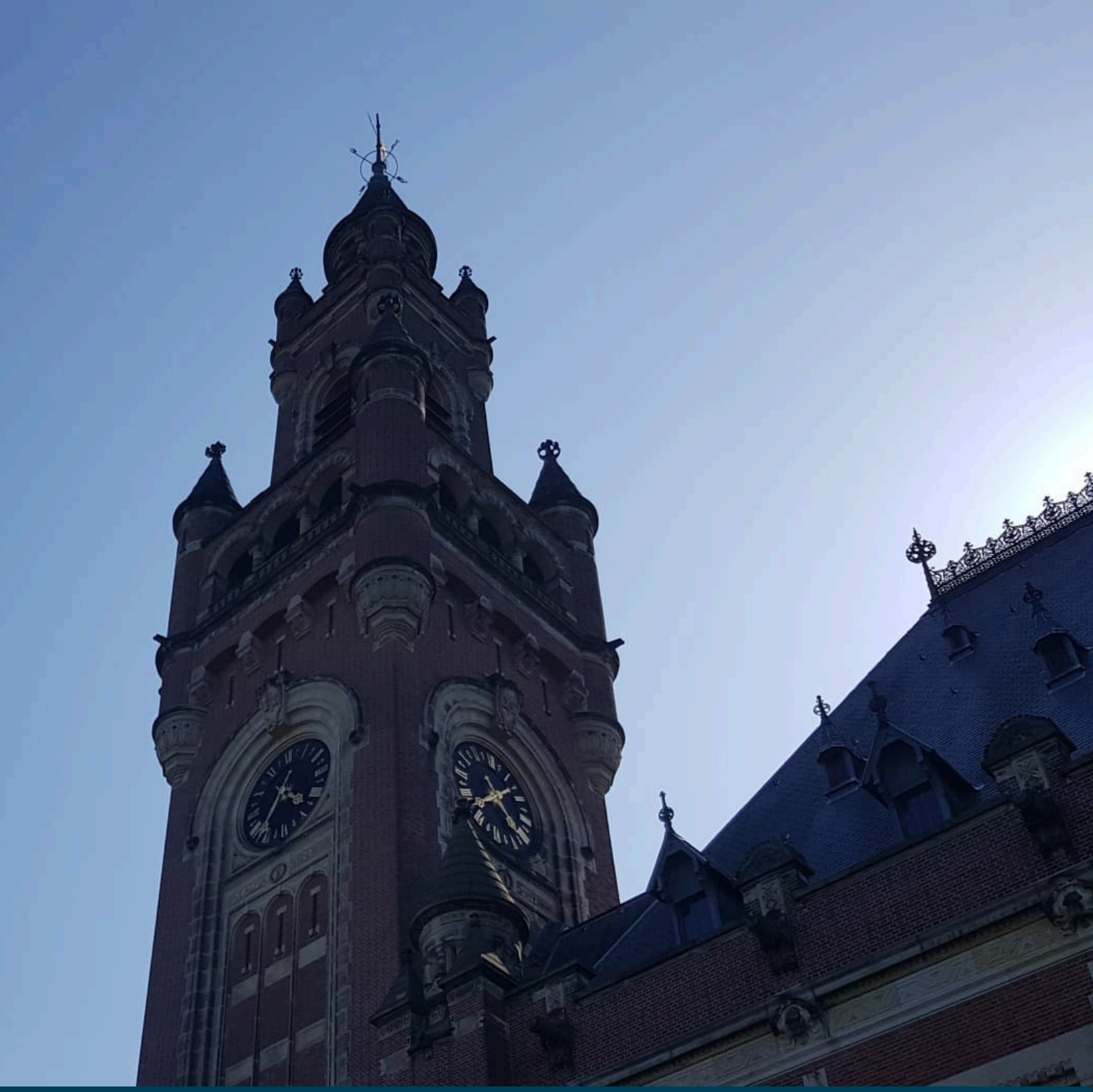


HISTORIC CLIMATE HEARINGS AT THE INTERNATIONAL COURT OF JUSTICE

DAILY DEBRIEF

December 10th, 2024

These debriefs will be sent daily from December 02 to December 13, 2024. All daily debriefs can be accessed here. It's provided by the World's Youth for Climate Justice, the Center for International Environmental Law, the Pacific Islands Students Fighting Climate Change and the AO Alliance and supported by a group of volunteers.

