

CR 2024/35

International Court
of Justice

Cour internationale
de Justice

THE HAGUE

LA HAYE

YEAR 2024

Public sitting

held on Monday 2 December 2024, at 10 a.m., at the Peace Palace,

President Salam presiding,

*on the Obligations of States in respect of Climate Change
(Request for advisory opinion submitted by the General Assembly of the United Nations)*

VERBATIM RECORD

ANNÉE 2024

Audience publique

tenue le lundi 2 décembre 2024, à 10 heures, au Palais de la Paix,

sous la présidence de M. Salam, président,

*sur les Obligations des États en matière de changement climatique
(Demande d'avis consultatif soumise par l'Assemblée générale des Nations Unies)*

COMPTE RENDU

Present: President Salam
 Vice-President Sebutinde
 Judges Tomka
 Abraham
 Yusuf
 Xue
 Bhandari
 Iwasawa
 Nolte
 Charlesworth
 Brant
 Gómez Robledo
 Cleveland
 Aurescu
 Tladi

Registrar Gautier

Présents : M. Salam, président
M^{me} Sebutinde, vice-présidente
MM. Tomka
Abraham
Yusuf
M^{me} Xue
MM. Bhandari
Iwasawa
Nolte
M^{me} Charlesworth
MM. Brant
Gómez Robledo
M^{me} Cleveland
MM. Aurescu
Tladi, juges

M. Gautier, greffier

The Government of the Republic of Vanuatu is represented by:

Mr Ralph Regenvanu, Special Envoy for Climate Change and the Environment,

Mr Arnold Kiel Loughman, Attorney General,

Mr Yvon Basil, Director of Foreign Affairs,

HE Mr Georges Maniuri, Ambassador of the Republic of Vanuatu to the European Union, the Kingdom of Belgium and the United Kingdom of Great Britain and Northern Ireland,

HE Mr Odo Tevi, Ambassador and Permanent Representative of the Republic of Vanuatu to the United Nations,

Ms Angelyne Dovo, Parliamentary Counsel,

Mr Sylvain Kalsakau, Head of United Nations Division, Department of Foreign Affairs,

Mr Dreli Solomon, First Secretary, Mission of the Republic of Vanuatu to the European Union, the Kingdom of Belgium and the United Kingdom of Great Britain and Northern Ireland,

Ms Lee-Anne Sackett, Director of International Legal Affairs, Climate Justice Program,

Ms Anne-Sophie Vivier, Global Engagement Manager and Pacific Legal Adviser, Climate Justice Program,

Mr Christopher Tavoia, Director of Advisory Unit, Office of the Attorney-General,

Mr Malcolm Dalesa, Climate Attaché, Permanent Mission of the Republic of Vanuatu to the United Nations,

Ms Orsiany Loughman, United Nations Desk Officer, Department of Foreign Affairs,

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Mr Jorge Enrique Viñuales, Harold Samuel Professor of Law and Environmental Policy, University of Cambridge, Member of the Institute of International Law,

Ms Jennifer Kate Robinson, Barrister, Doughty Street Chambers,

Ms Lavanya Rajamani, Professor of International Environmental Law, University of Oxford,

Mr Rohan Aravindan Nanthakumar, Blue Ocean Law, PC, Hagåtña, Guam,

Ms Manasa Sainidhi Venkatachalam, Blue Ocean Law, PC, Hagåtña, Guam,

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M. Yvon Basil, directeur des affaires étrangères,

S. Exc. M. Georges Maniuri, ambassadeur de la République de Vanuatu auprès de l'Union européenne, du Royaume de Belgique et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

S. Exc. M. Odo Tevi, ambassadeur et représentant permanent de la République de Vanuatu auprès de l'Organisation des Nations Unies,

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M^{me} Anne-Sophie Vivier, directrice de l'engagement mondial et conseillère juridique pour le Pacifique, programme relatif à la justice climatique,

M. Christopher Tavoia, directeur de l'unité consultative, bureau de l'*Attorney General*,

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Mr Abubakr Uqdah, Communications Adviser.

