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General Assembly Adopts Resolution Requesting International Court of Justice Provide Advisory Opinion on States' Obligations Concerning Climate Change

The General Assembly today adopted by consensus a resolution requesting an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change, with most speakers hailing the move as a milestone in their decades-long struggle for climate justice. The Assembly also adopted a resolution on the role of diamonds in fuelling conflict.

On the former text titled, "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change", the Assembly decided to request the Court to render an opinion on the obligations of States under international law to ensure the protection of the climate system from anthropogenic emissions of greenhouse gases.

The text further requested the Court's opinion on the legal consequences under obligations for States where they, by their acts and omissions, have caused significant harm to the climate system with respect to States, and in particular, small island developing States, and people of present and future generations.

In the ensuing debate, many Member States voiced alarm that the most vulnerable populations who have historically contributed the least to the unfolding climate calamity are being disproportionately affected by the consequences.

The Court's advisory opinion will put a spotlight on the obligation of States to ensure that all countries have a right to a healthy and sustainable environment, the representative of Seychelles said. With small island developing States such as his facing both immediate and slow onset impacts from the rise in temperatures, today's decision is a highly significant one, she said.

Iran's delegate expressed concern that those in the Global North who are responsible for global challenges continue to disregard their obligations. "We can forgive those who were historically involved in degrading our planet and its environment, but we cannot ignore their historical responsibilities and subsequent obligation to fulfill their commitment to redress it," she said. Iran is disappointed

that the final text did not incorporate its suggestion to explicitly request the Court to identify and consider situations and circumstances which also preclude States' required actions.

Sierra Leone's delegate said that his country is highly vulnerable to the adverse effects of climate change and its coastal regions have become more susceptible to torrential rains, flooding, and mudslides. That is why the importance of the request of the Court's advisory opinion on the obligation of States in respect to climate change cannot be overstated.

Alatoi Ishmael Kalsakau, Prime Minister of Vanuatu, was commended by many for organizing the process and tabling the draft text. "The science is settled," he proclaimed, urging the international community to use all tools to address the threat of the climate crisis.

While most countries voiced support for the request of the Court's advisory opinion, a few expressed reservations. The representative of the United States voiced disagreement that the resolution is the best way to reach shared goals. Launching a judicial process, especially given the broad scope of the question, might not be conducive to supporting such diplomatic processes, he said. Successfully tackling the climate crisis is best achieved via diplomatic efforts.

The Assembly in the afternoon adopted a resolution titled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts", by which terms it recognized that the Kimberley Process Certification Scheme helps to ensure the implementation of Security Council resolutions containing sanctions on the trade in conflict diamonds.

By the text's terms, the Assembly called for the full implementation of existing Council measures targeting the illicit trade in rough diamonds and those diamonds which play a role in fuelling conflicts. The Assembly recognized the contributions that international efforts to address the problem of conflict diamonds, including the Kimberley Process, have made and can make to the settlement of conflicts and the consolidation of peace.

Lemogang Kwape, Botswana's Minister for Foreign Affairs, introduced the draft text and commended the Kimberley Process, a mechanism created 20 years ago, for helping prevent the flow of conflict diamonds. "In our country, diamonds are for development," he said, adding that the gem contributes to a third of his Government's revenues.

Most of the African continent is dependent on proceeds from diamond sales, the delegate from Sierra Leone noted. Diamonds represent an industry worth over $81.4 billion per year with more than 50 per cent of global production sourced from that continent alone.

Ukraine's delegate, sounding alarm over Moscow's "genocidal policy" against his country, expressed regret that the resolution did not contain language on the Russian aggression against Ukraine. He did, however, welcome the inclusion of the references in the text regarding sovereignty and conflict prevention.

Also speaking today were representatives of Saudi Arabia, Jordan, Bangladesh, Federated States of Micronesia (on behalf of Pacific Small Island Developing

States), Tongo (on behalf of Pacific Islands Forum), Costa Rica, Trinidad and Tobago, Liechtenstein, New Zealand, Australia, Singapore, Viet Nam, Germany, Uganda, Latvia, Romania, United Kingdom, Mexico, Republic of Korea, Iceland, Portugal, Chile, Norway, Canada, Samoa, Austria, Papua New Guinea, Marshall Islands, El Salvador, Russian Federation, India, South Africa, Belarus, Greece, Ireland, Hungary, Brazil, Colombia, Indonesia, Tuvalu, Slovenia, Antigua and Barbuda, Switzerland, Philippines, Venezuela, China, Israel, United Arab Emirates, South Africa and Fiji, as well as the European Union.

An observer for the State of Palestine also delivered a statement as did a representative from the International Union for Conservation of Nature and Natural Resources.

The General Assembly will reconvene at 10 a.m. on Tuesday, 25 April, for a debate on the prevention of armed conflict.

Report of International Court of Justice

ANTÓNIO GUTERRES, Secretary-General of the United Nations, recalled that earlier this month the Intergovernmental Panel on Climate Change (IPCC) confirmed that humans are responsible for virtually all global heating over the last 200 years. That body's report also showed that limiting temperature rise to 1.5°C is achievable, but "the window is rapidly closing," he warned, adding: "Those that contributed least to the climate crisis are already facing both climate hell and high-water". For some countries, climate threats are a death sentence.

Noting that the General Assembly is considering a draft resolution requesting the International Court of Justice to render an advisory opinion on the obligations of States in respect of climate change, he stressed: "Advisory opinions of the Court — the principal judicial organ of the United Nations — have tremendous importance". Such opinions can provide clarification on existing international legal obligations and could help the General Assembly, the United Nations and Member States take stronger climate action. Such opinions could also guide the actions and conduct of States in their relations with each other, as well as towards their own citizens.

Climate justice is both a moral imperative and a prerequisite for effective global climate action, he emphasized. The climate crisis can only be overcome through cooperation. Festering climate injustice feeds divisions and threatens to paralyze global climate action. "For those on the frontlines already paying the price for global heating they did nothing to cause, climate justice is both a vital recognition and a tool," he said. Noting his Acceleration Agenda to close the emissions gap and massively fast-track climate action, he said that the world has never been better equipped to solve the climate crisis.

