



A remote Fijian village flattened by Cyclone Winston in 2016. The UN has passed a resolution spearheaded by Pacific island nations that seeks to legally clarify countries' climate obligations. Photograph: Reuters

Climate crisis

United Nations adopts landmark resolution on climate justice

Resolution hailed as 'win for climate justice of epic proportions' should make it easier to hold countries accountable for failures

Nina Lakhani *Climate justice reporter*

@ninalakhani

Wed 29 Mar 2023 17.14 BST

A UN resolution was adopted on Wednesday that should make it easier to hold polluting countries legally accountable for failing to tackle the climate emergency, in a vote which was hailed as a historic victory for climate justice.



Melting Antarctic ice predicted to cause rapid slowdown of deep ocean current by 2050

The UN general assembly adopted by consensus the **resolution spearheaded** by Vanuatu, a tiny Pacific island nation vulnerable to extreme climate effects, and youth activists to secure a legal opinion from the international court of justice (ICJ) to clarify states' obligations to tackle the climate crisis – and specify any consequences countries should face for inaction.

“Today we have witnessed a win for climate justice of epic proportions,” said Ishmael Kalsakau, prime minister of **Vanuatu**. “Today’s historic resolution is the beginning of a new era in multilateral climate cooperation, one that is more fully focused on upholding the rule of international law and an era that places human rights and intergenerational equity at the forefront of climate decision-making.”

“We are just ecstatic that the world has listened to the Pacific youth,” said Cynthia Houniuhi, president of Pacific Island students fighting climate change (PISFCC). “Through no fault of our own, we are living with devastating tropical cyclones, flooding, biodiversity loss and sea level rise. We have contributed the least to the global emissions that are drowning our land.

“As young people, the world’s failure to stop planet-killing emissions is not a theoretical problem. It is our present and it is our future that is being sold out.”

The resolution, which was co-sponsored by more than 120 countries including the UK, but not the US, will help establish a legal litmus test of sorts for the global climate justice movement seeking to hold countries to account for climate failures in the courts.

It comes on the day the Biden administration opened an auction to drill 73m acres of the Gulf of Mexico for oil and gas – and just days after the self-acclaimed “climate president” approved a massive, multi-decade-long oil **and gas drilling project in Alaska**, which will create one of the largest “carbon bombs” on US soil.

While the opinion from the world’s highest court will not be binding in domestic courts, establishing international legal rules can be influential on judges and governments. It also represents the first attempt to establish climate action obligations under international law, which advocates hope will strengthen climate-related litigation by helping vulnerable states and advocates hold countries accountable for their action and inaction.

The resolution emerged out of mounting frustration at the mismatch between **the global community’s rhetoric and action on climate change**, amid escalating losses for countries such as Vanuatu, which face an existential threat due to sea-level rise. The frustration spurred a social movement led by Vanuatu law students turned youth activists, and work on the resolution was led by Indigenous lawyers in the Pacific.

In essence, the ICJ advisory will help establish whether there is legal obligation for countries to do what they have committed to in non-binding treaties such as the 2015 Paris climate accord, and whether failure to do so can be challenged through litigation.

It comes a week after the final report by the IPCC, which underscored the urgent need to phase out fossil fuels to curtail global heating and avoid catastrophic climate chaos. Transitioning to renewables and green technology is

not enough, warned scientists, fossil fuels projects must be phased out, not expanded.

Harjeet Singh, head of global political strategy at Climate Action Network International, said: “The UN resolution to take the issue of climate change to the world’s highest court is a historic moment in the fight for climate justice, human rights and intergenerational equity.

“The advisory opinion must serve as an important accountability tool towards states obligations in protecting the environment and future generations from climate impacts.”

Vanuatu, an archipelago of islands 500 miles west of Fiji with about 325,000 inhabitants, was last month hit by two category 4 hurricanes within 72 hours of each other. They caused widespread infrastructure damage, evacuation and left residents without water and electricity for several days.

Island nations and developing countries such as Vanuatu, the Solomon Islands Madagascar and Sri Lanka have contributed least to global greenhouse-gas emissions, but are bearing the brunt of erratic and extreme weather events such as hurricanes, floods, drought, and extreme heat and floods that is upending water and food security, and fueling forced migration.

The historic resolution was adopted as countries met in Egypt for the first time to discuss the creation of a loss-and-damage funding facility to compensate countries for the irreversible effects of extreme weather events and sea-level rise that are too late to avoid by climate adaptation and mitigation.

