

# Can the International Court of Justice Shape Global Climate Action Through Law, Authority, and Accountability?

Anik Novita <sup>a✉</sup>, Eky Lestari <sup>a</sup>, Tajudeen Sanni <sup>b</sup>, Kanya Srisawat <sup>c</sup>,  
Zhang Min <sup>d</sup>, Ridwan Arifin <sup>e</sup>

<sup>a</sup> Center for Climate Justice,

Faculty of Law, Universitas Negeri Semarang, Indonesia

<sup>b</sup> Center for Transformative Environmental and Maritime Law,

Villa College, Male, Maldives

<sup>c</sup> Mahidol University, Thailand

<sup>d</sup> Tsinghua University, China

<sup>e</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ Corresponding email: [aniknovita@unnes.ac.id](mailto:aniknovita@unnes.ac.id)

## Abstract

Climate change presents an unprecedented challenge to the international legal order, raising urgent questions about responsibility, compliance, and enforcement. This article examines whether the International Court of Justice (ICJ) can meaningfully shape global climate action through its legal authority and judicial functions. It analyzes the Court's potential role in clarifying states' obligations under international law, particularly in relation to environmental protection, human rights, and the principle of due diligence. By assessing both contentious cases and advisory opinions, the article explores how the ICJ may influence state behavior even in the



Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. (CC BY-SA 4.0). All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

absence of direct enforcement mechanisms. The study situates the ICJ within the broader framework of international climate governance, including treaties such as the United Nations Framework Convention on Climate Change and the Paris Agreement. It evaluates how the Court's interpretations of customary international law, state responsibility, and transboundary harm could contribute to greater legal accountability for climate-related conduct. Particular attention is given to the growing momentum behind climate litigation and recent initiatives seeking advisory opinions on states' climate obligations. While acknowledging institutional limitations—such as jurisdictional constraints, state consent, and political resistance—the article argues that the ICJ possesses significant normative power. Its judgments and opinions can shape legal discourse, influence domestic courts, and strengthen the legitimacy of climate obligations under international law. Ultimately, the article contends that the ICJ can play a transformative, though indirect, role in global climate action by reinforcing legal standards, enhancing accountability, and contributing to the development of a coherent international response to climate change.

**KEYWORDS** *International Court of Justice, Climate Change, Climate Justice, Authority*

## Introduction

Climate change has emerged as one of the most profound and complex challenges confronting the international community, transcending borders, legal systems, and traditional notions of state responsibility.<sup>1</sup> Its impacts—ranging from rising sea levels to extreme weather events—pose existential threats to vulnerable populations and

---

<sup>1</sup> Mason, Michael. *The new accountability: Environmental responsibility across borders*. (London: Routledge, 2012); Skillington, Tracey. "Climate change and the human rights challenge: Extending justice beyond the borders of the nation state." *New Directions in the Sociology of Human Rights*. (London: Routledge, 2016), pp. 74-90; Verheyen, Roda. *Climate change damage and international law: Prevention duties and state responsibility*. Vol. 54. Brill, 2005.

ecosystems, while exposing deep inadequacies in current global governance structures. Despite an expanding network of climate treaties and political commitments, gaps in enforcement and accountability continue to undermine effective global action. This reality has intensified calls for stronger legal mechanisms capable of compelling states to meet their climate obligations.

Within this context, international law is increasingly viewed as a critical tool for addressing climate change, not merely as a framework for cooperation but as a means of assigning responsibility and shaping state conduct.<sup>2</sup> Courts and tribunals at national and international levels have become important arenas for climate-related claims, reflecting a broader “*judicialization*” of climate governance.<sup>3</sup> Litigation has shifted the discourse from voluntary commitments to legally cognizable duties, particularly concerning prevention of harm, protection of human rights, and intergenerational equity.

The International Court of Justice (ICJ), as the principal judicial organ of the United Nations, occupies a unique position in this evolving legal landscape. Although it lacks direct enforcement powers, the Court exercises considerable authority through its interpretation of international law and its role in resolving disputes between states. Its jurisprudence on environmental protection, due diligence, and transboundary harm

---

<sup>2</sup> Dowd, Rebecca, and Jane McAdam. "International cooperation and responsibility sharing to combat climate change: Lessons for international refugee law." *Melbourne Journal of International Law* 18, no. 2 (2017): 180-218; French, Duncan. "Developing states and international environmental law: The importance of differentiated responsibilities." *International & Comparative Law Quarterly* 49, no. 1 (2000): 35-60.

<sup>3</sup> Attia, Islam. "The Judicialization of Climate Change: The Technique and Its Proliferation." *New York University Journal of International Law & Politics* 56, no. 3 (2024); Bertram, Daniel. "Judicializing environmental governance? The case of transnational corporate accountability." *Global Environmental Politics* 22, no. 2 (2022): 117-135.

provides a foundation upon which climate-related obligations may be articulated and strengthened.<sup>4</sup>

Recent developments, including requests for advisory opinions on states' obligations regarding climate change, have renewed attention on the ICJ's potential role in global climate governance.<sup>5</sup> These initiatives signal growing recognition that authoritative legal clarification at the international level may influence state behavior, guide domestic courts, and shape future treaty interpretation. They also raise fundamental questions about the scope and limits of judicial authority in addressing a problem as politically sensitive and scientifically complex as climate change.