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Mr Ilan Kiloe, Spokesperson, Program Manager Politics, Security and Legal Affairs,

Mr Brittien Yosef, Legal Officer,

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Ms Autumn Bordner, Blue Ocean Law, PC, Hagåtña, Guam,

Ms Watna Mori, Blue Ocean Law, PC, Hagåtña, Guam,

Mr Nabil Ahmed, Evidence Expert, Norwegian University of Science and Technology,

Mr Oskar Frederick, Evidence Expert, Norwegian University of Science and Technology,

Mr Vishal Vimal Prasad, Campaign Director, Pacific Islands Students Fighting Climate Change,

Ms Cynthia Rosah Bareagihaka, Spokesperson, Activist, Pacific Islands Students Fighting Climate Change.

The Government of the Republic of South Africa is represented by:

HE Mr Vusimuza Madonsela, Ambassador of the Republic of South Africa to the Kingdom of the Netherlands,

Ms Romi Brammer, Principal State Law Adviser, International Law, Department of International Relations and Cooperation,

Mr Cornelius Scholtz, Legal Counsellor, Embassy of the Republic of South Africa in the Kingdom of the Netherlands.

The Government of the Republic of Albania is represented by:

Mr Armand Skapi, Secretary General, Ministry for Europe and Foreign Affairs,

HE Mr Artur Kuko, Ambassador of the Republic of Albania to the Kingdom of the Netherlands,

Ms Cherie Blair, Chair of Omnia Strategy LLP, member of the Bar of England and Wales,

Sir Daniel Bethlehem, KCMG, KC, member of the Bar of England and Wales, Twenty Essex,

Ms Migena Baholli, Head of Unit for the Law of the Sea and Relations with the International Courts, Ministry for Europe and Foreign Affairs of the Republic of Albania,

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M. Abubakr Uqdah, conseiller en communication.

Le Groupe Fer de lance mélanésien est représenté par :

M. Gregoire Nimbtik, directeur général adjoint,

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M. Vishal Vimal Prasad, directeur de campagne, Pacific Islands Students Fighting Climate Change,

M^{me} Cynthia Rosah Bareagihaka, porte-parole des plaidoiries, militante, Pacific Islands Student Fighting Climate Changes.

Le Gouvernement de la République sud-africaine est représenté par :

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M^{me} Romi Brammer, principale conseillère juridique d'État (droit international), ministère des relations et de la coopération internationales,

M. Cornelius Scholtz, conseiller juridique, ambassade de la République sud-africaine au Royaume des Pays-Bas.

Le Gouvernement de la République d'Albanie est représenté par :

M. Armand Skapi, secrétaire général, ministère de l'Europe et des affaires étrangères,

S. Exc. M. Artur Kuko, ambassadeur de la République d'Albanie auprès du Royaume des Pays-Bas,

M^{me} Cherie Blair, présidente du cabinet Omnia Strategy LLP, membre du barreau d'Angleterre et du pays de Galles,

M. Daniel Bethlehem, KCMG, KC, membre du barreau d'Angleterre et du pays de Galles, cabinet Twenty Essex,

M^{me} Migena Baholli, cheffe du service du droit de la mer et des relations avec les juridictions internationales, ministère de l'Europe et des affaires étrangères,

M. Adam Smith-Anthony, associé et chef du service des droits de l'homme, cabinet Omnia Strategy LLP, *solicitor-advocate*,

Ms Lauren Lederle, Senior Associate, Omnia Strategy LLP, member of the Bar of the State of New York,

Mr Gentian Zyberi, Professor of International Law and Human Rights, Vice-Chair of the Scientific Committee of the European Union Fundamental Rights Agency (2023-2028), member of the Permanent Court of Arbitration (2016-2028), former member of the United Nations Human Rights Committee (2019-2022),

Ms Eva Nastas, Counsellor, Embassy of the Republic of Albania in the Kingdom of the Netherlands.

