

October 27, 2022

President of the General Assembly, Excellencies, Ladies and Gentlemen,

I am making this Statement on behalf of a Group of states including Antigua & Barbuda, Bangladesh, Costa Rica, Federated States of Micronesia, Morocco, Mozambique, New Zealand, Portugal, Samoa, Sierra Leone, Singapore, Uganda, Vanuatu, and Vietnam.

On behalf of a Core Group¹ of states, that comprise but are NOT limited to the above mentioned states, we are pleased to announce that we will be bringing a draft resolution to the General Assembly requesting an Advisory Opinion from the International Court of Justice (ICJ) on climate change as it specifically affects small island developing States and other developing countries particularly exposed to the adverse effects of climate change.

Climate change, driven by anthropogenic emissions of greenhouse gases, is the defining challenge of our times, and one of the most complex in human history!

The impact on small island developing states (SIDS) is particularly acute due to their exposure to extreme weather events, such as tropical cyclones, and slow onset events, such as sea-level rise, and the ensuing socio-economic consequences, including population displacement and possibly the loss of territory.

However, the impacts of climate change are not limited to SIDS, and as we have seen this past year the whole world is vulnerable. This year alone, we saw the widespread destruction caused by flooding in Costa Rica, and Pakistan, and the deaths caused by unprecedented heatwaves in Europe. These events overlap with already worsening droughts and food security in Africa.

Faced with a challenge of such magnitude, it is the strong belief of the Core Group that humanity must leave no stone unturned in its effort to address the climate crisis. The Paris Agreement has provided an invaluable platform for cooperation and action on climate change, but as we all know the level of ambition under current nationally determined contributions is still far from what is needed this very decade to rise to the challenge. It is in this context that the Core Group is taking this initiative to the ICJ and seek an Advisory Opinion to clarify the rights and obligations of states under international law as it pertains to the adverse effects of climate change. We believe and are committed to the values of multilateralism, values that bring us at the UN together to work for a better future, and that this initiative is consistent with those values.

A core function of the ICJ, one of the six main organs of the United Nations, is to render Advisory Opinions on legal questions put to it by the UN General Assembly in accordance with Article 96 of the UN Charter. In contrast with its dispute settlement function, where the ICJ decides a specific dispute between two or more States, in the exercise of its advisory function, the ICJ clarifies what international law requires on a given question. Advisory Opinions of the ICJ are therefore general statements by the principal international judicial body regarding the

¹ Core Group: Antigua & Barbuda, Bangladesh, Costa Rica, Germany, Liechtenstein, Federated States of Micronesia, Morocco, Mozambique, New Zealand, Portugal, Samoa, Singapore, Sierra Leone, Uganda, Vietnam, and Vanuatu

state of international law on a given question, and they command tremendous legal and symbolic authority.

Given the profound ramifications of climate change on multiple aspects of human life, the work of the General Assembly in the area of climate change would greatly benefit from authoritative advice on the legal implications of climate change encompassing the UNFCCC and its related agreements as well as, more generally, a wider body of norms from both treaty and customary international law relevant to climate change.

Members of the United Nations would also benefit from such advice at the present moment in history, given the need to urgently take ambitious measures to curb emissions of greenhouse gases within the narrow window of opportunity that remains to avert catastrophic climate change. An opinion of the International Court of Justice could, among other things:

- clarify the rights and obligations of States in respect of the adverse impacts of climate change on small island developing states and other climate vulnerable states, in particular, thereby facilitating international cooperation in this area;
- encourage States to reflect their highest possible level of ambition, in keeping with the principle of common but differentiated responsibilities and respective capabilities in light of their different national circumstances, in preparing their NDCs under the Paris Agreement and supporting climate action;
- clarify the due diligence requirements relating to climate action for emitters of greenhouse gases— past, present and future, and
- clarify the implications for the human rights of present and future generations.

In terms of procedure; the zero draft of the resolution will be finalised by the core group over the next few weeks. Informal consultations will be undertaken on the draft resolution before it is tabled for action.

The world is at a crossroads and we, as world leaders, have an obligation to take action that preserves and protects the planet for future generations. As we proceed in the next few months we welcome the memberships engagement and support as we seek to take the world's largest problem to the world's highest court.