In the further and global context, the climate change has become one of the most pressing issues in recent decades and requires concerted action from around the world as it is considered a global threat. Not only the environment, these changes affect the economy, public health, food security, and social stability. The effects felt by various countries, both developed and developing, show that climate change is a cross-border problem that cannot be overcome by a single country. Therefore,

---

<sup>4</sup> Etty, Thijs, et al. "Crossing (conceptual) boundaries of transnational environmental law." *Transnational Environmental Law* 11, no. 1 (2022): 1-11; Corendea, Cosmin I. "International obligations and duties leading to protecting vulnerable states from the climate crisis." *Human Flourishing: The End of Law*. (Leiden: Brill Nijhoff, 2023), pp. 1147-1171.

<sup>5</sup> Bodansky, Daniel. "The Role of the International Court of Justice in Addressing Climate Change: Some Preliminary Reflections." *Arizona State Law Journal* 49 (2017); Kuusipalo, Rina. "Exiled by Emissions—Climate Change Related Displacement and Migration in International Law: Gaps in Global Governance and the Role of the UN Climate Convention." *Vermont Journal of Environmental Law* 18, no. 4 (2017): 614-647; Herbert, Eti Best. "The role of the international court of justice in actualising global peace." *Indian Journal of International Law* 59, no. 1 (2021): 323-354; Pinon Carlarne, Cinnamon. "Good climate governance: only a fragmented system of international law away?." *Law & Policy* 30, no. 4 (2008): 450-480.

international law plays an important role in regulating the efforts made around the world to address this issue.<sup>6</sup>

The International Court of Justice, established under the UN Charter in 1946, is a UN judicial institution based in The Hague, Netherlands. One of the main tasks of the International Court of Justice is to resolve international disputes. This includes not only disputes between countries but also other cases that fall within the scope of international law, such as disputes between states and individuals, corporations, or non-state entities.<sup>7</sup> With its function as the largest international dispute settlement institution, the International Court of Justice is expected to be able to resolve disputes between its member states in a peaceful manner, in accordance with the UN Charter, which essentially emphasizes efforts to resolve disputes peacefully.<sup>8</sup>

In this regard, as the UN's main judicial body, the International Court of Justice (ICJ) has the authority to resolve disputes between countries over violations of international law, including those related to climate change. Although the ICJ has not dealt with many climate change cases directly, its function is to interpret international law such as the United Nations Convention on Climate Change (UNFCCC). The ICJ can interpret international conventions governing environmental issues, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, as well as basic principles of international law, such as the obligation of states not to cause

---

<sup>6</sup> Bastida, E., et al. "Cross-Border Unitization and Joint Development Agreements: An International Law Perspective." *Houston Journal of International Law* 29, no. 2 (2007): 355-425.

<sup>7</sup> Kolb, Robert. *The international court of justice*. Bloomsbury Publishing, 2013.

<sup>8</sup> Conforti, Benedetto. "The Judgment of the International Court of Justice on the Immunity of Foreign States: a missed opportunity." *The Italian Yearbook of International Law Online* 21, no. 1 (2011): 133-142; Gattini, Andrea. "The Dispute on Jurisdictional Immunities of the State before the ICJ: Is the Time Ripe for a Change of the Law?." *Leiden Journal of International Law* 24, no. 1 (2011): 173-200.

transboundary harm.<sup>9</sup> The ICJ's authority to determine whether a country has violated its international obligations related to climate change, as well as to issue decisions that can create legal precedents, makes it a highly relevant authority in resolving disputes arising from climate change. Thus, the ICJ's existence and authority in dealing with the issue of climate change is not only important for dispute resolution, but can also provide direction for countries in fulfilling their responsibilities to the protection of the global environment.<sup>10</sup>

A request for an advisory opinion from the UN Assembly on state responsibility related to climate change was recently submitted to the ICJ. Small, vulnerable island nations, such as Vanuatu, are pushing for this demand as they seek legal clarity on the country's responsibility to prevent environmental damage from climate change. This process reflects the increasing use of international legal mechanisms to hold the largest emitting countries accountable for the climate.<sup>11</sup> The ICJ's authority in handling climate change cases includes the ability to provide advisory opinions that, while not legally binding, can influence the development of international law and encourage further action from the global

---

<sup>9</sup> Breidenich, Clare, et al. "The Kyoto protocol to the United Nations framework convention on climate change." *American Journal of International Law* 92, no. 2 (1998): 315-331; Tompkins, Emma L., and Helene Amundsen. "Perceptions of the effectiveness of the United Nations Framework Convention on Climate Change in advancing national action on climate change." *Environmental Science & Policy* 11, no. 1 (2008): 1-13; Dimitrov, Radoslav S. "The Paris agreement on climate change: Behind closed doors." *Global Environmental Politics* 16, no. 3 (2016): 1-11.

<sup>10</sup> Jennings, Robert. "The Role of the International Court of Justice in the Development of International Environment Protection Law." *Review of European Community & International Environmental Law* 1, no. 3 (1992): 240-244; Tubić, Bojan. "Access to 'international justice' (the jurisdiction of international courts) in the cases of environmental protection." *Zbornik Radova* 48, no. 3 (2014): 321-335.