In a Nutshell

Today...

- The **United Kingdom**, while itself stuck in its colonial past, urged the Court to ignore historical emissions when it comes to climate accountability by rejecting the longstanding customary obligation to prevent transboundary harm. It shamelessly cloaked its denial of its own responsibility in a hollow commitment to those least responsible for climate change, warping the principles of climate justice beyond recognition. This implicit dismissal of the relevance of human rights obligations was particularly disparaging, coming on Human Rights Day.
- **Romania**, like the **UK**, denied the relevance of historical conduct in remedying climate harms. **Peru**, the **DRC**, and **Saint Lucia** sharply countered that cumulative greenhouse gas (GHG) emissions are central to a fair allocation of responsibility and reparations.
- Industrialised States relied heavily on climate treaties in their quest to escape accountability, while **Panama**, **Peru**, **Palau**, the **DRC**, the **Dominican Republic**, and **Saint Lucia** underscored that climate treaties do not displace other applicable obligations under relevant duties, like prevention of environmental harm.
- On a positive note, **the Netherlands** and **Portugal** emphasised the imperative to phase out fossil fuels and protect the right to a healthy environment, respectively.

Today's Reactions

Quotes can be used by journalists for their reporting. For questions or follow up, please reach out to Quint van Velthoven at quint@wy4cj.org

The Dominican Republic highlighted that the climate crisis affects us all, but not in the same way. They underlined the disproportionate impacts of climate change on Small Island States and its inherent relationship with our oceans. Faced with the pressing challenge of sea level rise, our only defense is the rule of law to safeguard our statehood and redress human rights violations caused by the inaction of great polluters. A compelling opinion from the ICJ can help do just that.

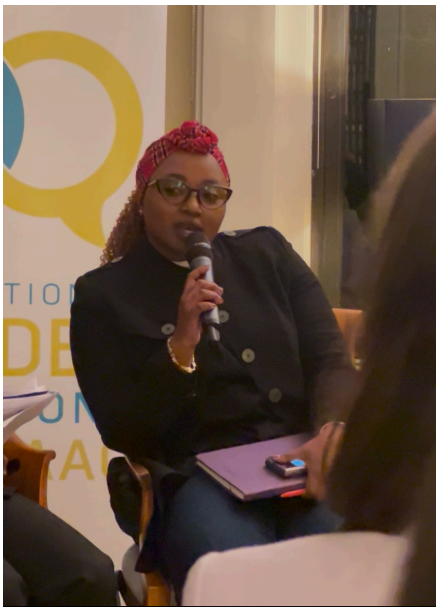
EUSEBIO CASTRO SALCEDO (24), THE DOMINICAN REPUBLIC

On International Human Rights Day, the United Kingdom, in an attempt to escape any liability for its colonial past and history as a major emitter, laid out contemptuous arguments in front of the International Court of Justice. The UK effectively asked the Court to ignore both science and history. It claimed that the Paris Agreement is the end of States legal obligations on climate change. The UK claims to be a climate leader, but these arguments oppose that.

DOMINIQUE PALMER (25), UNITED KINGDOM, CLIMATE JUSTICE ACTIVIST

Outside the Court

Today, civil society continued to push for inclusive dialogue and maintaining pressure to ensure a progressive advisory opinion. At the International Gender Champions (IGC) The Hague Hub panel discussion on the international community's role in addressing the global challenges of climate change in light of the oral hearings, WYCJ's Africa Front Convenor Brenda Reson Sapuro spoke on what the ICJ AO could mean for youth and feminist action and policies worldwide.



World's Youth for Climate Justice

Among other things, Brenda spoke of the many challenges women face, including in her home, Kenya, to access leadership and decision-making processes: "*Just because I had to fight for my space in the room, does not mean the next girl after me should have to fight for hers. Even if I sit there with fear, I will sit there.*"

Witness stand

The Witness Stand was established to make sure that the ongoing **ICJ advisory opinion proceedings on climate change are more inclusive and representative of those most affected**. Using this, anyone can send their message to the World's Highest Court as it rules on climate change for the first time.