ALATOI ISHMAEL KALSAKAU, Prime Minister of Vanuatu, introducing the draft resolution on "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change" (document A/77/L.58) and speaking for a core group of States, said "the science is settled." The anthropogenic emissions of greenhouse gases are the dominant cause of the global warming observed since the mid-twentieth century. While noting that climate impacts and risks are already advanced, especially in low-lying and coastal States, he pointed out that options exist to halve emissions by 2030, thus paving the way for a long-term sustainable limitation of the warming to 1.5°C

while reducing the impact of climate change. On the other hand, the situation might become much worse, he said, noting that his country was struck by two category 4 cyclones earlier this year.

Also noting other cyclones in the region, continued droughts in Sahel, floods in Pakistan and Viet Nam and extreme heat in Canada and southern Europe, he added that the countries hit the hardest are those contributing the least to greenhouse gas emissions. Faced with challenges of such magnitude, the international community must use all tools to address the threat of the climate crisis. While the Paris Agreement on climate change and other frameworks provided a vital platform, the level of ambition and the current nationally determined contributions are still far from achieving the temperature target of 1.5°C. This is why the Core Group of countries wish to seek an advisory opinion from the International Court of Justice on the rights and obligations of States pertaining to climate change, he said. That Court is uniquely positioned to provide an advisory opinion, he said, pointing out that such an opinion is not legally binding but carries legal weight and moral authority.

Noting that the Core Group is cross-regional, with wide-ranging interests and perspectives and levels of development, he added that its members conceptualized the question for the Court by deliberating in great length on the draft before sharing it with the wider membership in November last year. This led to multiple rounds of informal consultations and expert engagement. While "this is not a silver bullet", the text can catalyse higher ambition, he said. The legal questions in the draft represent a careful balance, he noted, adding that at its heart is the desire to strengthen collective action on climate justice. Highlighting the important role of the young law students in the Pacific who inspired this initiative, he hoped that this day will be remembered as the day the peoples of the United Nations, acting through their Governments, decided to set aside their difference and work together to tackle climate change.

The Assembly then adopted "L.58" without a vote.

The floor then opened to statements in explanation of vote or position after the vote.

The representative of Saudi Arabia, speaking also on behalf of Iraq, joined consensus on the draft. This posit ion reflects his country's acknowledgment of the right of States to resort to the Court to request the advisory opinion on all controversial issues. Stressing the need to undertake all efforts to limit climate change, he called on all States to fulfil their obligations. To this end, he pointed to various options to address climate change within climate change accords, including the Paris Agreement, while taking into account the principle of common but differentiated responsibilities.

The representative of Jordan said the resolution is of utmost importance and timely as it touches upon a significant topic that future generations will face. The unprecedented challenge of climate change has the potential to tremendously affect small island developing States as well as landlocked developing States. Jordan underscored the urgency of tackling the issue of climate change globally and urged the Court to consider legal consequences for States that have caused significant harm to the climate system.

The representative of Bangladesh said this is an important milestone in the

decade-long struggle for climate justice. He thanked all Member States for supporting the core group in the common fight against global warming, adding that climate change is an existential challenge for his country as a low-lying coastal State. In addition to sea-level rise and increased frequency of disasters and loss of biodiversity, it has also affected food and economic security in Bangladesh. The economic loss for his country is grossly disproportionate while the country's carbon footprint is negligible, he said. It has also been forcing people to leave their homes leading to widespread displacement within and outside the country, he said, noting that the projected damages from climate change escalate with every increment of global warming. Further, "There's a huge trust deficit in climate financing", he said, noting growing expenditure in military budgets and funding wars and bailing companies. The advisory opinion will help clarify the rights and obligations of all States in this context, he said.

The representative of the Federated States of Micronesia, speaking on behalf of Pacific small island developing States and associating himself with Tonga, on behalf of the Pacific Islands Forum, spotlighted several elements of the draft — including climate justice and equity in the context of legal consequences for loss and damage caused by climate change; the centrality of scientific consensus on climate change; the need for legal clarity to address climate change arising from multiple multilateral instruments and intergovernmental processes; the key interlinkages under international law between climate change and the enjoyment of human rights by individuals and peoples, including Indigenous peoples; and the need for urgent action to counter the existential threat of climate change, including by limiting global temperature increase. These elements are important not only for the Pacific but for the world, he said, urging the Court to address them in its eventual advisory opinion.

He recognized the world's youth for their passion for climate justice, highlighting their initiative to use international law as an instrument to take ambitious actions on climate change. He also commended the approach by Vanuatu and the Core Group to conduct open and transparent consultations that allowed for participation of wide United Nations membership. This draft comes at a time when multilateralism is regaining momentum, he said, adding that its adoption is yet another sign that multilateralism is still one of the most effective tools to solve the problems faced by the international community. The wide support for the text sends an unambiguous signal of States' commitment to protect the climate system and provide a robust answer to the international community, he said.

A representative of the European Union, speaking on behalf of the European Union delegation, said that the bloc is at the forefront of climate action. The Union has been taking determined and decisive steps to reduce its net greenhouse gas emissions by at least 55 per cent by 2030. Furthermore, the Union is the world's biggest contributor of climate finance to developing countries. The bloc is and will remain committed to scaling up assistance to developing countries that are particularly vulnerable to the adverse effects of climate change.

Although legally non-binding, the requested advisory opinion of the Court's has the potential to make a significant contribution to the clarification of the current state of international law, he continued. The European Union recalls the preeminent role of the Paris Agreement and the regular meetings of the United Nations Climate Change Conference in reflecting the most recent expression of States understandings of their commitments and the nature as well as responsibilities with respect to climate change. The Union expects the Court's

advisory opinion to answer legal questions on the basis of the current state of international law and identify and clarify obligations of States under applicable international law. The resolution, however, 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, he added.

