

Jahn | Vinken | El Mahmoud [eds.]

The ICJ Advisory Opinion on Climate Change

At the Forefront of the Structural
Transformation of International Law

A Collection of Essays



Nomos

Beiträge zum
ausländischen öffentlichen Recht und Völkerrecht

Edited by
the Max Planck Society
for the Advancement of Science
represented by Prof. Dr. Armin von Bogdandy
and Prof. Dr. Anne Peters

Volume 349

Jannika Jahn | Moritz Vinken
Khaled El Mahmoud [eds.]

The ICJ Advisory Opinion on Climate Change

At the Forefront of the Structural
Transformation of International Law

A Collection of Essays



Nomos

Open Access funding provided by Max Planck Society

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

1st Edition 2026

© The Authors

Published by

Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3–5 | 76530 Baden-Baden
www.nomos.de

Production of the printed version:

Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3–5 | 76530 Baden-Baden

ISBN (Print): 978-3-7560-3694-3

ISBN (ePDF): 978-3-7489-6837-5

DOI: <https://doi.org/10.5771/9783748968375>



Online Version
Nomos eLibrary



This work is licensed under a Creative Commons Attribution 4.0 International License.

Table of Contents

Introduction

Moritz Vinken, Jannika Jahn, Khaled El Mahmoud

Climate Change at the Forefront of the Structural Transformation of International Law	9
---	---

Part I: Recalibrating the Sovereignty/Community Interest Divide

1. <i>The Advisory Opinion and the Systemic Integration of International Law through Climate Change</i>	21
---	----

Andrej Lang and Denise Koecke

Rising to the Occasion: The World Court as Architect of a Harmonious International Climate Law Framework	21
---	----

Phillip Paiement and Corina Heri

Strengthening International Climate Obligations Beyond Paris: Situating the ICJ's Opinion within a Comparative Legal Context	35
---	----

Christina Voigt

The ICJ and the UN Climate Regime: Clarifying Mitigation Obligations under the Paris Agreement	45
--	----

Rozemarijn Roland Holst

Climate Change Law and the Law of the Sea: Systemic Impacts of the ICJ and ITLOS Advisory Opinions Read Together	61
--	----

Table of Contents

Helen Keller

A Right to a Clean, Healthy and Sustainable Environment – or perhaps not (yet)? 67

Malavika Rao

Climate Displacement in the ICJ's Advisory Opinion: Recognised but not Resolved 73

Andreas Kulick

Great Expectations 85

Khaled El Mahmoud

One Climate, Many Courts:
The ICJ Advisory Opinion on Climate Change, Systemic
Integration, Cross-Judicial Law-Making, and Interjudicialism 93

Juan Auz

The Legal Consequences of Climate Harm: Complementarity
Between the Advisory Opinions of the International Court of Justice
and the Inter-American Court of Human Rights 105

2. *The Proceduralisation of International Environmental Law and
its Turn to the Future.* 115

Jutta Brunnée

The Advisory Opinion on *Obligations of States in Respect of Climate
Change*: Harm Prevention under Customary International Law 115

Jochen Rauber

Custom, Entrenchment, Interpretation – How the ICJ's Advisory
Opinion on Climate Change Contributes to International Law's
Turn Toward the Future 123

David M Scott

Timing the Environment in International Law: Reflections on
Temporality in the Three Advisory Opinions on Climate Change 129

Jannika Jahn, Nele Suchantke

The ICJ Advisory Opinion on Climate Change: From Carbon Sovereignty to Trusteeship of the Climate Commons	139
---	-----

Part II: International Law Beyond the State: A Gradual Softening of the Public/Private Dichotomy

Harro van Asselt

The Private Life of the ICJ Advisory Opinion on Climate Change	149
--	-----

Lillian Robb and Vishal Prasad

Both a 'Global' and an 'International' Court of Justice	159
---	-----

Rashmi Dharia

'Vanishing Yams' A Food Microhistory in the <i>Climate Change</i> Advisory Opinion	169
---	-----

Part III: The Integration of Science into Law

Katalin Sulyok

On the Science-Coloured Glasses of the ICJ: Harmfulness, Wrongfulness, and Climate Accountability	189
---	-----

Part IV: Re-negotiation of the Postcolonial International Legal Order

Lovleen Bhullar

The Advisory Opinion on Climate Justice and the 'Global North-South Divide'	199
---	-----

Table of Contents

Dave-Inder Comar

The ICJ's Historic Nod to Self-Determination and Climate Change Impacts	209
---	-----

Conclusion

Jannika Jahn, Moritz Vinken, Khaled El Mahmoud

The ICJ and the Climate Commons: Cautious Transformations in the Structural Architecture of International Law	217
---	-----