impacts of rising temperatures and sea levels.

Last year, around 80% of the population were directly impacted by a double cyclone.

The extent of the damage prompted the government to declare a six-month state of emergency.

Under pressure from Vanuatu and many other nations, the UN General Assembly referred two important climate questions to the international judges of the ICJ.

These relate to the obligations that countries have under international law to protect the Earth's climate system from polluting greenhouse gas emissions.

But they also asked the court to rule on the legal consequences of these obligations in cases where states "by their acts and omissions, have caused significant harm to the climate system and other parts of the environment."

Vanuatu will be the first country to give evidence at today's hearing in the Netherlands.

"We are on the frontline of climate change impact," said Ralph Regenvanu, Vanuatu's special envoy, told journalists ahead of the hearing.

"Our call for an advisory opinion from the ICJ on climate change is at a pivotal moment... one that sets clear the international legal obligations for climate action."

While the decision of the court is non-binding, the outcome could be used in other legal cases where small island states are seeking financial recompense from the developed world over the loss and damage they have suffered as a result of historic emissions of planet warming gases.

The court case comes just a week after the end of the COP29 climate summit in Azerbaijan.

The decision taken there by the richer world to provide \$300bn a year in climate finance by 2035 provoked anger among developing nations who argued it was completely insufficient for their needs.

In the Hague, the court will also hear from a range of countries including the US and China, as well as representatives of the oil producing group OPEC.

The hearings will last until December 13 with the court's opinion expected in 2025.

Top UN court to begin hearings on landmark climate change case

ICJ to hear submissions from more than 100 groups in Pacific-led campaign to provide an advisory opinion on states' obligations for climate harm

Rebecca Bush in Port Moresby and Bethanie Harriman with agencies

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Countries and organisations will make submissions before the International Court of Justice (ICJ) in The Hague on the legal obligations of countries to fight climate change. Photograph: Vlad Sokhin/World Bank

The International Court of Justice (ICJ) is due to begin hearings in a landmark climate change case on Monday, examining what countries worldwide are legally required to do to combat climate change and help vulnerable nations fight its devastating impact.

After years of lobbying by island nations, the UN General Assembly asked the ICJ last year for an opinion on “the obligations of States in respect of climate change.”

Lawyers and representatives from more than 100 countries and organisations will make submissions before the ICJ in The Hague.

The unprecedented hearings are aimed at finding a blueprint for how countries should protect the environment from damaging greenhouse gases, and what the consequences are if they do not. While the advisory opinions of the ICJ are non-binding, they are legally and politically significant.

The Cop29 agreement failed island states. Now the UN’s top court must act on climate harm

Ralph Regenvanu

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Vanuatu will be the first to present arguments in the hearings, which run until 13 December. The opinion will be delivered in 2025. The campaign began in classrooms in the Pacific in 2019, when a group of students pushed to bring the climate issue to the ICJ.

“Climate change for us is not a distant threat,” said Vishal Prasad, director of the Pacific Islands Students Fighting Climate Change group, which was instrumental in bringing the action to the ICJ.

“It is reshaping our lives right now. Our islands are at risk. Our communities face disruptive change at a rate and scale that generations before us have not known,” Prasad told journalists a few days before the hearings.

The hearings begin a week after Pacific and other developing nations denounced as woefully inadequate an agreement reached at the Cop29 summit for countries to provide \$300bn in annual climate finance by 2035 to help poorer nations cope with climate change.

Pacific climate activists who represent their communities say that time and time again, the outcomes at Cop summits fail to meet the scale of the crisis. This year, Papua New Guinea took the rare step of withdrawing from high-level talks at Cop29, describing the gatherings as a “total waste of time”.

Dylan Kava, regional facilitator at the Pacific Island Climate Action network, described the climate finance plan delivered at Cop29 as an “empty gesture” that failed to address the extent of the impact of climate harm on Pacific nations.

“We represent communities where every fraction of a degree of warming translates to real losses: homes swallowed by the sea, crops destroyed by salinity, and cultures at risk of extinction,” Kava said.

“Pacific nations are left grappling with escalating costs of adaptation and recovery, often relying on meagre resources and the resilience of our people,” he said.

Papua New Guinea is among the Pacific nations taking part in the ICJ hearings, and will present its submission on 6 December. Attorney general and minister of justice, Pila Niningi said that Papua New Guinea will give voice to the challenges faced by Pacific island nations facing the direct impact of rising sea levels and shifting weather patterns.

“The ICJ’s advisory opinion will help clarify the legal responsibilities of states in combating climate change, offering guidance and on their obligations under

international law, including human rights and environmental treaties,” he said in a statement.