The representative of Tonga, speaking for the Pacific Islands Forum, said its leaders have declared a climate emergency in the region. Underscoring the urgency of limiting global warming to 1.5°C, she said the international community needs to achieve rapid, deep and sustained reductions in greenhouse gas emissions. She also highlighted the Forum's Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise and the currently under way Regional Conference on Preserving Statehood and Protecting Persons, which explores legal options and institutional responses to the impacts of sea-level rise in the context of international law.

Turning to the text just adopted, she said "much of this work began with our Pacific youth — whose energy and vision we continue to draw inspiration from, but who also stand to lose the most." Also noting the work of civil society representatives and indigenous peoples in the Pacific region, she called on the global community to embrace the spirit of solidarity demonstrated by today's adoption.

The representative of Costa Rica cited the resolution as "a milestone" for multilateralism in the fight against climate change and "a giant step forward" for international law, climate justice and human rights. Today, the international community is concluding a process that was inspired by the youth of the world, who called for a radical change of course for a viable future. Legal and moral value of this resolution responds to the magnitude of the challenge posed by the triple planetary crisis. The wide support for the draft reflects the clear commitment of States to ramp up climate and environmental action and obtain exhaustive answers from international law to the crucial questions asked in the resolution. Through the resolution, the existential matter of climate change was addressed in an unprecedented context, she asserted, highlighting the importance of intergenerational equity. "Even in the midst of this bleak context, we can see signs of hope," she said, calling on States to step up their efforts.

The representative of Trinidad and Tobago emphasized that the adverse impacts of climate change not only threaten lives but also directly impede aspirations towards achieving sustainable development. "We are running out of time," he said, noting that global emissions have continued to increase and extreme weather events and climate extremes have worsened. Accordingly, in the absence of sustained reductions in carbon emissions, global warming is likely to worsen, with catastrophic consequences, especially for vulnerable communities. Moreover, he voiced extreme concern that the climate finance commitments made by developed countries have not materialized. "We must act now," he asserted, calling for capacity-building and technology transfer to address the effects of climate change and minimize the associated loss and damage, particularly for small island developing States whose existence is being threatened.

The representative of Iran said that climate change has taken its toll on her country in the form of a serious decline in rainfall and increase in temperatures and incidences of sandstorms. However, the final text does not incorporate her delegation's suggestion to explicitly request the Court to identify and consider

those situations and circumstances which also preclude States' required actions. "We believe it is necessary for the General Assembly resolution to ask comprehensive questions for the Court to consider the matter holistically and comprehensively," she added. The current text does not bring this clarity and thus lacks balance on climate change. "We can forgive those who were historically involved in degrading our planet and its environment, but we cannot ignore their historical responsibilities and subsequent obligation to fulfil their commitment to redress it," she stressed. Those in the global North who hold historical responsibility for emerging global challenges continue to disregard their international responsibilities. Moreover, unilateral coercive measures have prevented Iran from accessing vital technologies, knowledge and financial resources. Iran expects the Court to address the obligatory nature of developed countries' international commitments when it comes to their environmental obligations toward the rest of the world, she stressed.

The representative of Liechtenstein said that there is no issue of more pressing global concern than climate change. The 2030 Agenda for Sustainable Development provides a blueprint for the prosperity of the planet and recognizes the interlinkage between the fight against climate change and tackling poverty and hunger. "Today, we have opened a new legal avenue together," he added, also commending young people "for calling on all of us to take up this issue" and Vanuatu's leadership role in this process. The advisory opinion will provide important guidance, including on questions at the intersection of climate change and human rights.

The representative of New Zealand, aligning himself with the Pacific Islands Forum, said the sheer volume of sponsors represents the collective global desire to tackle climate change. The best available science is unequivocal that human influence is warming the ocean, air and land. Noting the devastating impact of this phenomenon, he said that Cyclone Gabrielle caused widespread damage in his country last month, leading to a national state of emergency for only the third time in its history. In the Blue Pacific, climate change is the single most threat to security. Addressing such challenges calls for collective ambition, he said, adding that the Court's opinion can play a helpful role by bringing clarity and coherence to international climate law and it can lift ambition and inspire action. The text reflects careful deliberations, incorporating a diversity of perspectives. The question is broad, but climate change is broad too, he said.

The representative of Australia said: "What a day!" Noting that Vanuatu is recovering from the devastating impact of two cyclones, he expressed support for its people as they recover and strengthen their resilience and commended that country's initiative to bring this resolution to the Assembly. The text will provide an impetus to global efforts to keep the 1.5°C goal within reach. Noting that the broad co-sponsorship reaffirms the shared responsibility of all States, he highlighted the text's priority focus on small island developing States and least developed countries. Recognizing the broad and cross-cutting impact of climate change, he also welcomed the text's potential to accelerate the implementation of the Paris Agreement.

The representative of Singapore, associating himself with Vanuatu, on behalf of a core group of countries, noted that the resolution will result in an advisory opinion and advance the collective multilateral efforts in addressing climate change. Like other small island developing States, Singapore is disproportionately vulnerable to the impacts of climate change and has consistently advocated for solutions founded upon international law to tackle this most existential of global

challenges. Calling for accelerated action, he said that "the planet is at the crossroads". The increasing frequency of extreme weather events around the world and rising sea levels are clear warnings that time is running out. Against this backdrop, he stressed that the international community must use all available tools to address the climate crisis.

The representative of Viet Nam emphasized that never before was any resolution requesting an advisory opinion of the Court been adopted by consensus. Moreover, the text has obtained unprecedented support, she said, citing climate change as "an existential threat that knows no boarders". Despite a strengthened global response to climate change through increased support, the situation is getting worse, she cautioned. In this context, an advisory opinion provides great momentum to global climate action, she noted, highlighting the critical importance of international law in addressing the pressing global issue of climate change.