Watch the other testimonies

Next day

Tomorrow, Wednesday, 11 December, we will report back on the oral submissions delivered by the following States: Saint Vincent and the Grenadines, Samoa, Senegal, Seychelles, The Gambia, Singapore, Slovenia, Sudan, Sri Lanka, Switzerland, and Serbia.

If you found this daily debrief useful and informative, please share the Daily Briefing sign-on link more widely.

Report on Each Intervention

Palau

Palau opened the session with a strong statement emphasising the existential threat that climate change poses to its nation's independence and its right to self-determination, calling on the Court to recognise that States have a legal responsibility to take all necessary measures to prevent greenhouse gas (GHG) emissions from causing significant harm to other States. Palau underscored its vulnerability as a small island and grounded its arguments through a display of the lived realities of Palauan peoples, highlighting the catastrophic impacts caused by sea-level rise, extreme weather events, and unstable lands. Thus, Paulau compared the effects of climate change to the 300 years of colonialism it endured, arguing that no "State is truly independent if it must suffer significant injury without consequence from the activities allowed by other States." Palau showcased the insidious nature of the problem at hand that could erase "the identity of being Palau."

Its counsel emphasised that the proceedings' focus is the conduct of States that have been identified as the scientifically proven cause of climate change. These actions breach States' obligations under international law and, therefore, trigger consequences under the general law of State responsibility. Drawing on established jurisprudence, such as the *Trail Smelter* case and the *Corfu Channel* case, Palau stressed the fact that States have a legal obligation to prevent activities within their territory from causing harm to others. Palau argued that prevention of transboundary harm applies to climate change, and rebutted the claims of a minority of States arguing that the diffuse sources of GHG emissions make causation too complex to prove. Palau also refuted arguments claiming the UN Framework Convention on Climate Change (UNFCCC) displaces other concurring obligations of States under international law. As Palau acknowledged, such arguments have already been dismissed by the International Tribunal for the Law of the Sea (ITLOS) and nothing in the UNFCCC suggests it replaces other relevant obligations.

Palau made a strong case for its nation's right to self-determination and sovereignty, explaining how climate change may compromise a State's independence. It urged the Court to affirm that established principles of transboundary harm and State responsibility apply to climate change, as they coexist with obligations under the UNFCCC. Although it recognised that "if one uses or allows their property to be used in a manner to cause harm to another, that harm must be stopped and reparations paid in full," Palau missed an opportunity to deepen its arguments on the legal consequences for harm caused by major emitters. Palau closed its statement by sharing the story of Meddu Ribtal (The Breadfruit Tree), a legend illustrating the dangers of overexploitation and environmental destruction and the wisdom of the Paluan peoples.

Panama

Panamá presented the Court with a stark account of the climate change impacts on the livelihoods of its people, including the increased impacts of both droughts and severe floods on the Panama Canal. Panamá further stressed that breach of these obligations gives rise to legal consequences under the general law for State responsibility, including reparations for harm in the form of restitution, compensation, and satisfaction, as well as the payment of interest on any amount due.

Regarding the duty to prevent transboundary environmental harm, Panamá highlighted that this is a general principle of international law, and based on the Court's own jurisprudence, States must carry out an environmental impact assessment where there is a risk that the proposed industrial activity may have a significant adverse impact in a transboundary context. On the applicability of human rights law, its counsel underscored that respecting, protecting, and fulfilling human rights cannot be accomplished without "due respect to our global environment by all States under international law." In this regard, Panamá argued that States are under a general binding duty to "preserve the living conditions for all of humanity on our planet," which the Court ought to recognise as an apex duty of international law (*jus cogens*).

Panamá presented an important argument on the peremptory nature of the protection of the environment that sustains all life on the planet–an argument that has been previously advanced by the Inter-American Court of Human Rights in its La Oroya judgement. In practice, protecting the environment in such a way would amount to very severe legal consequences for any State that causes significant harm to the environment, which would give rise to wide claims for reparations, both for human rights violations and in an interstate context. While this is a very interesting concept, further explanation of the legal basis and a proposed definition for what exact conduct is forbidden by this norm would have been useful. For instance, in its La Oroya judgement, the Inter-American Court referred to"unlawful or arbitrary conduct that causes serious, extensive, lasting and irreversible damage to the environment in a scenario of climate crisis that threatens the survival of species."

