

15 DÉCEMBRE 2023

ORDONNANCE

**OBLIGATIONS DES ÉTATS EN MATIÈRE DE CHANGEMENT CLIMATIQUE
(REQUÊTE POUR AVIS CONSULTATIF)**

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

15 DECEMBER 2023

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2023

15 December 2023

**2023
15 December
General List
No. 187**

**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 certified true copies of the English and French texts of that resolution were transmitted to the Court under cover of a letter from the Secretary-General of the United Nations dated 12 April 2023 and received on 17 April 2023;

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 the Secretary-General indicated in his letter that, pursuant to Article 65, paragraph 2, of the Statute, all documents likely to throw light upon the questions would be transmitted to the Court in due course;

Whereas, by letters dated 17 April 2023, the Deputy-Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute;

Whereas, by an Order dated 20 April 2023, the President of the Court decided that the United Nations and its Member States are likely to be able to furnish information on the questions submitted to the Court for an advisory opinion, and 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, ruling on requests submitted subsequently by the International Union for the Conservation of Nature, the Commission of Small Island States on Climate Change and International Law, the European Union and the African Union, the Court decided, in accordance with Article 66 of its Statute, that those international organizations are likely to be able to furnish information on the questions submitted to the Court, and that consequently they may for that purpose submit written statements by 20 October 2023 at the latest, and written comments on the written statements made by other States or organizations by 22 January 2024 at the latest, in accordance with the time-limits fixed by the Order of the President of the Court of 20 April 2023;

Whereas, under cover of a letter dated 30 June 2023 from the Legal Counsel, the United Nations Secretariat communicated to the Court, pursuant to Article 65, paragraph 2, of the Statute, a dossier of documents likely to throw light upon the questions submitted to the Court, which was received in the Registry on 3 July 2023;

Whereas, by a letter dated 24 July 2023, the Permanent Representative of the Republic of Vanuatu to the United Nations communicated to the Court that his Government requested, together with 14 co-signatory States, an extension “of three months for the time-limits for the two rounds of submissions of written statements” fixed by the Order of the President of 20 April 2023;

Whereas, by a letter dated 28 July 2023, the Commission of Small Island States on Climate Change and International Law also requested, in support of the aforementioned letter from the Republic of Vanuatu and the 14 co-signatory States, that the time-limits fixed by the President in her Order of 20 April 2023 for the submission of written statements and written comments be extended by three months;

Whereas, by a letter dated 31 July 2023, the chargé d’affaires *ad interim* at the Embassy of the Republic of Chile also requested, in support of the aforementioned letter from the Republic of Vanuatu and the 14 co-signatory States, that the time-limits fixed by the President in her Order of 20 April 2023 for the submission of written statements and written comments be extended by three months;

Whereas, by an Order dated 4 August 2023, the President of the Court 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, ruling on requests submitted subsequently by the Organization of the Petroleum Exporting Countries, the Organisation of African, Caribbean and Pacific States, the Melanesian Spearhead Group, the Forum Fisheries Agency and the Pacific Community, the Court decided, in accordance with Article 66 of its Statute, that those international organizations are likely to be able to furnish information on the questions submitted to the Court, and that consequently they may for that purpose submit written statements by 22 January 2024 at the latest, and written comments on the written statements made by other States and organizations by 22 April 2024 at the latest, in accordance with the time-limits extended by the Order of the President of the Court of 4 August 2023;

Whereas, under cover of a letter dated 30 October 2023 from the Legal Counsel, the United Nations Secretariat communicated to the Court additional documents to be included in the dossier of documents likely to throw light upon the questions submitted to the Court, which was transmitted pursuant to Article 65, paragraph 2, of the Statute and received in the Registry on 3 July 2023;

Whereas, by a letter dated 22 November 2023 and received in the Registry of the Court on 3 December 2023, the Director-General of the Melanesian Spearhead Group requested, on behalf of the Organization, that the Court grant an additional extension of four months, to 22 May 2024, of the time-limit for the submission of written statements;

Whereas, by a letter dated 28 November 2023 and received in the Registry on 30 November 2023, the Secretary-General of the Organisation of African, Caribbean and Pacific States requested, on behalf of the Organisation, that the Court grant “an additional extension of at least four months”;

Whereas, by a letter dated 30 November 2023, the Director-General of the Pacific Community requested, on behalf of the Organization, that the Court grant a further extension “by at least four months” of the time-limit for the submission of written statements;

Whereas, by a letter dated 5 December 2023, the Minister for Justice of Kiribati requested, on behalf of his Government, that the Court grant “an extension of the time-limits for the submission of written statements by at least an additional four months”;

Whereas, by a letter dated 11 December 2023, the Acting Legal Counsel of the African Union requested, on its behalf, that the Court grant “an extension of at least four months from the already extended time-limits for the submission of written statements and written comments”;

Whereas, by a letter dated 12 December 2023, the Permanent Representative of Nauru to the United Nations requested, on behalf of her Government, that the Court grant an extension of the time-limit for the submission of written statements “by at least four months”;

Taking into account the above-mentioned requests for a further extension of the time-limits for the submission of written statements and 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 22 March 2024 the time-limit within which all written statements on the questions may be presented to the Court in accordance with Article 66, paragraph 2, of the Statute;

Extends to 24 June 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 French and in English, the French text being authoritative, at the Peace Palace, The Hague, this fifteenth day of December, two thousand and twenty-three.

(Signed) Joan E. DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.