The Government of the Federal Republic of Germany is represented by:

Ms Wiebke Rückert, Deputy Legal Adviser and Director for Public International Law, Federal Foreign Office of the Federal Republic of Germany,

HE Mr Nikolaus Meyer-Landrut, Ambassador of the Federal Republic of Germany to the Kingdom of the Netherlands,

Mr Andreas Zimmermann, Professor of Public, Public International and European Union Law at the University of Potsdam and Director of the Potsdam Centre of Human Rights,

Mr Edgar Gansen, Deputy Ambassador of the Federal Republic of Germany to the Kingdom of the Netherlands,

Mr Caspar Sieveking, Legal Adviser, Embassy of the Federal Republic of Germany in the Kingdom of the Netherlands,

Ms Elisabeth Börger, Head of Economic Department, Embassy of the Federal Republic of Germany in the Kingdom of the Netherlands,

Ms Milena Schoser, Law Clerk, Embassy of the Federal Republic of Germany in the Kingdom of the Netherlands.

The Government of Antigua and Barbuda is represented by:

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Ms Jeniece St. Romain, Crown Counsel II, Attorney General's Chambers, Ministry of Legal Affairs,

Ms Nneka Nicholas, Crown Counsel II, Attorney General's Chambers, Ministry of Legal Affairs,

HE Mr Boris Latour, Permanent Representative of Antigua and Barbuda to the United Nations Office in Geneva,

HE Mr Colin Murdoch, Permanent Observer of the Organization of Eastern Caribbean States to the United Nations Office in Geneva,

Mr J'Moul A. Francis, Legal Officer, Ministry of Foreign Affairs, Trade and Barbuda Affairs,

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M. Gentian Zyberi, professeur de droit international et de droits de l'homme, vice-président du comité scientifique de l'Agence des droits fondamentaux de l'Union européenne (2023-2028), membre de la Cour permanente d'arbitrage (2016-2028), ancien membre du Comité des droits de l'homme des Nations Unies (2019-2022),

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Le Gouvernement de la République fédérale d'Allemagne est représenté par :

M^{me} Wiebke Rückert, conseillère juridique adjointe et directrice de la section de droit international public, ministère des affaires étrangères de la République fédérale d'Allemagne,

S. Exc. M. Nikolaus Meyer-Landrut, ambassadeur de la République fédérale d'Allemagne auprès du Royaume des Pays-Bas,

M. Andreas Zimmermann, professeur de droit public, de droit international et de droit de l'Union européenne à l'Université de Potsdam, directeur du centre des droits de l'homme de Potsdam,

M. Edgar Gansen, ambassadeur adjoint de la République fédérale d'Allemagne auprès du Royaume des Pays-Bas,

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M^{me} Milena Schoser, assistante juridique, ambassade de la République fédérale d'Allemagne au Royaume des Pays-Bas.

Le Gouvernement d'Antigua-et-Barbuda est représenté par :

S. Exc. M. Gaston Browne, premier ministre,

M. Zachary Phillips, Crown Counsel II, cabinet de l'*Attorney General*, ministère des affaires juridiques,

M^{me} Jeniece St. Romain, Crown Counsel II, cabinet de l'*Attorney General*, ministère des affaires juridiques,

M^{me} Nneka Nicholas, Crown Counsel II, cabinet de l'*Attorney General*, ministère des affaires juridiques,

S. Exc. M. Boris Latour, représentant permanent d'Antigua-et-Barbuda auprès de l'Office des Nations Unies (Genève),

S. Exc. M. Colin Murdoch, représentant permanent de l'Organisation des États des Caraïbes orientales auprès de l'Office des Nations Unies (Genève),