“The International Court of Justice can translate the clear scientific evidence that fossil fuels are driving the climate crisis into clear legal imperatives to phase them out now and implement proven, available solutions. An advisory opinion could help spur greater accountability for the mounting suffering caused by states’ failure to act,” said Nikki Reisch from the Center for International Environmental Law.

‘Beginning of a new era’: Pacific islanders hail UN vote on climate justice

Resolution asks ICJ to clarify countries’ obligations to fight climate change and the consequences they should face for inaction

Guardian staff with agencies

Thu 30 Mar 2023 02.51 BST



- Members of Pacific Islands Students Fighting Climate Change at a protest during the COP27 UN summit in Egypt. The group has celebrated the passing of a UN resolution calling for legal clarification of state obligations on climate. Photograph: Nariman El-Mofty/AP

A group of Pacific Island students who were instrumental in pushing a UN resolution that should make it easier to **hold polluting countries legally accountable** for failure to act on the climate crisis have greeted its adoption as historic.

“Young people across the world will recall the day when we were able to get the world’s highest court, the international court of justice, to bring its voice to the

climate justice fight,” said Solomon Yeo, campaign director of Pacific Islands Students Fighting Climate Change (PISFCC), who is from Solomon Islands.

The resolution calls for the international court of justice (ICJ) to issue an opinion clarifying nations’ obligations to tackle the climate crisis and the consequences they should face for inaction.

“I don’t want to show a picture to my child one day of my island. I want my child to be able to experience the same environment and the same culture that I grew up in,” said Cynthia Houniuihi, also of Solomon Islands and who is president of PISFCC. “The environment that sustains us is disintegrating before our eyes.”

Frustrated by the world’s lack of action on climate change, law students in eight Pacific island nations founded PISFCC in 2019 and launched their campaign to persuade their leaders to take the resolution to the UN’s highest court.

Spearheaded by **Vanuatu**, Pacific nations soon took up the law students’ call.

Pacific Island nations are at **risk of rising seas engulfing swathes of the islands**. Scientists say both extreme weather and sea levels have worsened because of climate change caused by the burning of fossil fuels. The resolution asks the court to pay particular attention to the harm endured by small island states.

Vanuatu prime minister Ishmael Kalsakau greeted the resolution as “a win for climate justice of epic proportions.”

“Today’s historic resolution is the beginning of a new era in multilateral climate cooperation, one that is more fully focused on upholding the rule of international law and an era that places human rights and intergenerational equity at the forefront of climate decision-making,” he said.



'We are very vulnerable': cyclone-hit Vanuatu pins climate hopes on UN vote

UN secretary general António Guterres said he hoped the opinion, when issued, would encourage nations “to take the bolder and stronger climate action that our world so desperately needs”.

While the opinion from the ICJ will not be binding, it will encourage states “to actually go back and look at what they haven’t been doing and what they need to do” to address the climate emergency, said Nilufer Oral, director at the Center for International Law at the University of Singapore.

The court has other power it can bring to bear, Christopher Bartlett, climate diplomacy manager for the government of Vanuatu, explained. The court can reference other international legal instruments, such as the International Covenant on Civil and Political Rights and **United Nations** Convention on the Rights of the Child, and those do have the force of law for the countries that have ratified them.

“The international court of justice is the only legal authority that has a mandate to look at all of international law. While the advisory opinion itself is not

binding, the laws upon which the advisory opinion will be speaking absolutely are legally binding and immediately applicable to states,” said Bartlett.

Bartlett said that some of the questions the ICJ will ask include: what harm to the climate has been done? Should states be forced to take certain actions? And is financial support a legal consequence of causing harm?

The resolution now goes to the court.

Countries have agreed to aim **to limit warming to 1.5 degrees Celsius** with an upper limit of 2 degrees Celsius back in 2015 as part of the Paris Agreement. The agreement asks countries to submit their plans to curb greenhouse gases to the UN and regularly revise and update those plans.

Clarifying those obligations for states, as well as **other promises to protect biodiversity** and strengthen domestic policies are the main aims of the advisory opinion, said Ralph Regenvanu, Vanuatu’s climate change minister.

“We are also clear eyed that existing international frameworks have significant gaps,” he said, adding that the opinion could push for stronger legal measures like negotiating a **fossil fuel non-proliferation treaty** or criminalising “climate destroying activities”.