

C O N F E R E N C E

Climate Change and International Law: The Promise of an Advisory Opinion from the International Court of Justice

The Hague, 20 - 21 June 2022

A Joint Initiative of
Blue Ocean Law
Leiden University

In recent years, climate litigation has become an important instrument to demand and enhance climate commitments made by governments. This trend has been accompanied by a wave of human rights-based climate litigation, integrating human rights considerations with climate responsibilities. The rise in climate litigation cases has made domestic and regional courtrooms increasingly important venues for addressing climate change around the world.

However, a key gap remains. The International Court of Justice (ICJ), the world's highest court, has yet to weigh in on the imminent challenges of climate change. No contentious case directly related to climate change has ever gone before the ICJ, nor has the ICJ provided guidance through an advisory opinion.

Recognising the urgency of the climate crisis for the Pacific region, and responding to a youth-led grassroots movement, in September 2021 Vanuatu's Prime Minister, Hon. Bob Loughman, formally launched a campaign for an Advisory Opinion on climate change from the ICJ. Vanuatu sees this initiative as an opportunity to clarify the legal obligations of all countries to prevent and redress the adverse effects of climate change, and to raise awareness about the impact of the climate crisis while also recognizing that climate change is disproportionately felt by persons in vulnerable situations, particularly those living in geographically vulnerable developing countries.

This conference, to be held 20-21 June 2022 in The Hague at the Peace Palace, will discuss the prospects for the advisory opinion campaign, and the potential impact of new guidance on climate change from the ICJ. It will focus on the rationale behind this initiative and its potential to contribute to strengthened legal protection for present and future generations against the threats posed by climate change. As part of a deeper scene-setting effort, the conference will also explore legal developments in the field of climate change from a comparative and international perspective, focusing both on litigation in national and regional courts, as well as developments at international human rights monitoring bodies.

The first conference day will focus on landmark judgements at the domestic level, like *Urgenda v The Netherlands*, *Leghari v Pakistan* and *Demanda Generaciones Futuras v Minambiente*, and more recent decisions from international bodies, such as *Sacchi v Argentina*. A panel will discuss the role of domestic and international courts and bodies in enforcing climate change law. The second day will focus on the possibilities of invoking the advisory jurisdiction of the ICJ to address climate change, as proposed by the Republic of Vanuatu. Panelists will discuss the formulation of the question that could be posed to the Court, the nexus with climate negotiations, and the impact of such an initiative on ongoing and future litigation.

The conference will bring together international legal scholars and practitioners, including advocates involved in climate litigation and stakeholders in emerging legal initiatives to address climate change through adjudication. The conference proceedings will not only provide fresh insight into the potential for the progressive development of international law in the face of climate change, but also provide normative and strategic guidance to ongoing and future legal initiatives to bring climate change before international courts and tribunals.

DAY ONE

12.00 – 13.00	Registration
13.00 – 13.15	Opening
13.15 – 13.30	Introduction to the conference
13.15 – 13.45	Keynote Speech
13.45 – 15.15	Panel 1: <i>Urgenda</i> and the ‘human rights turn’ in climate litigation
15.15 – 15.45	Coffee break
15.45 – 17.15	Panel II: Bringing climate change before international courts and tribunals
17.30 – 18.30	Reception
18.30	Dinner

DAY TWO

10.00 – 11.15	Panel III: Potential Advisory Opinion from the International Court of Justice on climate change
11.15 – 11.30	Coffee Break
11.30 – 12.45	Panel IV: Climate change and the International Court of Justice: Youth perspectives
12.45 – 13.00	Closing remarks