The representative of Sierra Leone, associating himself with the Core Group, said that climate change is an unprecedented challenge that humanity must tackle now. Sierra Leone is ranked as the third most vulnerable country to the adverse effects of climate change. Its rural population is most exposed as it is highly dependent on agriculture for its livelihood. Meanwhile, the country's coastal regions have become more susceptible to torrential rains, flooding and mudslides. Turning to the Court's role, he said one of its core functions is promoting and clarifying international law. The importance of the request of the Court's advisory opinion on the obligation of States in respect to climate change cannot be overstated, he added.

The representative of Germany, associating herself with the Core Group and the European Union delegation, said that her country takes the challenge of climate change very seriously. For its part, Germany aims to reduce emissions by at least 65 per cent by 2030 compared to 1990. International cooperation is key to achieving the Paris Agreement's commitments, she also added, further recognizing Vanuatu's role in bringing together on one issue a plethora of countries with different perspectives. Having said that, the Core Group could have gone further to make its initiative even stronger to promote climate action, she said. Adoption of the resolution is a strong and clear message of global commitment to climate action and to multilateralism.

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countries with different perspectives. Having said that, the Core Group could have gone further to make its initiative even stronger to promote climate action, she said. Adoption of the resolution is a strong and clear message of global commitment to climate action and to multilateralism.

The representative of Romania, associating himself with the European Union, said the text reflects the unified voice of the Assembly to stand up for the most vulnerable countries and people. Romania has long recognized the negative effects of climate change and the wider implications on peace and security in the world. "Today, we have added a missing link by entrusting the International Court of Justice with clarifying existing obligations," he said. Placing the responsibility of analyzing this crucial topic on the Court is a very clear sign of the full trust the international community has in its professionalism. Beyond its advisory function, the Court is asked more often than ever to play a role in the international community's efforts to preserve peace and stability. With this goal in mind, Romania has presented an initiative to promote broader recognition of the Court's jurisdiction. The text is open for endorsement by all States, he said.

The representative of the United Kingdom said that his country is committed to taking ambitious action to tackle climate change, biodiversity loss and environmental degradation. The United Kingdom is especially proud of its work with small island developing States and least developed countries. He welcomed the Court considering the current obligations of all States under international law to ensure the protection of the global climate system and other parts of the environment from anthropogenic emissions of greenhouse gases and the legal consequences where States by their acts or emissions breached such obligations causing significant harm. By looking at the obligations as they are today the questions are clearly focused on assisting States in understanding these obligations under international law so that they can comply with them in the future and understand the consequences if they breach them. Increasing climate action is a top priority for the United Kingdom, he continued, recognizing the United Nations Framework Convention on Climate Change as the primary intergovernmental negotiating forum for climate action. The Court's advisory opinion may help to refocus efforts to deliver on commitments in this critical decade.

The representative of Mexico underlined that the adoption of the resolution reflects the importance of climate change to the international community, which has strengthened its capacity to better address matters that affect everyone. In this context, he recalled that the International Law Commission is working on rising sea levels in relation to international law, and the International Tribunal for the Law of the Sea has also received a request for an advisory opinion on the impacts of climate change on the oceans. All these processes — including the one under discussion today — have complimentary effects, sending a robust message that it is necessary to urgently address the climate crisis. International law is the best available tool to achieve this goal, he observed, recognizing the advisory role of the International Court of Justice.

The representative of the Republic of Korea stressed that no one in the world is immune to the impacts of climate change and no State is free from the burden of tackling this global crisis. More coordinated efforts from the international community are essential, he noted, highlighting his country's utmost effort to contribute to strengthening climate action. In this context, he pointed to its recently drafted first national plan for carbon neutrality and green growth based upon the Framework Act on carbon neutrality and green growth for coping with

the climate crisis. He recognized that the draft resolution adopted today is intended to provide a better understanding of legal aspects related to climate change, especially the obligations of States. The ensuing process will be advisory in nature with a non-binding outcome. Yet, its opinion would be far-reaching in its implications beyond any limited disputants, he said.

The representative of Iceland said that the text just adopted is part of a collective push for greater climate action. Stressing that the time to act is now, he said his country is committed to an ambitious emission goal and a national carbon neutrality goal. Iceland will achieve carbon neutrality by 2040, he said, adding that it will be fully free of fossil fuels by then. It will also not issue licensing for oil exploration in its exclusive economic zone. Recognizing the crucial role of climate adaptation, he said that his country's multilateral action is committed to climate finance. Iceland participated actively and constructively in the process that led to the adoption of the text, he said, adding that the country is committed to climate action and the primary role of the United Nations Framework Convention on Climate Change and the Paris Agreement.

The representative of Portugal, aligning herself with the European Union, cautioned that time is running out. The international community must act now in this window for securing a livable future, she said, adding that this text is an important tool to incentivize cooperation on climate action. It will bring climate justice to the fore, she added, noting that this is vital, especially for the most affected and most vulnerable. Noting that this initiative supports concurrent efforts on climate action, she reaffirmed her country's support for the peaceful settlement of disputes and the key role of the International Court of Justice. The Court has an important role in clarifying international law, she noted, adding that the historic adoption of this text is a clear testament to the respect that the international community has for the Court.

The representative of Seychelles said that climate change is having detrimental impacts on planetary health and human well-being everywhere. But it is the most vulnerable populations who have historically contributed the least to the unfolding climate calamity that are being disproportionately affected by the consequences. Small island developing States such as Seychelles are facing both immediate and slow onset impacts from the rise in temperatures ranging from extreme weather events to coastal erosion and sea-level rise. Undoubtedly, this renders Seychelles the least resilient and the least able to respond to the severe threats posed by climate change, she said. The Court's important advisory opinion will put a spotlight on the obligation of States to ensure that all countries have a right to a clean, healthy, and sustainable environment.

