



Delegation of the European Union to the United Nations in New York

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EU Statement – UN General Assembly: Resolution requesting an Advisory Opinion of the International Court of Justice on climate change

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29 March 2023, New York - Statement on behalf of the European Union and its Member States by H.E. Ambassador Olof Skoog, Head of the Delegation of the European Union to the United Nations at the 77th Session of the United Nations General

Assembly Resolution requesting an Advisory Opinion of the International Court of Justice on climate change

– CHECK AGAINST DELIVERY –

Thank you, Mr President.

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia*, Montenegro*, Serbia*, Albania*, Ukraine, the Republic of Moldova and Bosnia and Herzegovina*, the potential candidate country Georgia, as well as Monaco and San Marino align themselves with this statement.

We would like to extend our appreciation to Vanuatu for its leadership and the core group as a whole for the initiative and the extensive consultation process that led to this resolution [A/77/L.X]. The EU and its Member States are united in their support for the strict observance and the development of international law. They are further committed to promoting the individual and collective action of States to prevent and respond to the threat of climate change and to show solidarity with those particularly vulnerable to the impacts of climate change.

The EU is at the forefront of climate action. Strong and ambitious mitigation action is the best tool to prevent increased adaptation needs, and to reduce loss and damage associated with the adverse effects of climate change. In light of the findings of the Intergovernmental Panel on Climate Change (IPCC), we have been taking determined and decisive action to reduce our net greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels, to reach and achieve climate neutrality by 2050 at the latest, and to aim for negative emissions thereafter.

At the same time, we are the world's biggest contributors of climate finance to developing countries. The **EU Strategy on Adaptation to Climate Change** contains a strong international dimension, in particular in terms of increasing support, including financial, for international climate resilience and preparedness and strengthening global engagement and exchanges. Lastly, the EU is and will remain committed to scaling up assistance to developing countries that are particularly vulnerable to the adverse effects of climate change, in responding to loss and damage. For these reasons, we supported the decision to establish **new funding arrangements responding to loss and damage at the COP 27** and look forward to contributing to the work of the Transitional Committee.

Although legally non-binding, the requested Advisory Opinion of the ICJ has the potential to make a significant contribution to the clarification of the current state of international law. The EU and its Member States appreciate the choice of engaging the Court through advisory proceedings whose non-contentious nature avoids disputes and encourages the

continued pursuit, by the international community, of further ambitious and effective action, including through international negotiations, to tackle climate change.

We recall in this regard the pre-eminent role of the Paris Agreement and the regular meetings of the UN Climate Change Conference in reflecting the most recent and dynamic expression of States' understanding of their commitments, and their nature, as well as their responsibilities in respect of climate change. This includes the unique legal character of each provision of the Paris Agreement.

States' obligations and State practice under treaties other than the Paris Agreement may contribute –within their respective scope of application– to achieving the Paris Agreement goals. They can further shed light on how these goals are to be achieved.

With the above in mind, the EU and its Member States welcome the explanation provided by Vanuatu that its intention in leading this effort has been that the Court “will not place additional obligations or responsibilities” on States, but rather “provide legal motivation for all nations, including emerging and high emitting developing countries, to build greater ambition into their Paris Agreement Nationally Determined Contributions, and take meaningful action to curb emissions and protect human rights”

Thus, in line with the aim as well as the content of the Resolution, we expect the Advisory Opinion to:

1. answer the legal questions on the basis of the **current state of international law** and **with regard to all States**;
2. identify, and, to the extent possible, clarify the

obligations of States under applicable international law, and the legal **consequences for all States for the breach of these obligations**. The Resolution **does not prejudge whether and when** breaches have occurred, are occurring or will occur in the future but rather focuses on the consequences thereof for all States;

The EU and its Member States have an unwavering commitment to limiting global warming to 1.5°C which is the best way to mitigate climate change and its effects, as the recent IPCC synthesis reminded us. In the pursuit of these objectives, we are determined to deepen international cooperation. While the present statement of the EU and its Member States is naturally without prejudice to the content of our possible submissions before the ICJ and other courts and tribunals, our eventual involvement in the Advisory Proceedings initiated by this Resolution will be guided by this commitment and by our understanding of the applicable law as well as the aim and content of the Resolution.

The EU and its Member States are pleased to have constructively engaged in the process that led to the adoption of this Resolution by consensus and commends Vanuatu once again for its leadership. The EU looks forward to contributing to the proceedings before the ICJ, as an intergovernmental organization that is also a Party to the Paris Agreement and other international agreements referred to directly and indirectly in the request.

Thank you.

** North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.*



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