<sup>11</sup> Kassman, Erica D. "How Local Courts Address Global Problems: The Case of Climate Change." *Duke Journal of Comparative & International Law* 24, no. 1 (2013).

community. The ICJ's decision has the potential to be an important cornerstone for future legal efforts as climate litigation is on the rise in various jurisdictions.

In its efforts to address this crisis, the International Court of Justice has seen the link between climate change and crimes against humanity, taking into account the impacts as violations of basic human rights. The move was prompted by pressure from smaller countries, such as the Pacific islands, which called for an international tribunal to investigate the legal liability of the biggest polluters deemed to have failed to curb greenhouse gas emissions. Increasing global legal awareness of climate change is also part of the ICJ's efforts. The Commission on Climate Change (ICC) has the ability to exert moral and political pressure on the largest emitters to increase their commitment to climate action through its decisions and opinions. The ICJ also serves as a neutral watchdog and ensures justice for vulnerable countries, which are often most affected by climate change despite having smaller emissions contributions. Therefore, the International Justice Commission not only serves as an international justice but also serves as a global diplomatic and legal action driver to realize more inclusive and sustainable climate justice.<sup>12</sup>

This article explores whether and how the ICJ can shape global climate action through law, authority, and accountability. It examines the Court's jurisdictional tools, normative influence, and interaction with existing climate regimes, while critically assessing its limitations. In doing so, the article seeks to contribute to ongoing debates about the capacity of international adjudication to respond meaningfully to the defining challenge of our time.

---

<sup>12</sup> Mile, Anxhela Angela. "Emerging Legal Doctrines in Climate Change Law-Seeking an Advisory Opinion from the International Court of Justice." *Texas International Law Journal* 56, no. 1 (2021): 59-94; Bodansky, Daniel. "The Paris climate change agreement: a new hope?." *American Journal of International Law* 110, no. 2 (2016): 288-319.



The paper used the normative juridical approach method with a type of analytical descriptive approach that analyzes the authority of the International Court of Justice (ICJ) or the International Court in climate change cases. By using data collection techniques through literature study, qualitative analysis by identifying, classifying, and evaluating the authority of the ICJ in resolving climate change disputes, this research focuses on the potential of the ICJ in resolving global climate problems, which aims to provide knowledge about the authority of the ICJ in resolving global climate problems to the public.

## **The Basic Concepts and Basis of Climate Change Law in the International Legal Framework**

### ***A. Climate Change as One of the Global Problems***

One of the biggest problems facing humanity in the 21st century is climate change. Changing weather patterns, rising global temperatures, and an increasing number of natural disasters are some of these problems. As a major, this phenomenon is caused by human activity; These include the burning of fossil fuels, deforestation, and unsustainable industrial practices.<sup>13</sup> Climate change is a global problem that affects various aspects of human life, from the environment to socio-economic. Although the exact impacts and distribution of global climate change are still unknown, these impacts directly affect the natural environment. These impacts can lead to a decrease in the quality of the climate in most regions of the earth and a decrease in the diversity of natural resources, depending on the rate of change, but projected temperature rises, changes in rainfall patterns,

---

<sup>13</sup> Iqbal, Badar Alam, and Farha Naaz Ghauri. "Climate change: the biggest challenge in 21st century." *Mediterranean Journal of Social Sciences* 2, no. 6 (2011): 41-41.



and more frequent and extreme weather fluctuations.<sup>14</sup> These changes in temperature and weather can occur naturally due to changes in solar activity or due to the eruption of large volcanoes such as Mount Krakatau in August 1883, which covered the atmosphere and caused a drop in temperature around the world.

These changes in temperature and weather can occur naturally due to changes in solar activity or due to the eruption of large volcanoes such as Mount Krakatau in August 1883, which covered the atmosphere and caused a drop in temperature around the world. Climate change is already starting to have an impact around the world. The global average temperature has risen by about 1.1 degrees Celsius since pre-industrial, according to data from the international climate agency. Although this

---

<sup>14</sup> Weiss, Edith Brown. "Climate change, intergenerational equity, and international law." *Vermont Journal of Environmental Law* 9, no. 3 (2008): 615-627. *See also* Ariska, Nugrah Putri, and Johan Simbolon. "Climate Crisis, Social Crisis: Measuring Inequality in Climate Impact Across Eastern Indonesia." *Indonesian Climate Justice Review* 1, no. 1 (2024); Suriyanon, Chalermchai, and Dewi Putri Maulana. "Health Equity in Indonesia: Bridging the Gap Between Urban and Rural Healthcare Access." *Indonesian Health Justice Review* 1, no. 1 (2024); Niravita, Aprila, and Suhadi Suhadi. "Indigenous Land Rights and the Law: A Case Study of Conflict Between Development and Traditional Communities." *Indonesian Minority Justice Review* 1, no. 2 (2024); de Souza, Beatriz Isabel Almeida, and Maharani Putri. "Access to Land and Economic Justice: Legal and Policy Challenges for Indonesia's Rural Poor." *Indonesian Economic Justice Review* 1, no. 1 (2024); Niravita, Aprila, Bayangsari Wedhatami, Julien Lemoine, and Giulia Rossi. "Justice in Environmental Disputes: Evaluating the Performance of the Administrative Court." *Indonesian Court and Justice Review* 1, no. 2 (2024); Abdullah, Zainab, Dewi Sari, and Siti Aisyah. "Educational Access and Equity: A Critical Analysis of Policy Implementation in Rural Indonesia." *Indonesian Education Policy and Justice Review* 1, no. 1 (2024); Santika, Putri Dewi, Sari Melati Rahayu, and Hendra Kurniawan Surya. "The Role of Sports in Promoting Social Justice and National Unity in Indonesia". *Indonesian Sports Justice Review* 1, no. 1 (2024); Razeen, Kyrel Alvano. "The Role of Legal Empowerment in Community Service: Solving Social Problems Through Legal Interventions". *Lentera Masyarakat Hukum* 1, no.1 (2024).