The Netherlands

The Kingdom of the Netherlands strongly focused on the impacts of climate change, including rising seas threatening both mainland and Caribbean Netherlands. Its counsel stated that although human rights law does not contain specific provisions on climate change, States must take reasonable mitigation and adaptation measures to protect human rights. It continued by stating that adaptation in the Dutch Caribbean part of the Kingdom can take the form of restoration measures, spatial planning, and climate-resilient infrastructure. These measures are interlinked and interdependent. The Netherlands further stressed the importance of mitigation policy, which it conceives as a legal obligation under international law. Therefore, its counsel urged States to take action today, including through implementing progressively ambitious NDCs that aim to achieve net zero emissions by 2050, including by phasing out fossil fuels.

The Netherlands underscored the critical need for international cooperation to support developing countries most vulnerable to climate change through climate finance, capacity building, and technology transfer as set out in the climate legal regime. Its counsel argued that while States enjoy a margin of discretion in setting their specific policies, adaptation measures are not optional, but rather an obligation that must be carried out in line with the common but differentiated responsibilities and respective capabilities (CBDR-RC) principle. Adaptation measures require proactive planning informed by economic structures, regional climate projections, and societal factors, ensuring they enhance resilience, align with sustainable development goals, and avoid adverse impacts on vulnerable populations such as women, children, Indigenous Peoples, and those in extreme poverty. The Netherlands further called for increasing climate finance to at least $1.3 trillion annually by 2035, emphasising sufficient funds exist to bridge the global investment gap. Its counsel addressed the inevitability of loss and damage, and argued that the Warsaw International Mechanism for Loss and Damage may address such impacts. The Kingdom concluded by underscoring the duty to cooperate globally and collectively to implement these obligations.

The Netherlands strongly emphasised the interrelationship between mitigation and adaptation obligations, as regulated under the UNFCCC and the Paris Agreement. Additionally, it provided a strong emphasis on how these duties also serve to protect human rights. Significantly, the Netherlands is the first industrialised country to call for phasing out fossil fuels as part of its duty to reduce GHG emissions. At the same time, even when the Netherlands underlines other applicable sources of law, like the UN Convention on the Law of the Sea (UNCLOS) and the European Convention on Human Rights, like other polluters, they argued that the fulfillment of their obligations under specific climate treaties releases them of their mitigation obligations under these other treaties. While it called for phasing out of fossil fuels, as a developed country, the Netherlands still needs to adopt legislation to that end. Despite the disproportionate impacts of climate change on the Dutch Caribbean, inadequate legislative and financial support from the mainland has left the region in a state of disarray. By enabling the participation of Dutch youth from the World's Youth for Climate Justice before the ICJ in this hearing, the Netherlands ended on a strong note, demonstrating the central role of youth in climate decision-making.

Peru

Perú presented a comprehensive and urgent case to the Court, emphasising the disproportionate impact of climate change on developing States like itself despite its minimal contributions to global GHG emissions (less than 0.5% historically). Highlighting its extreme vulnerability to climate-induced disasters—such as glacial retreats, floods, and droughts—Perú argued that its limited resources hinder its ability to implement necessary mitigation and adaptation measures. It underscored the importance of international cooperation and financial support, from both public and private sources, linking these duties to principles of intergenerational equity and CBDR-RC. Perú called on the Court to consider the varying historical contributions of States to global GHG emissions. Its counsel also integrated a human rights approach, linking the impacts of climate change to the rights to life, health, and a sustainable environment, and urged the Court to recognise these rights in its decision.

Perú articulated four key legal principles applicable to climate change, including intergenerational equity, CBDR-RC, the precautionary principle, and the duty to prevent transboundary harm. It argued that these principles, derived from international treaties like the UNFCCC and the Paris Agreement, customary international law, and general principles, must guide States' obligations to reduce GHG emissions, implement adaptation measures, and provide climate finance. Its counsel underscored the critical role of climate finance in achieving mitigation and adaptation goals, which should be implemented through financial aid, grants, and concessional funding that do not exacerbate existing debt burdens. Perú also called attention to the legal consequences of breaches, stressing the need for reparations, such as financial compensation and technology transfer, and highlighted existing mechanisms like the Loss and Damage Fund as partial steps toward fulfilling these responsibilities. The Court, it argued, should adopt an evolutionary interpretation of international climate obligations to clarify and expand the scope of States' duties under current law.