M. J'Moul A. Francis, juriste, ministère des affaires étrangères, du commerce et des affaires relatives à Barbuda,

Ms Joy Dublin-Baptiste, Senior Crown Counsel, Attorney General's Chambers, Ministry of Legal Affairs,

Ms Desrie Markham, Crown Counsel II, Attorney General's Chambers, Ministry of Legal Affairs,

Mr Michai Robertson, Senior Advisor, Alliance of Small Island States,

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Mr Iain Sandford, Partner, Sidley Austin LLP, Geneva, Barrister and Solicitor, High Court of New Zealand, Supreme Court of the Australian Capital Territory and High Court of Australia,

Ms Katherine Connolly, Senior Managing Associate, Sidley Austin LLP, Geneva, Barrister and Solicitor, Supreme Court of New South Wales,

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Ms Elena Cima, Lecturer, University of Geneva,

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Ms Shambhavi Pandey, International Disputes Analyst, Sidley Austin LLP, Geneva, Advocate India,

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The Government of the Kingdom of Saudi Arabia is represented by:

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M^{me} Smrithi Bhaskar, collaboratrice stagiaire, cabinet Sidley Austin LLP (Genève), avocate (Inde).

Le Gouvernement du Royaume d'Arabie saoudite est représenté par :

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Le Gouvernement de l'Australie est représenté par :

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M^{me} Katherine Arditto, conseillère juridique, ambassade d'Australie au Royaume des Pays-Bas,

M. Sam Gaunt, spécialiste des politiques multilatérales, ambassade d'Australie au Royaume des
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The Government of the Commonwealth of the Bahamas is represented by:

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Ms Jewel G.L. Major, Assistant Director of Legal Affairs,

Ms Ronique Carey, Assistant Legal Counsel, Office of the Attorney General,

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Mr Federico J. Wynter, Debevoise & Plimpton LLP, member of the Bar of the State of New York.

The Government of the People's Republic of Bangladesh is represented by:

HE Mr Tareque Muhammad, Ambassador of the People's Republic of Bangladesh to the Kingdom
of the Netherlands,

Mr Shabab Bin Ahmed, Minister, Embassy of the People's Republic of Bangladesh in the Kingdom
of the Netherlands,

Mr Zikrul Hasan Fahad, First Secretary, Embassy of the People's Republic of Bangladesh in the
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Ms Samantha Rowe, Debevoise & Plimpton LLP, Solicitor of the Senior Courts of England and
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Ms Rhianna Hoover, Debevoise & Plimpton LLP, member of the Bar of the State of New York.

The Government of Barbados is represented by:

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of Barbados to the United Nations,

Le Gouvernement du Commonwealth des Bahamas est représenté par :

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M^{me} Jewel G. L. Major, directrice adjointe des affaires juridiques,

M^{me} Ronique Carey, conseillère juridique adjointe, bureau de l'*Attorney General*,

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M^{me} Amina Afifi, cabinet Debevoise & Plimpton LLP, avocate et *Solicitor* près les juridictions supérieures d'Angleterre et du pays de Galles, membre du barreau de l'Égypte,

M^{me} Tatiana August-Schmidt, cabinet Debevoise & Plimpton LLP, membre des barreaux des États de New York et de Californie,

M. Federico J. Wynter, cabinet Debevoise & Plimpton LLP, membre du barreau de l'État de New York.

Le Gouvernement de la République populaire du Bangladesh est représenté par :

S. Exc. M. Tareque Muhammad, ambassadeur de la République populaire du Bangladesh auprès du Royaume des Pays-Bas,

M. Shabab Bin Ahmed, ministre, ambassade de la République populaire du Bangladesh au Royaume des Pays-Bas,

M. Zikrul Hasan Fahad, premier secrétaire, ambassade de la République populaire du Bangladesh au Royaume des Pays-Bas,

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M^{me} Catherine Amirfar, cabinet Debevoise & Plimpton LLP, membre des barreaux de la Cour suprême des États-Unis d'Amérique et de l'État de New York,

M^{me} Samantha Rowe, cabinet Debevoise & Plimpton LLP, *Solicitor* près les juridictions supérieures d'Angleterre et du pays de Galles,

M^{me} Rhianna Hoover, cabinet Debevoise & Plimpton LLP, membre du barreau de l'État de New York.