increase seems small, the effect is large. For example, global warming is causing polar ice to melt, raising sea levels, threatening small islands and coastal areas, and could lead to sinking if not acted upon immediately. Climate change also causes the emergence of various diseases. Warmer places provide ideal conditions for the growth of various viruses and bacteria. Especially in tropical and subtropical areas, diseases such as malaria, dengue fever, and respiratory tract infections become more easily spread. According to the World Organization for Animal Health (OIE) in 2009, new animal diseases emerge and old diseases reappear. Domestic and wild animal diseases such as blue tongue, avian influenza, and west Nile are spatially related animal and climate diseases because climate affects the spread of the disease. Global warming can significantly reduce the productivity of food crops, especially in the tropics.<sup>15</sup>

Uncontrolled climate change endangers human society and nature because it causes the loss of many natural resources and disrupts the world economy. The current climate crisis has also led to an increase in sea levels due to melting ice sheets at the poles, which threaten lowland areas and small islands. In addition, rising global temperatures are also causing devastating heat waves and droughts, which have the potential to damage food production and disrupt water supplies. It is essential to undertake climate interventions immediately given the very urgent and serious threat

---

<sup>15</sup> Ainurrohman, Silfia, and Sudarti Sudarti. "Analisis perubahan iklim dan global warming yang terjadi sebagai fase kritis." *Phi: Jurnal Pendidikan Fisika dan Terapan* 8, no. 1 (2022): 1-10. See also Amrullah, Ibrahim Fuad. "Climate Justice from the Margins: Indigenous Voices in Indonesia's Climate Crisis". *Indonesian Climate Justice Review* 1, no. 1 (2024); Farhat, Imran Ali, Tariq Omar Nasser, and Kurnia Agung Wibowo. "Cultural Rights and Justice: The Legal Framework for Preserving Indigenous Languages and Traditions in Indonesia." *Indonesian Minority Justice Review* 1, no. 2 (2024); Gumilang, Abbas. "Community-Led Legal Interventions: Solving Local Social Issues with Collaborative Legal Solutions". *Lentera Masyarakat Hukum* 1, no. 1 (2024); Niravita, Aprilia, Fadhel Arjuna Adinda, and Winda Rahma Santosa. "Women and Climate Change: A Gender-Based Analysis of Rural Climate Resilience." *Indonesian Climate Justice Review* 1, no. 1 (2024).

posed by climate change. Deliberate changes to the mechanisms in the Earth's atmosphere or environment that ultimately serve to reduce the impact of the climate crisis are called climate interventions (also called *geoengineering*).

## ***B. International Legal Framework and State Responsibility for Climate Change***

Change is a global problem that requires an international legal framework to coordinate the actions of countries in dealing with it. One of the main legal footholds is the 1992 United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC aims to control the concentration of greenhouse gases in the atmosphere at levels that do not harm the climate system. This convention carries the principle of "common but differentiated responsibilities" (CBDR), which recognizes that developed countries have greater responsibilities due to their historical contribution to global emissions.<sup>16</sup> The 1997 Kyoto Protocol then strengthened this framework by setting legally binding emission reduction targets for developed countries, while developing countries were not required to achieve those targets.

In 2015, the Paris agreement replaced the Kyoto Protocol and created a more inclusive approach. This agreement involves all countries, both developed and developing, to jointly keep global temperature rise below 2 degrees Celsius, with additional efforts to emphasize up to 1.5 degrees Celsius. One of the key elements of the Paris Agreement is the nationally determined contribution (NDC), in which each country voluntarily sets emission reduction commitments based on their

---

<sup>16</sup> Bodansky, Daniel, Jutta Brunnée, and Lavanya Rajamani. *International climate change law*. (Oxford: Oxford University Press, 2017); Vadi, Valentina. "Beyond Known Worlds: Climate Change Governance by Arbitral Tribunals?." *Vanderbilt Journal of Transnational Law* 48, no. 5 (2015).

capabilities.<sup>17</sup> This emphasizes the need for international cooperation, especially in providing funding, technology, and capacity support from developed countries to developing countries. The country's responsibility in addressing climate change reflects the principles of CBDR. Developed countries are expected to lead the way in reducing emissions and supporting developing countries through financial assistance and technology transfer.<sup>18</sup> Meanwhile, developing countries although they do not have the same heavy obligations are encouraged to contribute according to their capacity. All countries are also required to adapt to the impacts of climate change, especially small and vulnerable countries that face serious threats such as rising sea levels.