Perú's intervention balanced technical legal reasoning with broader political implications, advocating for a global approach to climate justice that recognises historical responsibility and the specific vulnerabilities of developing States. It emphasised that achieving global climate goals requires equitable and substantially increased contributions from developed States, reflecting their higher emissions and greater capacities.

Perú highlighted the need for justice of the international community, by emphasising the need for effective reparation of damage caused to third States, but, by mentioning mechanisms based on voluntary financial commitments, such as the Loss and Damage Fund, as sufficient reparation for harm, Perú missed a critical opportunity to reject similar arguments posed by major polluters.

 Democratic Republic of Congo

The Democratic Republic of Congo (DRC) argued that States are bound by a comprehensive array of international obligations, emphasising that the prevention of transboundary harm principle applies to climate change. It refuted the argument that the Paris Agreement supersedes obligations under other sources of law. Citing the principle of systemic integration under the Vienna Convention on the Law of Treaties and the recent advisory opinion by ITLOS, the DRC argued that treaties must be applied in an interconnected manner. It further stated that the due diligence obligation requires States to take all feasible measures, informed by the best available science including IPCC reports, to prevent harm. Its counsel emphasised that failure to act or to align measures with limiting warming to 1.5°C constitutes a breach of international law.
DRC's counsel argued that greenhouse gas emissions create a direct causal link to climate harm, emphasising the foreseeability of such harm despite its indiscriminate nature. It rejected claims that emissions are too remote to attribute responsibility, likening their impact to indiscriminate acts in international humanitarian law, where negligence strengthens, rather than breaks, causality. The DRC highlighted the concept of indivisible harm, asserting that major emitters can be held fully responsible for all harm caused by climate change. It argued that when harm cannot be attributed to specific States, all responsible emitters share joint and collective negligence, particularly for breaching their due diligence obligations under international law. This approach ensures effective redress for vulnerable States and prevents free-riding by major emitters. Specifically, the DRC argued that a State could hardly be considered as acting with due diligence if its measures do not correspond to the most ambitious efforts possible to limit warming to 1.5 degrees. According to the DRC, this obligation has become more stringent as scientific evidence on the causes and impacts of climate change has increased.

Under the principle of CBDR-RC, the DRC underlined three key arguments: (1) developed States bear a heavier burden due to their historical emissions and technological capacity, as recognised in the UNFCCC and Paris Agreement; (2) developed States have a duty to provide financial and technical assistance to vulnerable States to enable climate action and preserve critical carbon sinks; and (3) this principle does not absolve any State of its individual responsibility, requiring all States to take measures proportionate to their capacities. However, the DRC also acknowledged the evolving contributions of emerging economies and urged the Court to reflect this in its opinion.

The DRC advanced climate justice by reinforcing the systemic integration of international obligations, ensuring that climate treaties like the Paris Agreement complement,rather than override customary duties like prevention of transboundary environmental harm and the protection of human rights. By establishing the foreseeability and indivisibility of harm, the DRC strengthened claims that major emitters bear joint responsibility for reparation, ensuring that vulnerable States are not deprived of remedies due to the collective nature of harm. Their interpretation of CBDR supports equity, placing a heavier burden on developed nations while acknowledging the growing responsibilities of emerging economies, a balance critical for a globally just climate framework.

Portugal

Portugal highlighted in its opening remarks the particular vulnerabilities the country faces regarding climate change, including higher temperatures, sea level rise, coastal erosion, floods, heat waves, water scarcity, drought, and forest fires. According to Portugal, climate change is a challenge that can only be effectively fought through international action and cooperation. Thus, Portugal chose to focus exclusively on the principle of international cooperation in the context of States' obligations with respect to climate change under a variety of sources of international law and soft law instruments, including general international law, the UN climate regime, human rights law, and international disaster law. Portugal strongly encouraged the Court to recognise the relevance of the human right to a clean, healthy, and sustainable environment when interpreting States' obligations in respect of climate change. In clarifying State obligations under the principle of international cooperation, Portugal divided its answer in three parts: (1) the obligation to cooperate in the context of climate change; (2) the obligation to cooperate in the context of a human right to a clean, healthy, and sustainable environment; and (3) the obligation to cooperate to protect persons affected by climate change.