Le Gouvernement de la Barbade est représenté par :

S. Exc. M. François Jackman, représentant de la Barbade, ambassadeur et représentant permanent de la Barbade auprès de l'Organisation des Nations Unies,

Mr Robert G. Volterra, Co-Representative of Barbados, Barrister and Solicitor at the Law Society of Upper Canada, Solicitor Advocate in England and Wales, Volterra Fietta, Visiting Professor of Law, University College London, Visiting Senior Lecturer, King's College London,

HE Mr Kerrie D. Symmonds, Minister of Foreign Affairs and Foreign Trade,

HE Ms Simone Rudder, Ambassador of Barbados to the Kingdom of Belgium,

Mr Davion Sealy, Second Secretary, Embassy of Barbados in the Kingdom of Belgium,

Ms Shoné Jones, Solicitor General's Chambers,

Mr Gunjan Sharma, Member of the Bar of New York, Volterra Fietta,

Ms Florentine Vos, Member of the Bar of Amsterdam, Volterra Fietta,

Ms Magdalena Kowalczyk Asher, Solicitor of the Courts of England and Wales, Volterra Fietta.

The Government of Belize is represented by:

Mr Kenrick Williams, Chief Executive Officer, Ministry of Sustainable Development and Climate Change,

Mr Sam Wordsworth, KC, Barrister, Essex Court Chambers, member of the Bar of England and Wales, member of the Paris Bar,

Ms Amy Sander, Barrister, Essex Court Chambers, member of the Bar of England and Wales,

Mr Sean Aughey, Barrister, Essex Court Chambers, member of the Bar of England and Wales,

Ms Naomi Hart, Barrister, Essex Court Chambers, member of the Bar of England and Wales.

The Government of the Plurinational State of Bolivia is represented by:

HE Mr Roberto Calzadilla Sarmiento, Ambassador of the Plurinational State of Bolivia to the Kingdom of the Netherlands,

Ms Fabiola Cruz Moreno, Second Secretary,

Mr Brian McGarry, Legal Adviser,

Mr Eduardo Jiménez, Legal Adviser,

Mr Edgardo Sobenes, Consultant in International Law, ESILA BV, Advanced LLM, Leiden University, Master, Superior Institute of Law and Economics and the University of Barcelona.

The Government of the Federative Republic of Brazil is represented by:

HE Mr Luiz Alberto Figueiredo Machado, Special Envoy for Climate Change,

Mr George Rodrigo Bandeira Galindo, Legal Adviser, Ministry of Foreign Affairs,

M. Robert G. Volterra, coreprésentant de la Barbade, *Barrister* et *Solicitor* au barreau du Haut-Canada, *Solicitor Advocate* en Angleterre et au pays de Galles, cabinet Volterra Fietta, professeur invité de droit, University College London, maître de conférences invité, King's College London,

S. Exc. M. Kerrie D. Symmonds, ministre des affaires étrangères et du commerce extérieur,

S. Exc. M^{me} Simone Rudder, ambassadrice de la Barbade auprès du Royaume de Belgique,

M. Davion Sealy, deuxième secrétaire, ambassade de la Barbade au Royaume de Belgique,

M^{me} Shoné Jones, cabinet du *Solicitor General*,

M. Gunjan Sharma, membre du barreau de l'État de New York, cabinet Volterra Fietta,

M^{me} Florentine Vos, membre du barreau d'Amsterdam, cabinet Volterra Fietta,

M^{me} Magdalena Kowalczyk Asher, *Solicitor* près les juridictions d'Angleterre et du pays de Galles, cabinet Volterra Fietta.