This international legal framework provides a solid foundation for building global cooperation in addressing the threat of climate change. However, its effectiveness is highly dependent on real implementation by all parties, especially the collective commitment of developed and developing countries.<sup>19</sup> Developed countries, as the largest contributors to greenhouse gas emissions, have historically had a moral and legal responsibility to play a leading role. They must fulfill their obligations to provide financial, technological, and training support to developing countries, as stipulated in the Paris Agreement and other international legal frameworks. This aid is not only important to help developing countries with their emissions, but also to improve their ability to deal

---

<sup>17</sup> Pickering, Jonathan, et al. "The impact of the US retreat from the Paris Agreement: Kyoto revisited?." *Climate Policy* 18, no. 7 (2018): 818-827; Fjellvang, Camilla V. Ramos. "Why did Canada withdraw from the Kyoto Protocol? A case study." *Crisis* 63, no. 3 (2015): 689-718.

<sup>18</sup> Kolmaš, Michal. "The failure of CBDR in global environmental politics." *Global Environmental Politics* 23, no. 1 (2023): 11-19.

<sup>19</sup> Knox, John H. "The International Legal Framework for Addressing Climate Change." *Penn State Environmental Law Review* 12, no. 1 (2004): 135; Bakhtiari, Fatemeh. "International cooperative initiatives and the United Nations framework convention on climate change." *Climate Policy* 18, no. 5 (2018): 655-663.

with inevitable impacts, such as rising sea levels, extreme weather disasters, and threats to food pressure.

On the other hand, developing countries, although they have a smaller contribution to global emissions, cannot ignore their role in this collective effort. They must begin to integrate climate change mitigation and adaptation policies into national development plans. For example, the transition to renewable energy, improved energy efficiency, and forest conservation can be concrete steps. However, the main challenge they face is limited resources and capacity. Therefore, international cooperation based on the principle of "*common but differentiated responsibilities*" is key to ensuring that all countries, regardless of their income level or capacity, can engage in these efforts fairly and effectively.<sup>20</sup>

## **The Authority of the International Court of Justice in Responding to Climate Change Issues**

### ***A. Jurisdiction of the International Court of Justice in Addressing Climate Change***

The International Court of Justice serves as an important tool for the resolution of globally influential disputes. The International Court of Justice has now settled disputes more than once. They are responsible for establishing and promoting certain normative systems, such as international investment law, human rights, and trade law. Although international court decisions do not have formal status as binding law, the parties to which they are dealt, scientists, politicians, and juridical views often refer to the decision as if the principle of *stare decisis* is the ultimate

---

<sup>20</sup> Harris, Paul G. "Common but differentiated responsibility: The Kyoto protocol and United States policy." *New York University Environmental Law Journal* 7 (1999): 27-48; Weisslitz, Michael. "Rethinking the Equitable Principle of Common but Differentiated Responsibility: Differential Versus Absolute Norms of Compliance and Contribution in the Global Climate Change Context." *Colorado Environmental Law Journal* 13, no. 2 (2002): 473.

rule. It is difficult to ignore the impact of past opinions on future perceptions, even if one rejects the value of international court decisions as a binding precedent.<sup>21</sup>

International courts have an important role to play in the international legal system, including the International Court of Justice. The ICJ is the main judicial body of the United Nations. The General Assembly and the United Nations Security Council elect 15 judges. The court is located in The Hague, Netherlands, at the Palace of Peace. International disputes filed by the countries concerned are decided by the International Judicial Commission. This process is based on an agreement between the parties concerned to bring the case that occurred to the ICJ through a special agreement or agreement.

The jurisdiction of the International Court of Justice in responding to and dealing with global climate change cases is to participate in providing advisory opinions on climate change. One of them is to discuss the importance of protecting the environment for future generations. The ICJ or the International Court of Justice has participated in considering the principle of precaution, as well as conducting due diligence required for a country in its territory. In addition, the ICJ can be a reference for lawsuits regarding climate change around the world. The International Court of Justice has the authority to provide advisory opinions on international legal matters brought before it by intergovernmental organizations, such as the International Labour Organization or the International Atomic Energy Agency that are non-binding.<sup>22</sup>

---

<sup>21</sup> Gross, Leo. "The International court of justice: consideration of requirements for enhancing its role in the international legal order." *American Journal of International Law* 65, no. 2 (1971): 253-326.

<sup>22</sup> Cede, Franz. "The Settlement of International Disputes by Legal Means: Arbitration and Judicial Settlement." *The SAGE Handbook of Conflict Resolution* (2009): 358-75; Jennings, Robert Y. "The role of the International Court of Justice." *The British Year Book of International Law* 68, no. 1 (1998): 1.

## ***B. Challenges and Potentials in Handling Climate Change Cases***

Various aspects of life, including environmental, economic, and social, are affected by climate change issues. Rising global temperatures, changes in extreme weather patterns, increasing rates of hydrometeorological disasters, and threats to food and energy security are some examples of increasingly real impacts. One of the biggest challenges in addressing climate change is the lack of global awareness and equitable commitment, limited funding and the inability to switch to green energy, for example, deforestation, forest fires, and reliance on fossil fuels continue to increase greenhouse gas emissions in Indonesia. Meanwhile, mitigation and adaptation efforts are increasingly difficult due to technological limitations, lack of law enforcement, and the impact of climate change on coastal communities and farmers.