First, its counsel highlighted that the Paris Agreement mandates that parties limit the global temperature rise to well below 2°C, with efforts to restrict it to 1.5°C, which, according to Portugal, is a necessary collective goal, depending on joint efforts and international cooperation. This cooperation must be carried out in good faith, considering evolving science, risks, and urgent needs. Portugal's counsel emphasised that the main purpose of the temperature limit under Paris is not one of attribution of responsibility or liability; rather, international cooperation serves as the necessary means to achieve the goal and is a goal in itself. Second, Portugal asserted that the human right to a clean, healthy, and sustainable environment is essential for climate protection and requires full implementation of international climate agreements. In this regard, Portugal highlighted that cooperation, as a distinct duty under international human rights law, requires States to "establish, maintain and enforce an effective international legal framework to prevent, reduce, and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights." Third, Portugal also described various cooperation duties under international disaster law, especially in relation to migration displacement, as a consequence or in anticipation of the adverse effects of climate change.

Portugal focused on the duty to cooperate in the context of climate change by connecting it, amongst others, to human rights law and international disaster law. Portugal has also rightly stated that it would be important for the Court to clarify what exactly this obligation entails, and that the Court should consider the right to a clean, healthy, and sustainable environment when interpreting this obligation. At the same time, Portugal's narrow focus on cooperation as the sole means to protect those affected by climate change and its concurrent rejection of responsibility and liability raises questions about its position on the legal consequences for breaching this and other applicable duties under international law. Concerning the right to a healthy environment, Portugal emphasised its support for the ongoing process at the Council of Europe to enshrine this right in a protocol to the European Convention on Human Rights, joining long-standing codification in Africa and the Americas.

Dominican Republic

The Dominican Republic put the right to survival of Small Island Developing States (SIDS) at the core of its presentation, appealing for the Court to place at the forefront of its considerations the effects of sea level rise faced by SIDS and the specific vulnerabilities affecting the Caribbean region. In its presentation, the Dominican Republic devoted significant time to highlighting the scientific evidence confirming the linkages between sea level rise, climate change, and the existential threat these phenomena pose to SIDS. It underscored the critical role of the ocean, not only as the largest carbon sink but also as the largest heat sink. The presentation emphasised the limited capacity of the ocean, highlighting that the ocean has absorbed 90% of the energy released into the atmosphere through GHG emissions since 1971. The Dominican Republic further underscored scientific evidence demonstrating that the excess energy trapped in the atmosphere due to greenhouse gas emissions is equivalent to the detonation of 400,000 Hiroshima atomic bombs per day. It reaffirmed that this massive accumulation of heat has indisputably resulted in ocean warming, which directly drives sea level rise, with science confirming that this warming is occurring at an accelerated rate in the Caribbean region.

The Dominican Republic emphasised that the damages caused by climate change present a clear threat to the statehood of SIDS, highlighting how the actions of those responsible for climate change have violated SIDS' fundamental right to survival. This right, recognised by the ICJ in its Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, is being undermined during peacetime. In this context, the Dominican Republic underscored that the Court should reaffirm the obligation of States to respect and preserve this fundamental right. It consequently emphasised how, contrary to arguments of some States, the failure of States to fulfill their obligation to mitigate climate change not only constitutes a breach of the United Nations climate regime, but also violates the fundamental right of every State to survive. The Dominican Republic further asserted that in the face of such non-compliance, States must halt the wrongful conduct and provide full reparation. Its counsel also emphasised that its losses—and consequently the obligation to provide reparation—arise not only from sea level rise but also from ocean acidification, deoxygenation, and stratification. These processes have caused significant damage to SIDS, including coral bleaching and the proliferation of sargassum, which severely impact their populations and hinder their economic development.

