

30 MAY 2024

ORDER

OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE

(REQUEST FOR ADVISORY OPINION)

OBLIGATIONS DES ÉTATS EN MATIÈRE DE CHANGEMENT CLIMATIQUE

(REQUÊTE POUR AVIS CONSULTATIF)

30 MAI 2024

ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

YEAR 2024

**2024
30 May
General List
No. 187**

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**OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE
(REQUEST FOR ADVISORY OPINION)**

ORDER

The President of the International Court of Justice,

Having regard to Articles 66 and 68 of the Statute of the Court and to Articles 44, 102 and 105 of the Rules of Court;

Whereas on 29 March 2023 the United Nations General Assembly adopted, at the 64th meeting of its Seventy-seventh Session, resolution 77/276, by which it decided, pursuant to Article 65 of the Statute of the Court, to request the International Court of Justice to render an advisory opinion;

Whereas the operative paragraph of this resolution reads as follows:

“The General Assembly,

.....

Decides, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following question:

‘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?";

Whereas, by an Order dated 20 April 2023, the President of the Court fixed 20 October 2023 as the time-limit within which written statements on the questions may be presented to it, in accordance with Article 66, paragraph 2, of the Statute, and 22 January 2024 as the time-limit within which States and organizations having presented written statements may submit written comments on the written statements made by other States and organizations, in accordance with Article 66, paragraph 4, of the Statute;

Whereas, at the request of some States and an international organization, the President of the Court, by an Order dated 4 August 2023, extended to 22 January 2024 the time-limit within which written statements on the questions may be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and to 22 April 2024 the time-limit within which States and organizations having presented written statements may submit written comments on the written statements made by other States and organizations, in accordance with Article 66, paragraph 4, of the Statute;

Whereas, at the request of some States and international organizations, the President of the Court, by an Order dated 15 December 2023, extended to 22 March 2024 the time-limit within which written statements on the questions may be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and to 24 June 2024 the time-limit within which States and organizations having presented written statements may submit written comments on the written statements made by other States and organizations, in accordance with Article 66, paragraph 4, of the Statute;

Whereas, within the time-limit fixed by the Court's Order dated 15 December 2023, written statements have been filed in the Registry by (in order of receipt): Portugal, the Democratic Republic

of the Congo, Colombia, Palau, Tonga, the Organization of the Petroleum Exporting Countries, the International Union for Conservation of Nature, Singapore, Peru, the Solomon Islands, Canada, the Cook Islands, Seychelles, Kenya, jointly Denmark, Finland, Iceland, Norway and Sweden, the Melanesian Spearhead Group, the Philippines, Albania, Vanuatu, the Federated States of Micronesia, Saudi Arabia, Sierra Leone, Switzerland, Liechtenstein, Grenada, Saint Lucia, Saint Vincent and the Grenadines, Belize, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands, the Bahamas, the United Arab Emirates, the Marshall Islands, the Parties to the Nauru Agreement Office, the Pacific Islands Forum, France, New Zealand, Slovenia, Kiribati, the Forum Fisheries Agency, China, Timor-Leste, the Republic of Korea, India, Japan, Samoa, the Alliance of Small Island States, the Islamic Republic of Iran, Latvia, Mexico, South Africa, Ecuador, Cameroon, Spain, Barbados, the African Union, Sri Lanka, the Organisation of African, Caribbean and Pacific States, Madagascar, Uruguay, Egypt, Chile, Namibia, Tuvalu, Romania, the United States of America, Bangladesh, the European Union, Kuwait, Argentina, Mauritius, Nauru, the World Health Organization, Costa Rica, Indonesia, Pakistan, the Russian Federation, Antigua and Barbuda, the Commission of Small Island States on Climate Change and International Law, El Salvador, Bolivia, Australia, Brazil, Viet Nam, the Dominican Republic, Ghana, Thailand and Germany. The Court has further authorized, on an exceptional basis, the filing of written statements by Nepal, Burkina Faso and The Gambia, after expiry of the relevant time-limit;

Whereas, subsequently, Fiji, Nigeria, Bangladesh, Nauru, the Organisation of African, Caribbean and Pacific States, the Cook Islands, Palau, Kiribati, the Forum Fisheries Agency, the Philippines, Antigua and Barbuda, the Melanesian Spearhead Group, Vanuatu, the Commission of Small Island States on Climate Change and International Law, Tuvalu, Samoa, Chile, Timor-Leste, the Alliance of Small Island States, Grenada, Saint Lucia, Saint Vincent and the Grenadines and Egypt requested that the Court grant an additional extension of the time-limit for the submission of written comments;

Taking into account the above-mentioned requests for a further extension of the time-limit for the submission of written comments, as well as the importance of the Court giving an advisory opinion on the legal questions submitted to it by the United Nations General Assembly in a timely manner,

Extends to 15 August 2024 the time-limit within which States and organizations having presented written statements may submit written comments on the other written statements, in accordance with Article 66, paragraph 4, of the Statute; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace,
The Hague, this thirtieth day of May, two thousand and twenty-four.

(Signed) Nawaf SALAM,
President.

(Signed) Philippe GAUTIER,
Registrar.