Nevertheless, there is great potential to address climate change. One of the main solutions is towards renewable energy, which has been implemented in many countries. To encourage investment in low-carbon technologies, policies such as the Carbon Economic Value (NEK) and carbon trading system began to be implemented in Indonesia. In addition, ecosystem restoration through forest conservation and reforestation is also very important for mitigation.<sup>23</sup> On the contrary, there is the potential to build a more inclusive green economy as a result of climate change. Renewable energies such as solar and wind reduce greenhouse gas emissions and create new jobs. This opens up opportunities for a more environmentally friendly and socially just economic transformation. Additionally, investing in environmentally friendly technologies, such as electric vehicles and sustainable transportation infrastructure, has the potential to drive innovation that supports long-term desires.

---

<sup>23</sup> See Van Beukering, Pieter JH, Herman SJ Cesar, and Marco A. Janssen. "Economic valuation of the Leuser national park on Sumatra, Indonesia." *Ecological Economics* 44, no. 1 (2003): 43-62.



In addition, technological advances such as the development of sustainable agricultural systems and low-emission transportation bring hope. In the social field, environmental campaigns and education must be carried out to increase public awareness. Programs such as ASEAN's Community-Based Climate Action have shown that community-based climate adaptation strategies can succeed at the local level. To overcome climate change, financial support and commitment from all parties, both government and the private sector, are needed. By combining technology, policy, and collaboration methods, the world has a great opportunity to create a more sustainable and resilient future to the impacts of climate change.<sup>24</sup>

Thus, despite the complexity of the climate change challenge, there is still an opportunity to generate significant positive impacts. Turning these difficulties into transformational momentum requires cooperation from various parties, including the government, the private sector, civil society, and academia. Climate change can be a catalyst for a more just and sustainable social, economic, and environmental system if confronted in a swift manner.

## Conclusion

Based on the discussion above, this study concludes that climate change constitutes a grave and multidimensional global challenge driven primarily by human activities, including the combustion of fossil fuels and deforestation, alongside natural contributing factors. Its consequences—such as rising global temperatures, melting ice caps, sea-level rise, extreme weather events, and growing threats to human health and food security—underscore the urgent need for coordinated international action. Existing

---

<sup>24</sup> Djalante, Riyanti, and Frank Thomalla. "Disaster risk reduction and climate change adaptation in Indonesia: Institutional challenges and opportunities for integration." *International Journal of Disaster Resilience in the Built Environment* 3, no. 2 (2012): 166-180.

international legal instruments, notably the UNFCCC, the Kyoto Protocol, and the Paris Agreement, reflect the principle of common but differentiated responsibilities (CBDR), recognizing that while all states share responsibility for addressing climate change, developed countries bear a greater obligation due to their historical emissions and superior financial and technological capacities. Effective climate governance therefore depends on equitable and genuine global cooperation, including sustained financial, technological, and capacity-building support from developed to developing countries to ensure long-term environmental sustainability and intergenerational justice.

In addressing the central question of whether the International Court of Justice can shape global climate action, this study finds that the ICJ holds meaningful, albeit indirect, authority in the climate change domain. Through its advisory opinions and interpretation of core principles of international law—such as state responsibility, environmental due diligence, and the prevention of transboundary harm—the Court can clarify legal obligations and strengthen normative accountability. Although ICJ decisions, particularly advisory opinions, lack direct binding force, they carry considerable legal and persuasive value, influencing international legal discourse, domestic courts, and policy development. While persistent challenges such as limited awareness, funding constraints, and technological disparities remain, the transition toward renewable energy, green technologies, ecosystem restoration, and inclusive economic models presents significant opportunities. With coordinated support from states, international institutions, the private sector, and civil society, the ICJ's legal authority can contribute to transforming climate action into a pathway toward a more equitable, sustainable, and resilient global order.

## References

- Abdullah, Zainab, Dewi Sari, and Siti Aisyah. "Educational Access and Equity: A Critical Analysis of Policy Implementation in Rural Indonesia." *Indonesian Education Policy and Justice Review* 1, no. 1 (2024).  
<https://journal.perhaki.org/index.php/education/article/view/79>
- Ainurrohmah, Silfia, and Sudarti Sudarti. "Analisis perubahan iklim dan global warming yang terjadi sebagai fase kritis." *Phi: Jurnal Pendidikan Fisika dan Terapan* 8, no. 1 (2022): 1-10.
- Amrullah, Ibrahim Fuad. "Climate Justice from the Margins: Indigenous Voices in Indonesia's Climate Crisis". *Indonesian Climate Justice Review* 1, no. 1 (2024).  
<https://journal.perhaki.org/index.php/climate/article/view/1>
- Ariska, Nugrah Putri, and Johan Simbolon. "Climate Crisis, Social Crisis: Measuring Inequality in Climate Impact Across Eastern Indonesia." *Indonesian Climate Justice Review* 1, no. 1 (2024).  
<https://journal.perhaki.org/index.php/climate/article/view/4>
- Attia, Islam. "The Judicialization of Climate Change: The Technique and Its Proliferation." *New York University Journal of International Law & Politics* 56, no. 3 (2024).
- Bakhtiari, Fatemeh. "International cooperative initiatives and the United Nations framework convention on climate change." *Climate Policy* 18, no. 5 (2018): 655-663.
- Bastida, E., et al. "Cross-Border Unitization and Joint Development Agreements: An International Law Perspective." *Houston Journal of International Law* 29, no. 2 (2007): 355-425.
- Bertram, Daniel. "Judicializing environmental governance? The case of transnational corporate accountability." *Global Environmental Politics* 22, no. 2 (2022): 117-135.
- Bodansky, Daniel, Jutta Brunnée, and Lavanya Rajamani. *International climate change law*. (Oxford: Oxford University Press, 2017).
- Bodansky, Daniel. "The Paris climate change agreement: a new hope?." *American Journal of International Law* 110, no. 2 (2016): 288-319.