Le Gouvernement du Belize est représenté par :

M. Kenrick Williams, directeur général, ministère du développement durable et du changement climatique,

M. Sam Wordsworth, KC, avocat, membre du barreau d'Angleterre et du pays de Galles et du barreau de Paris, Essex Court Chambers,

M^{me} Amy Sander, avocate, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers,

M. Sean Aughey, avocat, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers,

M^{me} Naomi Hart, avocate, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers.

Le Gouvernement de l'État plurinational de Bolivie est représenté par :

S. Exc. M. Roberto Calzadilla Sarmiento, ambassadeur de l'État plurinational de Bolivie auprès du Royaume des Pays-Bas,

M^{me} Fabiola Cruz Moreno, deuxième secrétaire,

M. Brian McGarry, conseiller juridique,

M. Eduardo Jiménez, conseiller juridique,

M. Edgardo Sobenes, consultant en droit international, cabinet ESILA BV, Advanced LLM, Université de Leyde, master, Institut supérieur de droit et d'économie et Université de Barcelone.

Le Gouvernement de la République fédérative du Brésil est représenté par :

S. Exc. M. Luiz Alberto Figueiredo Machado, envoyé spécial pour le changement climatique,

M. George Rodrigo Bandeira Galindo, conseiller juridique, ministère des affaires étrangères,

Mr Frederico Bauer, Counsellor,

Mr Gaétan Isaac Maria Spielmann Moura, Second Secretary,

Ms Ana Beatriz Schwanck Fernandes, Legal Assistant.

The Government of Burkina Faso is represented by:

HE Mr Léopold Tonguénoma Bonkounougou, Ambassador of Burkina Faso to the Kingdom of Belgium,

Mr Rasmané Congo, Director of Legal Opinion and Litigation,

Mr Karfa Gnanou, Judicial Agent of the State,

Mr Mamadou Hébié, Associate Professor of International Law, Leiden University, member of the Permanent Court of Arbitration, member of the Bar of the State of New York.

The Government of the Republic of Cameroon is represented by:

HE Ms Madeleine Liguemoh Ondoua, Ambassador of the Republic of Cameroon to the Kingdom of the Netherlands,

Mr Mougna Sidi, Director of Legal Affairs and Minister Plenipotentiary, Ministry of External Relations,

Ms Halima Fonda Haja, Minister Counsellor, Embassy of the Republic of Cameroon in the Kingdom of the Netherlands,

Mr Chin Möme, First Counsellor, Embassy of the Republic of Cameroon in the Kingdom of the Netherlands,

Mr Pierre-Olivier Savoie, Partner at Savoie Arbitration, Paris, member of the Bars of Ontario, New York and Paris,

Ms Caroline Defois, Legal Officer, Savoie Arbitration, Paris.

The Government of the Republic of the Philippines is represented by:

Mr Menardo Guevarra, Solicitor General,

HE Mr Carlos Sorreta, Permanent Representative of the Republic of the Philippines to the United Nations Office and other international organizations in Geneva,

HE Mr J. Eduardo Malaya III, Ambassador of the Republic of the Philippines to the Kingdom of the Netherlands,

Mr Bernard Hernandez, Assistant Solicitor General,

Mr Robert Eric Borje, Secretary, Climate Change Commission,

Ms Anna Esperanza Solomon, Assistant Solicitor General,

Ms Nyriam Susan Hernandez, Assistant Solicitor General,

M. Frederico Bauer, conseiller,

M. Gaétan Isaac Maria Spielmann Moura, deuxième secrétaire,

M^{me} Ana Beatriz Schwanck Fernandes, assistante juridique.

Le Gouvernement du Burkina Faso est représenté par :

S. Exc. M. Léopold Tonguénoma Bonkoungou, ambassadeur du Burkina Faso auprès du Royaume de Belgique,

M. Rasmané Congo, directeur des avis juridiques et du contentieux,

M. Karfa Gnanou, agent judiciaire de l'État,

M. Mamadou Hébié, professeur associé de droit international à l'Université de Leyde, membre de la Cour permanente d'arbitrage, membre du barreau de l'État de New York.

