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Agenda item 73

Report of the International Court of Justice

Resolution adopted by the General Assembly on 20 May 2026

[without reference to a Main Committee ([A/80/L.65](#))]

80/263. Advisory opinion of the International Court of Justice on the obligations of States in respect of climate change

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations and international law,

Recalling its resolution [77/276](#) of 29 March 2023, by which it decided to request the International Court of Justice to render an advisory opinion on the obligations of States in respect of climate change,

Recalling also its resolution [76/300](#) of 28 July 2022, in which it recognized the right to a clean, healthy and sustainable environment as a human right, and recalling the finding of the Court that the right is a precondition for the enjoyment of other human rights, such as the rights to life, health and an adequate standard of living, including access to water, food and housing,

Stressing that climate change is an unprecedented challenge of civilizational proportions and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it,

Reaffirming the right of all peoples to self-determination, as well as respect for territorial integrity, in accordance with the Charter of the United Nations and international law,

Recalling the United Nations Framework Convention on Climate Change¹ and the Paris Agreement,² and acknowledging that they are the primary international, intergovernmental forums for negotiating the global response to climate change,

¹ United Nations, *Treaty Series*, vol. 1771, No. 30822.

² Adopted under the UNFCCC in [FCCC/CP/2015/10/Add.1](#), decision 1/CP.21.



Acknowledging the Court's finding that the principle of *lex specialis* does not lead to a general exclusion by the climate change treaties of other rules of international law,

Having received the advisory opinion of the Court, rendered on 23 July 2025,³ in which the Court found, *inter alia*, that:

(a) Without prejudice to other rules of international law that may also be relevant under various circumstances in the context of climate change, the most directly relevant applicable law governing States' obligations in respect of climate change includes:

(i) The Charter of the United Nations, the United Nations Framework Convention on Climate Change, the Kyoto Protocol,⁴ the Paris Agreement, the United Nations Convention on the Law of the Sea,⁵ the Vienna Convention for the Protection of the Ozone Layer,⁶ the Montreal Protocol on Substances that Deplete the Ozone Layer,⁷ the Convention on Biological Diversity⁸ and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa,⁹

(ii) The customary duty to prevent significant harm to the environment, with the recognition that its standard of due diligence is stringent, and the duty to cooperate for the protection of the environment,

(iii) International human rights law,

(iv) Certain guiding principles for the interpretation and application of various applicable rules and principles (sustainable development, common but differentiated responsibilities and respective capabilities, equity, intergenerational equity and the precautionary approach or principle),

(b) 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* or, in the treaty context, *erga omnes partes*,

(c) A breach by a State of any of the obligations identified by the Court in relation to climate change constitutes an internationally wrongful act entailing the responsibility of that State,

(d) The legal consequences resulting from the commission of an internationally wrongful act may include the obligations of:

(i) Cessation of the wrongful actions or omissions, if they are continuing,

(ii) Providing assurances and guarantees of non-repetition of the wrongful act, if circumstances so require, and

(iii) 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 the injury,

³ [A/79/979](#).

⁴ United Nations, *Treaty Series*, vol. 2303, No. 30822.

⁵ *Ibid.*, vol. 1833, No. 31363.

⁶ *Ibid.*, vol. 1513, No. 26164.

⁷ *Ibid.*, vol. 1522, No. 26369.

⁸ *Ibid.*, vol. 1760, No. 30619.

⁹ *Ibid.*, vol. 1954, No. 33480.

