To be delivered by Prime Minister Alatoi Ishmael Kalsakau, The Republic of Vanuatu

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

I am making this statement on behalf of a Core Group of States that includes Angola, Antigua & Barbuda, Bangladesh, Costa Rica, Germany, Liechtenstein, the Federated States of Micronesia, Morocco, Mozambique, New Zealand, Portugal, Romania, Samoa, Sierra Leone, Singapore, Uganda, Viet Nam and my own country Vanuatu.

We are pleased to introduce this draft resolution entitled “Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change”. We would also like to express our gratitude and deep appreciation to the membership for their active engagement and support as we navigated this process.

Climate change is the defining existential challenge of our times. The science is settled. In its Sixth Assessment Report, the Intergovernmental Panel on Climate Change (IPCC) states, in the clearest terms, that ‘anthropogenic emissions of greenhouses gases are unequivocally the dominant cause of the global warming observed since the mid-20th century’. The evidence demonstrates that climate impacts and risks are already advanced, including in low-lying coastal cities and settlements and small islands. At the same time, the IPCC underlines that in all sectors, options exist to at least halve emissions by 2030, thus paving the way for a long-term and sustainable limitation of global warming to 1.5°C as well as reducing the impact of climate change.

The global impact of climate change has been devastating to many countries and populations around the world, and the prospect that, in the absence of bold and immediate action, the situation may become much worse is profoundly unsettling. My own country Vanuatu, earlier this month, was hit by two consecutive Category Four cyclones within days of each other. In Mozambique, a record-breaking cyclone Freddy battered Mozambique barely weeks ago, after the cyclone made two landfalls in a month, breaking records for the duration and strength of tropical storms in the southern hemisphere. Moreover, there is continued droughts in the Horn of Africa and the Sahel, centenary floods in Bangladesh, Pakistan and Viet Nam, but also extreme heat in Canada and Southern Europe last summer, not to mention the floods in Germany – all causing death and destruction. The countries hit the hardest are often those contributing the least to global greenhouse gas emissions. Sadly, catastrophic and compounding impacts of climate change like this are growing in number around the world.

Faced with challenges of such magnitude, it is the firm belief of the Core Group that we must use all the tools at our disposal to address the climate crisis and its threats to human, national and international security. The UN Framework Convention on Climate Change and the Paris Agreement have 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 to achieve its temperature target of limiting the increase of global average temperature to 1.5°C above pre-industrial levels. It is in this context that the Core Group is leading the initiative to seek an advisory opinion from the ICJ to clarify the rights and obligations of States under international law in relation to the adverse effects of climate change, especially with respect to SIDS and other developing countries particularly vulnerable to the adverse effects of climate change, and importantly to achieve climate justice.

As the principal judicial organ of the United Nations, and a judicial body considered a ‘World Court’, the ICJ is uniquely positioned to make this contribution. An advisory opinion is a constructive and unconfrontational route to pursue such an initiative. It is not legally binding; however, it does carry enormous legal weight and moral authority. We believe the clarity it will bring can greatly benefit our efforts to address the climate crisis and could further bolster global and multilateral cooperation and state conduct in addressing climate change.

The Core Group is, in many ways, representative of the UN membership: cross regional, with wide-ranging interests, perspectives and levels of development. A task of this Core Group was to conceptualize and balance the text of the resolution and legal questions to go to the ICJ. The Core Group deliberated in great depth and length on the draft resolution before sharing it with UN membership in November of 2022. This then led to a presentation of the text by the Core Group followed by three rounds of informal consultations and several informal expert consultations and engagements with the broader membership. These consultations were used to gather comments and feedback to input into what is now the final text we present before you. The intense and engaged negotiations within the Core Group as well as with the broader UN membership were an indication of the importance of this initiative but also of the collective desire to work towards addressing the climate crisis. This is not a silver bullet, but it can make an important contribution to climate action, including by catalyzing much higher ambition under the Paris Agreement.

The legal questions contained in the draft resolution represent a careful balance achieved after extensive consultations while safeguarding its integrity. At the heart of the question is a desire to further strengthen our collective efforts to deal with climate change, give climate justice the importance it deserves, and bring the entirety of international law to bear on this unprecedented challenge. We believe the ICJ can do this!

This initiative builds upon prior endeavors and our efforts stand on the shoulders of those who first began this conversation. I also want to highlight the important role of the young law students in the Pacific who inspired this initiative and who brought this to the attention of the Vanuatu government in 2019. This initiative has spurred a movement around the world, and we celebrate the efforts of these groups in broadening awareness and mobilizing support for this initiative.

The world is at a crossroads and we, as representatives of the international community, have an obligation to take urgent action to protect the planet. We believe and are committed to the values of multilateralism, values that bring us at the UN together to work for a better future. This initiative is an embodiment of those values. We seek the support of all Member States present today to adopt this resolution. This resolution and the advisory opinion it seeks will have a powerful and positive impact on how we address climate change and ultimately protect the present and future generations. Together, we will send a loud and clear message, not only around the world but far into the future. That on this very day, the peoples of the United Nations, acting through their governments, decided to leave aside differences and work together to tackle the defining challenge of our times, climate change.
Finally, we want to thank the 120* countries that have joined in sponsoring this resolution and we humbly encourage all others to do so. Thank you! (Tankiu tumas)