Le Gouvernement de la République du Cameroun est représenté par :

S. Exc. M^{me} Madeleine Liguemoh Ondoua, ambassadrice de la République du Cameroun auprès du Royaume des Pays-Bas,

M. Mougna Sidi, directeur des affaires juridiques et ministre plénipotentiaire, ministère des relations extérieures,

M^{me} Halima Fonda Haja, ministre conseillère, ambassade de la République du Cameroun au Royaume des Pays-Bas,

M. Chin Möme, premier conseiller, ambassade de la République du Cameroun au Royaume des Pays-Bas,

M. Pierre-Olivier Savoie, avocat et associé, cabinet Savoie Arbitration (Paris), membre des barreaux de l'Ontario, de New York et de Paris,

M^{me} Caroline Defois, juriste, cabinet Savoie Arbitration (Paris).

Le Gouvernement de la République des Philippines est représenté par :

M. Menardo Guevarra, *Solicitor General*,

S. Exc. M. Carlos Sorreta, représentant permanent de la République des Philippines auprès de l'Office des Nations Unies et des autres organisations internationales (Genève),

S. Exc. M. J. Eduardo Malaya III, ambassadeur de la République des Philippines auprès du Royaume des Pays-Bas,

M. Bernard Hernandez, *Solicitor General* adjoint,

M. Robert Eric Borje, secrétaire, commission sur les changements climatiques,

M^{me} Anna Esperanza Solomon, *Solicitor General* adjointe,

M^{me} Nyriam Susan Hernandez, *Solicitor General* adjointe,

Mr Jarie Osias, Consul, Embassy of the Republic of the Philippines in the Kingdom of the Netherlands,

Ms Marisar Cabatingan, Vice-Consul, Embassy of the Republic of the Philippines in the Kingdom of the Netherlands,

Ms Ma. Felina Constancia Yu, Senior State Solicitor, Office of the Solicitor General,

Mr Mark Anthony Cabasag, Associate Solicitor, Office of the Solicitor General,

Ms Joana Liza Padilla, Associate Solicitor, Office of the Solicitor General,

Mr John Psalmuel Chan, Associate Solicitor, Office of the Solicitor General,

Ms Johaira Wahab-Manantan, Acting Director, Department of Foreign Affairs,

Ms Edna Yasay, Legal Officer and Attaché, Embassy of the Republic of the Philippines in the Kingdom of the Netherlands,

Mr Sedfrey Candelaria, Member of the Permanent Court of Arbitration and the Philippine National Group.

The Government of Canada is represented by:

Mr Louis-Martin Aumais, Legal Adviser and Director General, International Law Bureau, Global Affairs Canada,

HE Mr Hugh Adsett, Ambassador of Canada to the Kingdom of the Netherlands,

Ms Teresa Crockett, Deputy Director, Accountability, Human Rights and United Nations Law Division, International Law Bureau, Global Affairs Canada,

Mr Kristopher Yue, Second Secretary, Embassy of Canada in the Kingdom of the Netherlands,

Ms Catherine Blanchard, Legal Officer, Oceans, Environment and Aerospace Law Division, International Law Bureau, Global Affairs Canada,

Ms Sarah Bourdon, Legal Officer, Accountability, Human Rights and United Nations Law Division, International Law Bureau, Global Affairs Canada.

The Government of the Republic of Chile is represented by:

HE Ms Ximena Fuentes, Ambassador of the Republic of Chile to the United Kingdom of Great Britain and Northern Ireland,

Ms Paula Monsalve, First Secretary and Legal Adviser, Embassy of the Republic of Chile in the Kingdom of the Netherlands,

Ms Valeria Chiappini, Legal Adviser, International Law, Treaties and Legislative Affairs Division, Ministry of Foreign Affairs,

Mr Francisco Lertora, Head of the Strategic Affairs Unit, National Directorate of State Borders and Boundaries, Ministry of Foreign Affairs.

