

STATEMENT BY THE MINISTER OF ENVIRONMENT, SOLID WASTE
MANAGEMENT AND CLIMATE CHANGE

ON

**ADVISORY OPINION ON THE OBLIGATIONS OF STATES
IN RESPECT OF CLIMATE CHANGE**

Madam Speaker,

1. With your permission, I wish to make a Statement in the House following the Advisory Opinion given by the International Court of Justice on 23 July 2025 on the obligations of States in respect of Climate Change.
2. Following lengthy representations made by Pacific Islands law students and led by Vanuatu Island State, the General Assembly of the United Nations had in March 2023 requested the International Court of Justice (ICJ) to give an Advisory Opinion on the following two questions:
 - 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 (SIDS), 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?; and

- (ii) peoples and individuals of the present and future generations affected by the adverse effects of climate change?

3. The International Court of Justice(ICJ) gave the following Advisory Opinion :

- (i) States have an obligation to protect the environment from Greenhouse Gas (GHG) emissions and act with due diligence and cooperation to fulfill this obligation.
- (ii) States' legal obligations are not only derived from the United Nations Framework Convention on Climate Change and the Paris Agreement but should also consider other sources of "most directly relevant law", including the UN Convention on the Law of the Sea (UNCLOS), human rights law and customary international law;
- (iii) the 1.5 °C threshold is the agreed primary temperature goal under the Paris Agreement;
- (iv) The obligations under customary international law are the same for all States, regardless of whether a State is a Party to climate change treaties or not; and
- (v) if States breach these obligations, they incur legal responsibility and may be required to cease the actions causing this, offer guarantee for non-repetition and make full reparation.

Madam Speaker,

4. To affirm the findings of the Advisory Opinion of the International Court of Justice, Vanuatu intends to submit a Resolution to the UN General Assembly (UNGA) to that effect. This Advisory Opinion is a landmark victory for developing countries, in particular SIDS, as it clearly addresses the “Polluter Pays Principle” and ensures **climate justice**. Negotiators on climate treaties will stand guided by this Advisory Opinion. **Mauritius will support Vanuatu on the submission of the Resolution.**

5. The International Court of Justice is the third of four top courts to make an Advisory Opinion on climate change. The Inter-American Court of Human Rights had in early July 2025 ruled that there was a human right to a healthy climate and the International Tribunal for the Law of the Sea had already stated that States had a legal responsibility to control greenhouse gases. The African Court on Human and Peoples’ Rights has recently started the process.

6. My Ministry will have consultations with the Attorney General’s Office and the Ministry of Foreign Affairs, Regional Integration and International Trade on the implications of this Advisory Opinion.

Madam Speaker,

7. I wish also to inform the House that during the 25th EU- China Summit held on 24 July 2025 in Beijing, the European Union and China have issued a joint Statement declaring their intention to raise their respective ambitions to meet global greenhouse gas emissions targets and ensure successful outcomes at the forthcoming COP 30.

25 July 2025