The representative of Chile said that the resolution strikes a healthy balance between the different positions of delegations. There is a very clear nexus between human rights and the obligations of States to tackle climate change. Chile and Colombia had requested an advisory opinion on the climate from the Inter-American Court of Human Rights in January. This is a precedent that Chile plans to present to the International Court of Justice for its consideration, he said. It is critical that the International Court of Justice provide guidance on the obligations of States. Adaptation cannot be understood as an option when it comes to responding to climate change, he said, stressing that the climate crisis compels Member States to carefully look at their obligations to protect the most vulnerable.

The representative of Norway, noting that all States are vulnerable to the impacts

of climate change, recognized that small island developing States will be among those particularly affected. In its most recent reports, the Intergovernmental Panel on Climate Change estimates that 896 million people from low-lying coastal zones will be especially exposed to changes in the ocean and the cryosphere, notably through sea level rise and associated loss of biodiversity. The changing coastlines may affect the location of maritime limits. National boundaries may be affected and particularly vulnerable States risk losing land territory — the basis for their existence. Furthermore, people may be forced to leave their homes to find assistance and protection abroad. She underlined the importance of improved legal clarity in strengthening States' ability to comply with their obligations in the future. Responding to climate change will require practical as well as legal solutions, she observed, adding that discussions about the legal consequences of climate change must be seen in tandem with political determination.

The representative of Canada highlighted a broad range of measures to reduce his country's emissions by 40 to 45 per cent by 2030. Internationally, Canada is supporting the full implementation of the Paris Agreement and working with global partners to promote concrete action, including through the Global Carbon Pricing Challenge and Powering Past Coal Alliance. Canada has also doubled its international climate finance to $5.3 billion for the 2021-2026 period to support developing countries in the fight against climate change, which includes a commitment of 40 per cent for adaptation finance, supporting local action on the ground, women's rights and the rights of Indigenous peoples. It is important that the International Court of Justice looks at States' obligations in the context of each instrument and principle mentioned in the resolution, he observed, noting that there is currently no internationally agreed understanding of certain concepts referred to in the resolution, such as the right to a clean, healthy and sustainable environment.

The representative of Austria, associating himself with the European Union, said that as a small country, Austria relies on other States' compliance with international law for its own security. "In short, international law keeps our citizens safe," he said, adding also: "We therefore have full sympathy and understanding for States whose existence and security depends on global efforts to address climate change." The resolution will help gain further legal clarity regarding States' obligations on climate change. The Court's advisory opinions can be useful in clarifying legal obligations. Since the process leading to the resolution was inclusive and transparent, Austria expects that a subsequent advisory opinion will have a positive impact in respect to climate change.

The representative of Papua New Guinea, associating himself with the Pacific Small Island Developing States, warned that the stakes are very high. Pacific leaders have declared climate change as the single gravest threat to the livelihood, security, and well-being of the people of the Pacific. It is of critical importance and urgency, therefore, to address the region's vulnerabilities and build resilience to mitigation and adaptation measures. He welcomed "today's milestone consensus" by the General Assembly for theb Court's advisory opinion on the questions posed by climate change. The Court has a critical role to play in promoting stability, equity, and a peaceful settlement of disputes. "We are firmly supporting the role of the [Court] in issuing advisory opinions in accordance with its mandate," he said. The Court's advisory opinion will become the leading authority to which domestic courts look to when framing their own decisions.

The representative of Marshall Islands, associating herself with the Federated States of Micronesia, on behalf of the Pacific Small Island Developing States,

stressed the need to look at a deeper responsibility, and look past divisions at the negotiating table. Global efforts are falling short of what was agreed upon, she said, adding that years of repetition have proven inadequate in implementing common obligations. Pointing to the situation in her country, she said that despite sea levels rising, her Government is tirelessly committed to ensuring a right to remain, and the right of its youngest and future generations to know its proud island nation and its culture. "Those are inalienable rights — they cannot be denied," she asserted. "We cannot afford further silence, however complex the issue," she said, urging robust participation of Member States in the multilateral process.

The representative of El Salvador noted that the adopted draft resolution contributes to international efforts to combat climate change. The triple planetary crisis has many repercussions, including the effective enjoyment of the human right to a clean, healthy and sustainable environment. El Salvador — located in the dry corridor — is highly vulnerable to the effects of climate change and constantly experiences loss and damage which affect the vulnerable populations. Shedding light on the scope of States' obligations to guarantee the protection of climate under international law will facilitate interpretation on exactly how complying with such commitments will systematically boost the protection of human rights. To this end, she called on States to strengthen their support, including through finance, capacity-building and technology transfer to improve the adaptation and mitigation capacities of communities.

Role of Diamonds in Fueling Conflict

LEMOGANG KWAPE, Minister for Foreign Affairs of Botswana, introducing the draft resolution on "The role of diamonds in fuelling conflict: Breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts" (document A/77/L.61), said that the annual consideration of this items is an opportunity to ensure that diamonds remain a force for economic development and not a driver of armed conflict. Highlighting the Kimberley Process Certification Scheme, a mechanism created 20 years ago to prevent the flow of conflict diamonds into the diamond trade, he said that his country presided over its latest session. Noting progress in the promotion of capacity-building for compliance, he said that it is essential to share best practices on this. "In our country, diamonds are for development", he said, adding that the gem is a mainstay of Botswana's economy, a quarter of its gross domestic product (GDP) and a third of Government revenues. The text of this draft resolution is balanced and reflects a shared commitment by Member States to prevent diamonds from fuelling conflict, he said.

ALHAJI FANDAY TURAY (Sierra Leone), speaking on behalf of the African Group, said the text represents the progress achieved in the Kimberley Process over the past 20 years. It notes the challenges faced by diamond-producing countries; calls attention to the positive benefits of the legitimate diamond trade to producing countries; and underlines the need for continued international action on the ethical exploitation, sale and trade of diamonds. The text also calls for enhanced cooperation and assistance to those countries on best practices, capacity-building and compliance, especially on standards, rules, procedures and certification — an area that has long been advocated by African Member States.

