

# Impoverished countries ask world court to rule on climate change disaster

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26 December 2024

From December 2 to 13, the International Court of Justice (ICJ) held hearings on the “Obligations of States in Respect of Climate Change” case. During the 12-day period, 96 states and 11 international organisations presented oral statements in The Hague, the Netherlands.

The case was first brought to the United Nations General Assembly in 2023 by Vanuatu, which, like its neighbouring Pacific Island states, is particularly vulnerable to the effects of global climate change. Vanuatu’s government was lobbied to do so two years prior by the Pacific Islands Students Fighting Climate Change group (PISFCC).

Founded in 2019, the PISFCC was created by law students from Vanuatu and other Pacific Island countries. Their aim has been “to seek climate justice at the International Court of Justice by requesting the court to respond to a legal question that will develop international law, integrate legal obligations around environmental treaties and basic human rights, and clarify state responsibility for climate harm.”

The sincere efforts of these students to halt climate change notwithstanding, attempts to seek “climate justice” through the framework of UN institutions like the ICJ are a political dead-end, as the record shows.

Nonetheless, the process reflects the scientific reality that climate change is not a distant threat, but one now hitting millions of people. As stated by the latest Intergovernmental Panel on Climate Change (IPCC) synthesis report of 2022: “Climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people.”

In March 2023, the UN General Assembly adopted a resolution initially drafted by Vanuatu and another 17 UN member states. It contained a number of passages that underscored the serious global threat of climate change, which it described as “an unprecedented challenge of civilizational proportions.” It stated:

Noting with profound alarm that emissions of

greenhouse gases continue to rise despite the fact that all countries, in particular developing countries, are vulnerable to the adverse effects of climate change and that those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, are already experiencing an increase in such effects, including persistent drought and extreme weather events, land loss and degradation, sea level rise, coastal erosion, ocean acidification and the retreat of mountain glaciers, leading to displacement of affected persons and further threatening food security, water availability and livelihoods, as well as efforts to eradicate poverty in all its forms and dimensions and achieve sustainable development.

The resolution concluded by requesting the ICJ, the judicial organ of the UN, to provide an opinion on two questions. Firstly: “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?”

Secondly: “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?”

The second question included specific reference to “small island developing States, which due to their geographical circumstances and level of development... are particularly vulnerable to the adverse effects of climate change.”

The request further cited “peoples and individuals of the present and future generations affected by the adverse effects of climate change.”

The case is the largest in the history of the ICJ, as measured by the 91 countries that submitted written statements to the court. This is an expression of the

increasingly desperate attempts of those nations most impacted by climate change to seek redress outside the bogus Conference of Parties (COP) talks.

The most recent of these was COP29 held in Baku, Azerbaijan. It concluded with an agreement for “developed” countries to provide \$300 billion a year to “developing” and island countries to offset climate damages. Such a figure is totally inadequate to deal with the climate crisis, as documented in the hearings by states such as Fiji, Bangladesh and Indonesia.

A number of states highlighted the alarming development of climate change and the human suffering it entails. Solomon Islands, for example, explained that five islands have already been lost to sea-level rise, and pointed to the growing number of climate refugees displaced from their homes by such effects.

The Palestine representative noted the climate emissions from military activity. For instance, the first 120 days of the ongoing Israeli genocide on Gaza produced the annual equivalent of greenhouse gas emissions from the 26 lowest-emitting states. Such emissions are not usually reported by the states responsible, which can lead to a vast underestimation of climate impacts in official reports.

The major capitalist powers responsible for a vastly disproportionate amount of greenhouse gas emissions predictably used the hearings to attempt to shirk any responsibility they have, including to mitigate the damage.

The UK Labor government argued that only the existing climate treaties such as the Paris Agreement should have any bearing on a state’s obligations to address the climate crisis.

Sébastien Duyck, a senior attorney at the Center for International Environmental Law, stated in response: “The United Kingdom laid out contemptuous arguments in front of the International Court of Justice with one key goal: escape accountability and responsibilities for decades of climate harms.”

The Australian Labor government, presiding over one of the highest polluting economies via its coal and gas exports, took a similar position, despite continually posturing as a member of the South Pacific “family.” Australian solicitor-general Stephen Donaghue told the court that climate change treaties like the Paris Agreement and the UN Framework Convention on Climate Change were the “primary source of states’ obligations under international law in respect of climate change.”

The UK approach was likewise mirrored by other imperialist governments, including those of the US, Germany, Canada and New Zealand. They aim to restrict any climate obligations to the treaties such as the 2015 Paris Agreement. But it is precisely within this framework that these and other heavily-polluting states have placed the

world on track for over 3° of warming, which represents a catastrophic threat to the planet and humanity.

Workers and young people the world over, like the Pacific Island students, who are gravely concerned by these developments should not expect the ICJ to compel these governments into taking any kind of meaningful action on climate change. For one, the case is an advisory jurisdiction, meaning the ICJ’s opinion—expected sometime in 2025—will be strictly advisory and legally non-binding on the parties involved.

More importantly, the major powers have plainly demonstrated their utter disregard for existing international law. The most recent and barbaric expression of this has been through their unwavering support for the Israeli genocide in Gaza, no matter how many violations of international law are committed.

Nor should any illusions be held in the ICJ itself, or the supposed “moral weight” of any legal opinion. Established in 1945 by the UN after World War II, the ICJ is firmly tied to the capitalist nation-state system, which is the root cause of climate change.

Whatever the verdict of this case, the major capitalist powers responsible for the climate crisis will continue to base their policies not on science, human rights or environmental protection. Instead, the ruling elites and big business will make their calculations based on profit and on enriching themselves.

What is required by the working class globally is instead a break from the institutions that defend the capitalist system as it plunges the world into ecological devastation. The conscious political fight to abolish capitalism is the necessary strategic task to which all workers and young people must orient, as the only path to safeguard Earth and its living inhabitants.



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