The Dominican Republic underscored, in alignment with the concerns raised by many SIDS in recent days, the existential threat these States face, as demonstrated through scientific evidence and the fundamental rules of public international law. A particularly significant point presented to the Court is the grave situation threatening the Caribbean region, where the IPCC has confirmed that, under an extreme yet foreseeable scenario, up to 49.2% of Caribbean islands could be entirely submerged. In making this argument, the Dominican Republic reminded the Court of the importance of harmonising its conclusions with the recent Advisory Opinion of ITLOS, which recognised that greenhouse gas emissions pollute the marine environment. The Dominican Republic's presentation was strong and positive; however, it could have been further strengthened by establishing a clear link to human rights violations, elaborating on the obligations of States in the event of submergence of SIDS due to sea level rise, and emphasising the cornerstone right to self-determination. Additionally, the Dominican Republic's arguments could have highlighted the legal status of future generations as subjects of law, a status recognized under Article 67 of its Constitution. These elements would have provided a more holistic legal framework to address the existential challenges faced by SIDS.

Romania

Romania presented a detailed argument before the Court, emphasising the existential threat posed by climate change and the importance of urgent, collective mitigation efforts. In its counsel's words, "[t]he issue before us is not only one of environmental protection with implications on the existence of human life itself but also one of justice, equity, and shared responsibilities." Romania highlighted its own reductions of GHG emissions since 1989 and its commitment to achieving climate neutrality by 2050. Its counsel underscored the shared responsibility of all States to address climate change while emphasising the need for a comprehensive framework of obligations that applies to all States, irrespective of size, economic power, or historical contributions. Romania also called on the Court to clarify States' duties under international law, particularly regarding mitigation, adaptation, and cooperation, and addressed issues like human rights, maritime zones, and statehood in the context of climate change.

Romania's legal arguments revolved around the application of customary international law principles, including due diligence, prevention, and the no-harm rule, which coexists with and does not displace treaty-based obligations under the UNFCCC and Paris Agreement. Romania argued that States have both collective and individual obligations to reduce emissions and adapt to climate change, emphasising that these obligations must be informed by the principles of equity and CBDR-RC. However, Romania underscored that historical responsibility should not play a role in establishing legal obligations, framing obligations as universal but flexible based on States' capabilities. On human rights, Romania referenced the European Court of Human Rights jurisprudence, emphasising the link between international climate commitments, such as the Paris Agreement, and the positive obligations of States under the European Convention. Specifically, Romania highlighted the Court's findings that States must implement regulations and measures to progressively reduce GHG emissions, aiming for net neutrality within three decades, while incorporating intermediate goals and binding frameworks. It also addressed the impacts of sea-level rise, emphasising legal stability in preserving maritime baselines and statehood.

Romania presented persuasive arguments on the applicability of customary international law and human rights law to the climate problem. However, its explicit rejection of historical responsibility undermines critical principles of equity and CBDR-RC. Although all States have common, minimum obligations, historical responsibility is a critical element that, together with the capacities of a State, modulates the due diligence required to prevent transboundary environmental harm and informs the legal consequences of breaching international obligations. While it rightly acknowledged the differentiated capabilities of States, its framing risks burdening less-developed nations disproportionately and enabling high-emitting States to evade accountability for their historical contributions to the climate crisis. Romania's stance reflects a narrow interpretation of climate justice that could exacerbate existing inequalities and fail to address the needs of the most vulnerable.

United Kingdom

The UK sought to position the climate change treaties as the exclusive source for legal obligations of States in the context of climate change. Its counsel argued that these agreements were the most constructive, the most concrete, and thus the most legally effective way to address the climate crisis and had been carefully negotiated and agreed on by consensus. The UK asserted that only the Paris Agreement contains binding and meaningful obligations for States to mitigate GHG emissions, predominantly the obligation to prepare, communicate, and maintain

successive Nationally Determined Contributions (NDCs), which require progression, the highest possible ambition, and reflection of the principle of CBDR-RC. According to its counsel, the only legal consequences States could face for failing to uphold their obligations in relation to GHG emissions are to be found in the Paris Agreement.

The UK attempted to counter arguments that had been submitted by other States in relation to the prevention principle under customary international law. Its counsel argued that this principle has so far only been applied to limited and confined circumstances and, thus, does not apply to anthropogenic GHG emissions. The UK proclaimed that the principle cannot be expanded to apply to GHG emissions, as customary rules depend on the practice of States and whether they regard themselves as legally bound. Since the majority of States do not consider themselves bound, the UK argues that this is not a rule of custom. However, even if the customary principle of prevention was considered to apply to anthropogenic GHG emissions, the UK asserted that the contents of said obligations would only require of States what is required of them under the Paris Agreement. Therefore, if they fulfill their obligations under that Agreement they would automatically also fulfil all their obligations under customary law.