Most of the African continent is dependent on proceeds from diamond sales, he stressed, pointing out that diamonds represent an industry worth over $81.4 billion per year with more than 50 per cent of global production sourced

from that continent alone. Since diamonds have an unquestionable importance to Africa's development agenda, most of that continent's States have co-sponsored the resolution with a view to protect the integrity of this sector. The unanimous adoption of the text would reconfirm the importance of the diamonds in promoting Africa's social and economic development, he underscored.

AXEL DE LA MAISONNEUVE, European Union, in its capacity as observer, said diamonds belong to the communities that mine them, not to militias. He recognized the Kimberley Process's contribution to peace and to reducing the amount of conflict diamonds in global trade to less than 1 per cent. "We are meeting in extraordinary times. The Kimberley Process is facing unprecedented challenges," he said. Natural resources must never finance war or human rights abuses. Rather, natural resources must be a source of sustainable growth. The Kimberley Process is deeply rooted in the full respect for State sovereignty. "We cannot but condemn Russia's war of aggression against Ukraine, enabled by Belarus," he stressed, pledging unwavering solidarity to the people of Ukraine. For the Kimberley Process to remain relevant, it is vital for it to be able to address conflict, systemic violence and human rights violations related to the rough trade of diamonds.

ANATOLII ZLENKO (Ukraine), associating himself with the European Union, noted that his delegation decided to support the draft. The Kimberley Process is a unique tripartite platform that brings together Governments, the industry and civil society in a coalition in order to prevent conflict diamonds from entering the diamond trade. However, today, the Process is facing unprecedented challenges, he said, adding that the situation has dramatically changed since 24 February 2022, when the Russian Federation started an unprovoked full-scale invasion of Ukraine, which has direct global implications for the diamond trade. Sounding alarm over Moscow's "genocidal policy" against the Ukrainian nation, he expressed regret that the resolution does not contain language on the Russian aggression against Ukraine. At the same time, he welcomed the inclusion of the references in the text to the respect for State of sovereignty and conflict prevention.

Ms. KEEN (Australia) stressed the need to ensure that the Kimberley Process continues to deliver on its mandate to prevent conflict fuelled by diamonds and to eliminate such diamonds from the legitimate trade. The ongoing efficacy of the Process will depend on its ability to remain relevant to the international environment in which it operates, she underlined, noting that its mandate of conflict prevention must remain central to its deliberations. With regard to Moscow's invasion of Ukraine, she emphasized that aggression cannot be normalized or minimized. Australia will continue to advocate — including through the Kimberley Process — for the Russian Federation to be held account for its illegal invasion.

Mr. REPKIN (Russian Federation), noting Botswana's diplomatic efforts, expressed support for adopting the resolution by consensus. The text that was initially presented was balanced and objective, he said, adding that during discussions, a small group of participants disputed the effectiveness of the Kimberley Process and tried to revise its conclusions. That was the aim of the majority of amendments proposed by the Western counties, he said, noting the flexibility of the rest of the participants. The current text is a forced compromise, he said, adding that some States are trying to destabilize the Kimberley Process to advance their own geopolitical interests to the disadvantage of a broad range of developing countries.

DINESH SETIA (India), noting that diamonds have played a significant role in causing and prolonging conflict in some countries, said that their illicit trade also affects the legitimate trade in that gem. Stressing the importance of considering not just the supply, but also the processing, he said the Kimberley Process Certification Scheme has emerged as a significant mechanism for ensuring that diamonds do not fuel conflict. India is the largest cutting and polishing centre for diamonds, he said, noting that the country is one of the founding members of the Scheme, which has been recognized by the United Nations. The Scheme has had a valuable developmental impact in improving the lives of people dependent on diamond trade, he said, noting various improvements in the text. The Kimberley Process fraternity has helped stem the flow of conflict diamonds, he said, reaffirming support for international efforts to promote the legitimate trade of diamonds.

XOLISA MFUNDISO MABHONGO (South Africa), associating himself with the African Group, voiced his regret over the topic's politicization. All States must return their focus to the key purposes of the Kimberley Process, he said, underlining the need for continued regional and international action to prevent conflict diamonds from negatively affecting the trade of legitimate diamonds. Over the past 20 years of this process, producing countries have put in place legislation and systems to curb the flow of conflict diamonds. For many of these States, the diamond sector is an important catalyst for promoting social and economic development, reducing poverty and achieving the 2003 Agenda for Sustainable Development, he pointed out. In light of this, formulations such as the Kimberley Process must recognize and work closely with regional institutions that seek to determine the fate of diamond development for the benefit of the continent's people. Turning to the Ad Hoc Committee on Review and Reform, he stressed that its approach should lead to an improved Kimberley Process which ensures the fulfilment of its mandate.

AMY MARIE MCNAMARA (United States) said that the text's measures will continue to play a critical role in promoting ongoing efforts to stem the flow of conflict diamonds while also contributing to a new and broadened definition which reflects the evolving nature of both conflicts and realities on the ground. The Kimberley Process must address the new challenges facing the rough diamond supply chain or else it will lose its relevance, she cautioned. She then voiced her regret that the text does not explicitly reference the Russian Federation's war against Ukraine. While it also does not mention the important role of the Central African Republic's panel of experts, her Government nevertheless affirms that the Assembly continues to provide crucial support for the implementation and further evolution of this Process.

SIARHEI MAKAREVICH (Belarus) welcomed the willingness of countries to adopt the resolution by consensus. However, Belarus notes that in the process of discussions and debates, it had come up against several problems. Where technical aspects could have been alleviated constructively, some issues did require special attention because they were openly disruptive in nature. Several States attempted to politicize documents, voicing unfounded accusations against specific countries "knowing full-well that in making those claims, those grievances had nothing to do with the text of the document itself". The unfounded negative references to some countries and documents of this nature, such as the one relating to the Kimberley Process, could set a negative precedence in the adoption of General Assembly resolutions in the future. Belarus categorically opposes this sort of approach, he said.

The Assembly then adopted resolution "L.61" by consensus.

