

G78 Praises ICJ Opinion on States' Obligations on Climate Change

On July 23, 2025, the International Court of Justice issued an advisory opinion confirming that states violating international treaties and conventions as well as customary legal practices and norms on climate change are open to legal action for damage caused to the environment and to people.

This opinion applies particularly to the failure to regulate greenhouse gas emissions by the fossil fuel industry.

The ruling has been described as a “David vs. Goliath” victory by the World’s Youth for Climate Justice and Pacific Islands Students Fighting Climate Change, whose joint activism triggered the 2023 United Nations resolution requesting the Court’s opinion on states’ obligations on climate change and, in the process, has reshaped international legal discourse.

Group of 78 Vice Chair Susan Tanner argues that “the ruling of the international Court of Justice has important implications for climate policy and climate action in Canada and around the world. Major projects must address environmental and social imperatives or face legal challenges that will now have a stronger basis in international law. From the Arctic and Indigenous communities to the upcoming COP 30 in Brazil, the ICJ’s opinion—especially its explicit calling out of the fossil fuel industry—will reverberate widely and deeply.”

Prof. Michael Byers, a former G78 board member, writing recently in *The Globe and Mail*, observes that: “For Canadian oil and gas companies, it means that a wave of climate-damage cases could soon be headed their way, in domestic courts in Canada and around the world.” He urged Prime Minister Mark Carney to pay close attention to the ICJ opinion as his government moves major projects forward.

Beyond Canada, Leah Darbyson, G78 researcher and international affairs graduate student, emphasizes the ruling’s implications for climate-driven migration and global stability. She notes that by affirming states’ obligations to prevent harm and protect vulnerable populations, the ICJ provides a legal foundation for addressing displacement by anthropomorphic climate change as both a human rights imperative and security concern.

For Darbyson, the opinion underscores that managing climate-induced mobility – including cross-border flows, internal displacement, and the plight of “trapped populations” – will be a defining challenge for multilateral governance to prevent escalating regional instability. This makes coordinated adaptation and protection frameworks a critical test of states’ due diligence under international law.

Writing in *Canada for the National Observer*, Chris Hatch highlights the importance of the International Court of Justice in supporting domestic climate litigation. He notes that there are nearly 3,000 climate-litigation cases worldwide. He also spotlights the frequent use of “f-bombs” in the ICJ opinion—referring here to the Court’s frequent references to the fossil fuel industry as the prime culprit causing climate change.

The case of seven young people and non-profit Ecojustice suing the Ontario government for its backsliding on climate targets and policies was profiled at the G78's climate conference last year. Ecojustice lawyer Fraser Thomson, quoted in the National Observer, predicts: "We believe it's really a matter of time before a court in Canada finds there is a violation of our Charter rights when governments fuel the climate crisis."

Further Reading

Read a detailed summary of the ICJ opinion here: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-sum-01-00-en.pdf> and the National Observer article here: <https://www.nationalobserver.com/2025/07/28/opinion/world-court-climate-ruling-zero-carbon>

Access more information on the work of World's Youth for Climate Justice here: <https://www.wy4cj.org/> and Pacific Islands Students Fighting Climate Justice here: <https://www.pisfcc.org/>

Michael Byers' opinion piece on the implications of the ICJ ruling for Canadian infrastructure projects was published in The Globe and Mail on July 28, 2025.