- Bodansky, Daniel. "The Role of the International Court of Justice in Addressing Climate Change: Some Preliminary Reflections." *Arizona State Law Journal* 49 (2017).
- Breidenich, Clare, et al. "The Kyoto protocol to the United Nations framework convention on climate change." *American Journal of International Law* 92, no. 2 (1998): 315-331.
- Cede, Franz. "The Settlement of International Disputes by Legal Means: Arbitration and Judicial Settlement." *The SAGE Handbook of Conflict Resolution* (2009): 358-75.
- Conforti, Benedetto. "The Judgment of the International Court of Justice on the Immunity of Foreign States: a missed opportunity." *The Italian Yearbook of International Law Online* 21, no. 1 (2011): 133-142.
- Corendea, Cosmin I. "International obligations and duties leading to protecting vulnerable states from the climate crisis." *Human Flourishing: The End of Law*. (Leiden: Brill Nijhoff, 2023), pp. 1147-1171.
- de Souza, Beatriz Isabel Almeida, and Maharani Putri. "Access to Land and Economic Justice: Legal and Policy Challenges for Indonesia's Rural Poor." *Indonesian Economic Justice Review* 1, no. 1 (2024). <https://journal.perhaki.org/index.php/economic/article/view/147>
- Dimitrov, Radoslav S. "The Paris agreement on climate change: Behind closed doors." *Global Environmental Politics* 16, no. 3 (2016): 1-11.
- Djalante, Riyanti, and Frank Thomalla. "Disaster risk reduction and climate change adaptation in Indonesia: Institutional challenges and opportunities for integration." *International Journal of Disaster Resilience in the Built Environment* 3, no. 2 (2012): 166-180.
- Dowd, Rebecca, and Jane McAdam. "International cooperation and responsibility sharing to combat climate change: Lessons for international refugee law." *Melbourne Journal of International Law* 18, no. 2 (2017): 180-218.
- Etty, Thijs, et al. "Crossing (conceptual) boundaries of transnational environmental law." *Transnational Environmental Law* 11, no. 1 (2022): 1-11.
- Farhat, Imran Ali, Tariq Omar Nasser, and Kurnia Agung Wibowo. "Cultural Rights and Justice: The Legal Framework for Preserving

- Indigenous Languages and Traditions in Indonesia." *Indonesian Minority Justice Review* 1, no. 2 (2024).  
<https://journal.perhaki.org/index.php/minority/article/view/118>
- French, Duncan. "Developing states and international environmental law: The importance of differentiated responsibilities." *International & Comparative Law Quarterly* 49, no. 1 (2000): 35-60.
- Gattini, Andrea. "The Dispute on Jurisdictional Immunities of the State before the ICJ: Is the Time Ripe for a Change of the Law?." *Leiden Journal of International Law* 24, no. 1 (2011): 173-200.
- Gross, Leo. "The International court of justice: consideration of requirements for enhancing its role in the international legal order." *American Journal of International Law* 65, no. 2 (1971): 253-326.
- Gumilang, Abbas. "Community-Led Legal Interventions: Solving Local Social Issues with Collaborative Legal Solutions". *Lentera Masyarakat Hukum* 1, no. 1 (2024).  
<https://journal.perhaki.org/index.php/lentera/article/view/242>
- Harris, Paul G. "Common but differentiated responsibility: The Kyoto protocol and United States policy." *New York University Environmental Law Journal* 7 (1999): 27-48.
- Herbert, Eti Best. "The role of the international court of justice in actualising global peace." *Indian Journal of International Law* 59, no. 1 (2021): 323-354.
- Iqbal, Badar Alam, and Farha Naaz Ghauri. "Climate change: the biggest challenge in 21st century." *Mediterranean Journal of Social Sciences* 2, no. 6 (2011): 41-41.
- Jennings, Robert Y. "The role of the International Court of Justice." *The British Year Book of International Law* 68, no. 1 (1998): 1.
- Jennings, Robert. "The Role of the International Court of Justice in the Development of International Environment Protection Law." *Review of European Community & International Environmental Law* 1, no. 3 (1992): 240-244.
- Kassman, Erica D. "How Local Courts Address Global Problems: The Case of Climate Change." *Duke Journal of Comparative & International Law* 24, no. 1 (2013).