Report of International Court of Justice

The Assembly then resumed it's consideration of the report of the International Court of Justice and opened the floor again to statements in explanation of vote or position after the vote on "L.58", which requested advisory opinion of the International Court of Justice on the obligations of States in respect of climate change.

The representative of the Dominican Republic underscored the importance of the principle of common but differentiated responsibilities with regard to national capacities. "It is now time to give the climate justice the attention it deserves," she said, welcoming the focus of the resolution on the right to a clean, healthy and sustainable environment. She underlined that her country is doing everything that it possibly can to ensure that the advisory opinion of the International Court of Justice materializes as soon as possible. In this context, she said the Dominican Republic is a key stakeholder on a multilateral stage.

The representative of the Solomon Islands, associating himself with Tonga, on behalf of the Pacific Islands Forum States, and the Federated States of Micronesia, on behalf of Pacific Small Islands Developing States, said climate change is the "single greatest threat to the livelihood, welfare and security of the blue Pacific". Last year, Solomon Islands experienced a devastating earthquake causing damages to Government buildings and other infrastructures, he recalled, adding that his country remains under threat from cyclones, tidal waves and sea-level rise. Against this backdrop, international courts and tribunals — the International Court of Justice in particular — should not remain silent bystanders in the formulation and implementation of responses to climate change. He expressed hope that the Court's advisory opinion will be focused on the interests of future generations and that the perspectives of the most vulnerable to climate change.

The representative of Greece, aligning himself with the European Union, said that greenhouse-gas emissions are rising at an alarming rate and that this, along with extreme weather events, is affecting all countries — particularly least developed and small island developing States. Noting that the International Court of Justice can exercise its advisory jurisdiction to provide the international community with an authoritative state of the law regarding Member States' obligations, he said that the Court is well-placed to provide normative guidance on international obligations relating to climate change.

The representative of Ireland, aligning himself with the European Union, supported the initiative, as evidence clearly shows that climate change is one of the defining challenges of the times. Its consequences are being disproportionately felt by developing and small island developing States, and he stressed the importance of using all available fora to address the urgent challenges associated with this phenomenon. He reiterated the primary role of the Paris Agreement and the United Nations Framework Convention on Climate Change in addressing these challenges, also urging the Security Council to address climate-related security risks.

The representative of Hungary, aligning herself with the European Union, said she looked forward to the legal assessment of the International Court of Justice about

the civilizational challenge of climate change. Underlining the importance of intergenerational equity on the issue, she noted that her country was the first State that referred to the interests of future generations before the Court in the Gabčíkovo-Nagymaros case. Hungary expects that the Court will give a specific reply to the General Assembly's request, as "a reply that is too succinct or vague might adversely affect the promotion of the individual and collective action of States to prevent climate change". Noting that the need for the environment's protection has prompted the generation of general principles and rules whose content is unclear, she said that clarification on the duty of care towards the environment would be especially helpful for States to identify the contours of their obligations.

The representative of Brazil, welcoming the adoption of the paradigmatic resolution, noted that justice was the missing piece in the puzzle that was the fight against climate change. Underlining the need to overcome differences in advancing climate action efforts, he noted "major trust drawbacks that risk stalling future engagement by all countries" since the United Nations Framework Convention on Climate Change was opened for signature in 1992. The Kyoto Protocol target for developed countries to reduce their aggregate emissions by 5 per cent by 2012 was never achieved, derailing the global response to climate change. Brazil regards as a necessary implication of the text adopted today that the material scope of the Court's advisory opinion will encompass responsibilities for historical emissions, the principle of common but differentiated responsibilities, and all unfulfilled obligations by developed countries under relevant international law. Failing to address such issues and their implications for developed countries' current obligations and responsibilities would both detach the advisory opinion from the broader normative and political context upon which the request is based and deprive it from a comprehensive outlook of the sources of international law applicable to the matter, he added.

The representative of Tuvalu, aligning himself with the Pacific small island developing States and the Pacific Islands Forum, emphasized that an advisory opinion provides the moral punch that the world needs to establish international consensus and responsibility. "The climate crisis is here — widespread loss and damage [are] a reality today," he underscored, stressing that all must do the right thing by providing the Court with the information it needs to produce an optimal advisory opinion. "Let us not only mark this day as a positive step forward but let us also commit ourselves to leave a positive legacy for future generations and work to ensure that no nation — no matter how small or vulnerable — is left behind," he said.

The representative of Slovenia, explaining his country's support as a co-sponsor, emphasized that the Court is well positioned to provide clarity to all States on their legal obligations. While its advisory opinion is non-binding in nature, it can nevertheless further encourage the continued pursuit of ongoing international instruments to tackle climate change. It can also encourage States to revise, enhance and strengthen domestic environmental law and policies. Collectively, these may yield greater action and accelerated progress in addressing the climate crisis, he pointed out.

The representative of Antigua and Barbuda, associating with Vanuatu, on behalf of a core group of countries, said that his country has had a particularly difficult time coping with the negative impacts associated with climate change, including extreme events of intensifying hurricanes and cyclones, longer sustained droughts, floods and weather systems falling outside the traditional pattern of

seasonal weather. Moreover, Antigua and Barbuda is facing ocean acidification and sea-level rise, he said, reiterating his Government's commitment to tackling the issues created by climate change through different international fora. Against this backdrop, international investigation into climate change is crucial, he said, adding that the adoption of the resolution will give mandate to the International Court of Justice to provide an advisory opinion that addresses the climate change issue and its interplay on multiple fronts.

The representative of Switzerland, calling climate change "an unprecedented challenge to our civilization", said the resolution applies to all States, both the most vulnerable and those that can contribute most to the fight against climate change. She also commended the inclusion of human rights and the explicit reference to the right to a clean, healthy and sustainable environment, adding that it is essential that actions against climate change are based on human rights. However, she pointed out that the draft seems to suggest that the Court should only consider the legal consequences of past actions and omissions that have caused significant damage to the climate system and the environment. Yet, present and future actions and omissions will have additional consequences for the climate system and will cause additional damage. It is therefore important that the Court also considers the legal consequences of present and future actions and omissions, she asserted.

