



Commonwealth
Lawyers Association



4 June 2026

LAWASIA and Commonwealth Lawyers Association

JOINT STATEMENT OF SUPPORT

United Nations General Assembly Resolution on the Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change

LAWASIA (the Law Association for Asia and the Pacific) and the Commonwealth Lawyers Association (CLA), jointly issue this statement in strong support of the United Nations General Assembly resolution introduced by Vanuatu and a cross-regional group of States, that has endorsed the landmark Advisory Opinion of the International Court of Justice (ICJ) on the obligations of States in respect of climate change, delivered on 23 July 2025.

As organisations of the legal profession dedicated to the rule of law, access to justice, and the protection of human rights, we regard this resolution as a critical step in translating historic legal clarity into concrete, accountable, and equitable climate action.

We congratulate the UN General Assembly on its vote to support the ICJ AO resolution on 20 May 2026, with 141 countries in favour, 8 against and 28 abstentions.

We also congratulate Vanuatu for its leadership on this issue in the GA and at the ICJ. This was a win for the leadership of the Pacific and all small island nations.

We also recognise the vital role of the Pacific Island Student Fighting Climate Change and World Youth for Climate Justice in the campaign for the advisory opinion and for climate justice. This is also a win for the leadership of young people in advancing the rule of law.

The ICJ Advisory Opinion: A Landmark Affirmation of the Rule of Law

The ICJ Advisory Opinion of 23 July 2025 represents one of the most significant pronouncements in the history of international environmental law. For the first time, the world's highest court delivered a comprehensive, unanimous clarification of the legal obligations binding on all States with respect to climate change. Its conclusions are unambiguous:

- States are bound by a clear duty under customary international law to prevent significant harm to the climate system and other parts of the environment from anthropogenic greenhouse gas emissions.
- These obligations are *erga omnes* in character, owed to the international community as a whole, and a breach constitutes an internationally wrongful act engaging State responsibility and potential liability.
- Climate obligations encompass the full body of applicable international law, including human rights law, the law of the sea, and general principles of international law, not merely the UNFCCC and Paris Agreement.

- The principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) and equity are central to the implementation of these obligations but do not negate the need for “stringent due diligence”.
- States that fail to comply with these legal obligations may breach international law and thus owe full reparations, including restitution and compensation for loss and damage, to those injured States where the general conditions of State responsibility are met.

LAWASIA and CLA recognise the profound significance of this unanimous Advisory Opinion. It resolves decades of ambiguity about the legal character of climate obligations and confirms that climate action is not a matter of political discretion — it is a matter of binding international law. The Advisory Opinion is already being applied in domestic courts across multiple jurisdictions, demonstrating its immediate and far-reaching practical importance.

The UNGA Resolution: From Legal Clarity to Collective Action

While the ICJ Advisory Opinion carries its own legal authority and weight, the adoption of a UNGA resolution (“the resolution”) was a vital next step. LAWASIA and the CLA support the resolution for the following reasons:

A. It gives an unqualified endorsement to the Court’s findings

The resolution formally welcomes the ICJ’s unanimous Advisory Opinion as an authoritative clarification of existing international law. This is essential. Any dilution or selective reading of the ICJ’s findings would undermine the authority of the world’s highest court. A strong UNGA endorsement ensures the Opinion’s conclusions are not minimised or politically reinterpreted and strengthens the capacity of national and international courts and tribunals to apply its reasoning.

B. It calls for alignment of State conduct with binding international obligations

The resolution calls upon all States to comply with their obligations to prevent significant harm to the climate system through stringent due diligence, sustained cooperation, and the protection of human rights. Critically, it calls on all parties to the Paris Agreement to comply with their treaty obligations and urges implementation of measures to hold warming to 1.5°C, including a just, orderly, and equitable transition away from fossil fuels and reaching net zero by 2050.

These are not new obligations imposed by the resolution — they are existing legal duties, as confirmed by the Court. The resolution serves as a political commitment by States to take those duties seriously.

C. It advances accountability and follow-up

The resolution requests the UN Secretary-General to submit a report on ways to advance compliance with the Court’s findings, including examination of gaps in multilateral efforts. It further provides for annual follow-up through the General Assembly. This is a meaningful accountability mechanism that keeps political attention focused on implementation.

D. It provides critical legal protections for vulnerable and frontline States

The resolution affirms the ICJ’s important findings that sea-level rise does not require States to update their established maritime baselines or outer limit lines, and that the disappearance of constituent elements of a State does not necessarily extinguish its statehood. These findings are of existential importance to small island developing States and low-lying coastal nations whose very sovereignty is threatened by the consequences of climate inaction.

E. It reinforces multilateralism and the integrity of international institutions

At a time when respect for international law and multilateral institutions faces growing challenges, this resolution sends a powerful signal that the international community stands behind the authority of the ICJ and the principles of rules-based international cooperation. Failure to adopt the resolution would risk signalling that

the world's highest court can be ignored with impunity, a development that would be deeply damaging to the rule of law globally.

LAWASIA and the CLA are committed to supporting the full implementation of the ICJ Advisory Opinion through the following means:

- Promoting awareness among legal practitioners of the Advisory Opinion's findings and their practical implications for domestic and international litigation, legal advice, and policy advocacy.
- Supporting access to justice for individuals, communities, and States seeking to enforce climate-related legal obligations, including through climate litigation and human rights mechanisms.
- Encouraging bar associations and law societies in our member jurisdictions to engage with their governments on the importance of co-sponsoring and supporting this resolution.
- Participating in ongoing multilateral processes to advance implementation of climate obligations consistent with international law.

Our Call to States

LAWASIA and the Commonwealth Lawyers Association call on all UN Member States to:

- Implement the UNGA resolution without delay.
- Align national climate policies, legislation, and plans with the legal obligations as clarified by the Court, including through accelerated fossil fuel phase-out, enhanced climate finance, and the provision of reparations where obligations of State responsibility are engaged.
- Ensure the full, meaningful, and equal participation of Indigenous Peoples, local communities, women and girls, children and youth, and persons in vulnerable situations in all aspects of climate decision-making, consistent with the resolution's express provisions.

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