In an attempt to escape any liability for its colonial past and history as a major emitter, the UK's intervention depicted all State obligations in relation to climate change as set out only by the climate treaties, especially the Paris Agreement, following similar arguments made by the US, Saudi Arabia, and Russia. As demonstrated by many other States in the hearings, this contention is not only a blatant misinterpretation of long-standing principles of international law, but if accepted would lead to a glaring denial of justice, especially in relation to historical and transboundary harm and the obligation to provide reparations for such harm. Indeed, the UK's arguments on the prevention principle lack any sound legal foundation, as has already been countered by many other statements, such as Belize's. Overall, the UK's basic argument is that the climate treaties displaced all other fields of international law from contributing to State obligations. This interpretation obviously weakens State obligations to address the climate crisis, yet the UNFCCC and Paris Agreement were intended to strengthen the response of the global community to this existential threat, and were celebrated by world leaders as new commitments, not backsliding on pre-existing obligations.

 Saint Lucia

As a highly vulnerable Small Island Developing State, Saint Lucia made a compelling presentation about the devastating impacts of the climate crisis on its people and its ecosystems, highlighting that some of the nation's islands will be submerged, resulting in irreversible loss of coral reefs, biodiversity, and our means of livelihoods, and causing human displacement. It pointed out that severe water shortages and droughts will threaten agricultural production and undermine food security. Its legal counsel stressed that these predictions of armageddon are not abstract risks, but they are happening.

Saint Lucia provided a clear and detailed rebuttal to the legal arguments made by large emitters that human rights law and customary international law are irrelevant in determining State obligations. Saint Lucia urged the Court to confirm the conclusions of the ITLOS regarding the applicability of international law beyond the climate treaties, such as the fundamental obligations of prevention and due diligence related to transboundary harms. Saint Lucia highlighted the importance of the Articles of State Responsibility for Internationally Wrongful Acts in addressing State obligations, as applied by both the ITLOS and the European Court of Human Rights.

Saint Lucia noted that one of the legal consequences for a breach of international obligations is cessation, i.e. stopping the wrongful act. Thus, Saint Lucia said that major emitters must take immediate steps to drastically reduce emissions of greenhouse gases from their territory, as well as discontinuing fossil fuel subsidies. Finally, Saint Lucia highlighted obligations related to restitution, compensation, and satisfaction, noting the Loss and Damage Fund is complementary to, and not a substitute for, any compensation obligation arising from internationally wrongful acts.

Like all of the Small Island Developing States, Saint Lucia emphasised that the devastating impacts of the climate crisis are already being felt, particularly by their most vulnerable people. Large emitters must not succeed in twisting international law to evade accountability for their actions. Saint Lucia's intervention was striking in the way it outlined well-established principles of international law that, if confirmed as applicable in the context of climate change by the ICJ, would clarify the legal obligations of large emitters and catalyse far more ambitious climate action and far more equitable climate finance. To date, no compelling argument for excluding these well established principles of international law has been made by any large emitter, despite their desperate efforts to argue that only the specific climate change treaties are applicable as a specialised regime or lex specialis.

The **lead editors** of today's Daily Briefing are **José Daniel Rodríguez Orúe, Aditi Shetye, Sébastien Duyck,** and **Theresa Amor-Jürgenssen**.

The **contributors** for today's Daily Briefing are **Adriana Silverio, Danilo Garrido, David Boyd, Dulki Seethawaka, Erika Lennon, Joie Chowdhury, Justin Lim, Mariana Campos Vega, Nikki Reisch, Noemi Zenk-Agyei, Quint van Velthoven, Rossella Recupero, Samira Ben Ali, Sumeyra Arslan,** and **Yasmin Bijvank**.

Our deepest gratitude to all those who helped with **taking notes** during the hearings: A**driana Silverio, Amy Kraitchman, Dulki Seethawaka, Rigxel Yangchen, Samira Ben Ali, Syed Tanvir Azam Taif**, and **Zainab Khan Roza**