- Knox, John H. "The International Legal Framework for Addressing Climate Change." *Penn State Environmental Law Review* 12, no. 1 (2004): 135.
- Kolb, Robert. *The international court of justice*. Bloomsbury Publishing, 2013.
- Kolmaš, Michal. "The failure of CBDR in global environmental politics." *Global Environmental Politics* 23, no. 1 (2023): 11-19.
- Kuusipalo, Rina. "Exiled by Emissions—Climate Change Related Displacement and Migration in International Law: Gaps in Global Governance and the Role of the UN Climate Convention." *Vermont Journal of Environmental Law* 18, no. 4 (2017): 614-647.
- Mason, Michael. *The new accountability: Environmental responsibility across borders*. (London: Routledge, 2012).
- Mile, Anxhela Angela. "Emerging Legal Doctrines in Climate Change Law-Seeking an Advisory Opinion from the International Court of Justice." *Texas International Law Journal* 56, no. 1 (2021): 59-94.
- Niravita, Aprila, and Suhadi Suhadi. "Indigenous Land Rights and the Law: A Case Study of Conflict Between Development and Traditional Communities." *Indonesian Minority Justice Review* 1, no. 2 (2024).  
<https://journal.perhaki.org/index.php/minority/article/view/121>
- Niravita, Aprila, Bayangsari Wedhatami, Julien Lemoine, and Giulia Rossi. "Justice in Environmental Disputes: Evaluating the Performance of the Administrative Court." *Indonesian Court and Justice Review* 1, no. 2 (2024).  
<https://journal.perhaki.org/index.php/court/article/view/52>
- Niravita, Aprila, Fadhel Arjuna Adinda, and Winda Rahma Santosa. "Women and Climate Change: A Gender-Based Analysis of Rural Climate Resilience." *Indonesian Climate Justice Review* 1, no. 1 (2024). <https://journal.perhaki.org/index.php/climate/article/view/3>
- Pickering, Jonathan, et al. "The impact of the US retreat from the Paris Agreement: Kyoto revisited?." *Climate Policy* 18, no. 7 (2018): 818-827; Fjellvang, Camilla V. Ramos. "Why did Canada withdraw from the Kyoto Protocol? A case study." *Crisis* 63, no. 3 (2015): 689-718.

- Pinon Carlarne, Cinnamon. "Good climate governance: only a fragmented system of international law away?." *Law & Policy* 30, no. 4 (2008): 450-480.
- Razeen, Kyrel Alvano. "The Role of Legal Empowerment in Community Service: Solving Social Problems Through Legal Interventions". *Lentera Masyarakat Hukum* 1, no.1 (2024). <https://journal.perhaki.org/index.php/lentera/article/view/240>
- Santika, Putri Dewi, Sari Melati Rahayu, and Hendra Kurniawan Surya. "The Role of Sports in Promoting Social Justice and National Unity in Indonesia". *Indonesian Sports Justice Review* 1, no. 1 (2024). <https://journal.perhaki.org/index.php/sports/article/view/222>
- Skillington, Tracey. "Climate change and the human rights challenge: Extending justice beyond the borders of the nation state." *New Directions in the Sociology of Human Rights*. (London: Routledge, 2016), pp. 74-90.
- Suriyanon, Chalermchai, and Dewi Putri Maulana. "Health Equity in Indonesia: Bridging the Gap Between Urban and Rural Healthcare Access." *Indonesian Health Justice Review* 1, no. 1 (2024). <https://journal.perhaki.org/index.php/health/article/view/183>
- Tompkins, Emma L., and Helene Amundsen. "Perceptions of the effectiveness of the United Nations Framework Convention on Climate Change in advancing national action on climate change." *Environmental Science & Policy* 11, no. 1 (2008): 1-13.
- Tubić, Bojan. "Access to 'international justice' (the jurisdiction of international courts) in the cases of environmental protection." *Zbornik Radova* 48, no. 3 (2014): 321-335.
- Vadi, Valentina. "Beyond Known Worlds: Climate Change Governance by Arbitral Tribunals?." *Vanderbilt Journal of Transnational Law* 48, no. 5 (2015).
- Van Beukering, Pieter JH, Herman SJ Cesar, and Marco A. Janssen. "Economic valuation of the Leuser national park on Sumatra, Indonesia." *Ecological Economics* 44, no. 1 (2003): 43-62.
- Verheyen, Roda. *Climate change damage and international law: Prevention duties and state responsibility*. Vol. 54. Brill, 2005.



Weiss, Edith Brown. "Climate change, intergenerational equity, and international law." *Vermont Journal of Environmental Law* 9, no. 3 (2008): 615-627.

Weisslitz, Michael. "Rethinking the Equitable Principle of Common but Differentiated Responsibility: Differential Versus Absolute Norms of Compliance and Contribution in the Global Climate Change Context." *Colorado Environmental Law Journal* 13, no. 2 (2002): 473.

\*\*\*

### DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

### FUNDING INFORMATION

None

### ACKNOWLEDGMENT

None

### GENERATIVE AI STATEMENT

This paper makes limited and responsible use of Generative Artificial Intelligence (AI) as an academic support tool. AI was used to assist with language refinement, sentence structure improvement, and enhancement of clarity and coherence, without replacing the author's legal analysis, critical reasoning, or intellectual contribution. All substantive ideas, analytical frameworks, legal interpretations, and conclusions presented in this paper are solely those of the author. The author affirms that the use of AI complies with principles of academic integrity, research ethics, and intellectual property rights, and that the paper adheres to accepted standards of scholarly writing.

### HISTORY OF ARTICLE

Submitted : October 21, 2023

Revised : December 11, 2023; May 21, 2024

Accepted : June 15, 2024

Published : July 31, 2024