Emphasizing that respect for the Court and its functions, including in the exercise of its advisory jurisdiction, is essential to international law and justice and to an international order based on the rule of law,

Recalling the advisory opinion rendered by the International Tribunal for the Law of the Sea on 21 May 2024,¹⁰

Mindful that developing countries that are particularly vulnerable to the adverse effects of climate change, in particular least developed countries and small island developing States, have contributed the least to anthropogenic greenhouse gas concentrations in the global atmosphere and that vulnerability to climate change is influenced by historical and ongoing patterns of inequity and is often experienced most acutely by Indigenous Peoples, local communities, women and girls, children and youth, and people in vulnerable situations,

Determined to translate the Court's findings into enhanced multilateral cooperation and accelerated climate action at all levels, consistent with international law,

1. *Welcomes* the unanimous advisory opinion of the International Court of Justice of 23 July 2025 on the obligations of States in respect of climate change, and affirms the importance of the Court's advisory opinion as an authoritative contribution to the clarification of existing international law;

2. *Calls upon* all States to comply with their respective obligations under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic greenhouse gas emissions, as identified by the Court, such as:

(a) Preventing significant harm to the environment by acting with due diligence, recognizing that the Court found that the standard of due diligence for preventing significant harm to the climate system is stringent, and using 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) Cooperating 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 cooperation by States when taking measures to prevent such harm;

(c) Respecting and ensuring the effective enjoyment of human rights of peoples and individuals under international law, by taking necessary measures to protect the climate system and other parts of the environment;

3. *Calls upon* all Parties to the Paris Agreement to comply with their respective treaty obligations, as identified by the Court, and in accordance with their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;

4. *Urges* States, in the context of the Paris Agreement and their different national circumstances, pathways and approaches, to implement measures to achieve the collective temperature goal of holding the increase in the global average temperature to 1.5 degrees Celsius above pre-industrial levels, in keeping with the best available science, including by tripling renewable energy capacity and doubling

¹⁰ Available at www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf.

the global average annual rate of energy efficiency improvements by 2030, transitioning away from fossil fuels in energy systems in a just, orderly and equitable manner and so as to reach net zero by 2050 in keeping with the science, and by phasing out inefficient fossil fuel subsidies that do not address energy poverty or just transitions as soon as possible;

5. *Calls upon* States to ensure the full, meaningful and equal participation of Indigenous Peoples, local communities, people of African descent, women and girls, children and youth, persons with disabilities and people in vulnerable situations in decision-making on climate action, where appropriate, including through access to information and access to justice;

6. *Recalls* that the Court found that the provisions of the United Nations Convention on the Law of the Sea do not require States Parties, in the context of physical changes resulting from sea level rise, to update their charts or lists of geographical coordinates that show the baselines and outer limit lines of their maritime zones once they have been duly established in conformity with the Convention, and affirms that this provides essential legal certainty;

7. *Also recalls* that the Court found that, once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood, and affirms the continuity of statehood in the face of sea level rise;

8. *Further recalls* the Court's finding that States have obligations under the principle of non-refoulement where there are substantial grounds for believing that there is a real risk of irreparable harm to the right to life in breach of article 6 of the International Covenant on Civil and Political Rights¹¹ if individuals are returned to their country of origin;

9. *Calls upon* all States to act in accordance with their respective international obligations, noting the Court's finding in its advisory opinion that a breach by a State of any of the obligations identified by the Court in relation to climate change constitutes an internationally wrongful act entailing the responsibility of that State, that the responsible State is under a continuing duty to perform the obligation breached and that 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, 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 the injury;

10. *Requests* the Secretary-General, within existing resources, in consultation with Member States, to submit to the General Assembly during its eighty-second session a report containing ways to advance compliance with all obligations in relation to the Court's findings, taking into account the best available science and possible gaps in multilateral efforts to address the adverse effects of climate change in accordance with international law, without prejudice to the legal positions of States and without implying any determination of responsibility, while ensuring coordination, coherence and complementarity with existing mechanisms and

¹¹ See resolution [2200 A \(XXI\)](#), annex.

procedures, including under the United Nations Framework Convention on Climate Change and the Paris Agreement;

11. *Decides* to include in the provisional agenda of its eighty-third session an item entitled “Follow-up to the advisory opinion of the International Court of Justice on the obligations of States in respect of climate change”.

*83rd plenary meeting
20 May 2026*