The representative of the Philippines expressed hope that the request to the International Court of Justice will be prioritized, and that the Court will provide guidance regarding States' obligations under international law to ensure that the climate system is protected from anthropogenic emissions. He also urged the Court to outline the legal consequences flowing from these obligations for States that have caused significant harm to the climate system or the environment. Such guidance could facilitate increased international cooperation, including increased access to climate resources — particularly for vulnerable countries. He added that the request to the Court is consistent with the Manila Declaration on the Peaceful Settlement of International Disputes.

The representative of the Russian Federation said that his country has consistently supported resolving the global problem of climate change, and that it assumes the International Court of Justice will carry out its work in strict compliance with its mandate. The Court should focus on clarifying applicable norms of international law, and he underscored that its approach to this question cannot — and must not — lead to a revision of climate instruments such as the United Nations Framework Convention on Climate Change and the Paris Agreement. He added that addressing climate change requires a comprehensive approach — one that is not reduced purely to the problem of anthropogenic greenhouse-gas emissions.

The representative of Venezuela said while his country joined the consensus that allowed the adoption of the text without a vote, the real solution to the climate crisis lies in changing the system, including the current predatory model and the unsustainable pattern of consumption that has worsened the situation of vulnerable countries. Underscoring the principle of common but differentiated responsibilities, he called on developed countries to urgently comply to the letter with their commitments under the United Nations Framework Convention on Climate Change and the Paris Agreement, adding: "Inaction only translates to destroyed ecosystems, extinct species and makes impossible the human right to a clean, healthy and sustainable environment a reality for all." Venezuela wishes to place on record its reservation to references in the text to international

instruments they are not party to, including the 1982 United Nations Convention on the Law of the Sea, he said.

The representative of China said that over the past three decades, the international community has found consensus amid heated debates on climate change, pertaining to the historical responsibility of developed countries and the poverty-reduction needs of developing countries. The international community has created a well-developed international global cooperation and legal system to tackle the issue, with the United Nations Framework Convention on Climate Change as the main channel. China supported the resolution's call on the international community to strengthen climate action and respond to the legitimate demands of developing countries; however, it has a reservation with the draft text itself, as its operative paragraphs do not reflect the principles of equity, common but differentiated responsibility, and respective capabilities. When discussing climate change, the Court should safeguard the principles of the Framework Convention and Paris Agreement and assist with advancing their implementation, rather than interfering with the global climate governance process.

The representative of Israel, congratulating Vanuatu for spearheading this initiative, said that according to paragraph 5 of Assembly resolution 52/250 on "Participation of Palestine in the work of the United Nations", the State of Palestine has the right to co-sponsor draft resolutions and decisions on Palestinian and Middle East issues. It is evident that the current resolution does not pertain to that topic, he said.

The representative of the United Arab Emirates, noting that the international community can benefit from the guidance of the United Nations principal judicial organs, said this request for an advisory opinion will spur ambition on climate action at this crucial time. The international community must ensure that the most vulnerable who have done the least to cause climate change are protected. Highlighting the principle of State sovereignty, he added that State obligations vary in respect of the instruments to which they have consented to be bound. Expressing hope that the Court will consider the principles of equity and common but differentiated responsibilities and the special needs of developing countries, he said it must also investigate the impact of climate change on women and girls.

The representative of South Africa welcomeed the resolution because it highlights the urgency of addressing the global climate change crisis while sending the strong message that all States are required to act. However, he said he would have preferred that guiding questions recognize historical responsibility as the starting point for any discussions on State liability. Developing countries such as South Africa notably undertake their climate actions in the context of sustainable development, the inalienable right to development and just transitions, he pointed out, underlining the frustration these States feel when their developed partners do not honour legal commitments. Structures and processes already exist under the United Nations Framework Convention on Climate Change on raising collective ambition, accelerating action and addressing deficiencies in a non-punitive and non-prescriptive manner, he noted.

The representative of Fiji, aligning herself with the Pacific small island developing States and the Pacific Island Forum, said that this day will be etched in history and remembered by generations for the small victory in the battle against climate change. Since climate change is the defining crisis of the time, States must take bold steps to reduce if not eliminate their carbon footprint. At the same time,

their development aspirations must be sustainable to meet the set goal of limiting the planet's warming to 1.5°C. She reaffirmed her Government's commitment to achieve net zero greenhouse gas emissions by 2050 and spotlighted its legislation to that end. Noting that the Earth's resources have been widely acknowledged as global commons, she stressed: "It is now time that we adopt a similar approach towards the planet, which is our common home."

An observer for the State of Palestine warned that the immediate survival of humanity is in jeopardy due to climate change. The sea and the ocean are becoming an existential threat due to climate change, he said, voicing concern over desertification and droughts that are bringing death upon people. Most countries with zero carbon emissions are victims but are not responsible for climate change. The future is no longer uncertain; on the contrary, what countries at the forefront of climate change are experiencing today, humanity as a whole will experience tomorrow — if it does not make decisions necessary for its own survival. The adoption of this historic resolution embodies the conviction that humanity will rise to the challenge by upholding its obligations. This initiative of the Court will put climate where it belongs — at the centre of the United Nations agenda, he asserted.

The representative of the International Union for Conservation of Nature strongly supported the request to the International Court of Justice to render an advisory opinion on the obligations of States under international law to ensure the protection of the climate system. He also supported the request on the clarification of legal consequences where significant harm has been caused to the climate system, in particular with respect to small island developing States, as well as for present and future generations. Legal obligations of States regarding protecting the climate system are central to global environmental governance, he said, noting that many open questions of international law remain on specific obligations, such as the rights of future generations or the protection of particularly vulnerable States, peoples and communities in the context of climate harm. An advisory opinion by the Court would provide guidance for States in the context of global climate and nature justice, he observed.

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