M. Jarie Osias, consul, ambassade de la République des Philippines au Royaume des Pays-Bas,

M^{me} Marisar Cabatingan, vice-consule, ambassade de la République des Philippines au Royaume des Pays-Bas,

M^{me} Ma. Felina Constancia Yu, *Solicitor* principale, bureau du *Solicitor General*,

M. Mark Anthony Cabasag, *Solicitor* associé, bureau du *Solicitor General*,

M^{me} Joana Liza Padilla, *Solicitor* associée, bureau du *Solicitor General*,

M. John Psalmuel Chan, *Solicitor* associé, bureau du *Solicitor General*,

M^{me} Johaira Wahab-Manantan, directrice par intérim, département des affaires étrangères,

M^{me} Edna Yasay, conseillère juridique et attachée, ambassade de la République des Philippines au Royaume des Pays-Bas,

M. Sedfrey Candelaria, membre de la Cour permanente d'arbitrage et du groupe national des Philippines.

Le Gouvernement du Canada est représenté par :

M. Louis-Martin Aumais, juriconsulte et directeur général, direction générale du droit international, « Affaires mondiales Canada »,

S. Exc. M. Hugh Adsett, ambassadeur du Canada auprès du Royaume des Pays-Bas,

M^{me} Teresa Crockett, directrice adjointe, direction de la responsabilité, des droits de la personne et du droit des Nations Unies, direction générale du droit international, « Affaires mondiales Canada »,

M. Kristopher Yue, deuxième secrétaire, ambassade du Canada au Royaume des Pays-Bas,

M^{me} Catherine Blanchard, agente juridique, direction des océans, de l'environnement et de l'aérospatiale, direction générale du droit international, « Affaires mondiales Canada »,

M^{me} Sarah Bourdon, conseillère juridique, direction de la responsabilité, des droits de la personne et du droit des Nations Unies, direction générale du droit international, « Affaires mondiales Canada ».

Le Gouvernement de la République du Chili est représenté par :

S. Exc. M^{me} Ximena Fuentes, ambassadrice de la République du Chili auprès du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

M^{me} Paula Monsalve, première secrétaire et conseillère juridique, ambassade de la République du Chili au Royaume des Pays-Bas,

M^{me} Valeria Chiappini, conseillère juridique, droit international, département des traités et des affaires juridiques, ministère des affaires étrangères,

M. Francisco Lertora, directeur du service des affaires stratégiques, direction nationale des frontières et des limites de l'État, ministère des affaires étrangères.

The Government of the People's Republic of China is represented by:

HE Mr Xinmin Ma, Legal Adviser, Ministry of Foreign Affairs, member of the International Law Commission,

Ms Ni Tian, Counsellor, Embassy of the People's Republic of China in the Kingdom of the Netherlands,

Ms Jing Zhong, Division Director, Department of Treaty and Law, Ministry of Foreign Affairs,

Mr Hao Huang, Third Secretary, Embassy of the People's Republic of China in the Kingdom of the Netherlands,

Ms Linqi Zhang, Attaché, Embassy of the People's Republic of China in the Kingdom of the Netherlands,

Mr Yifan Wang, Attaché, Department of Treaty and Law, Ministry of Foreign Affairs,

Ms Zhuo Cui, Attaché, Department of Treaty and Law, Ministry of Foreign Affairs,

Ms Xiao Han, Attaché, Department of Treaty and Law, Ministry of Foreign Affairs,

Mr Li Chen, Professor, Fudan University,

Ms Xiaolu Lei, Professor, Wuhan University,

Mr Heng Liu, Associate Professor, Chinese Academy of Social Sciences,

Ms Tiantian He, Associate Professor, Chinese Academy of Social Sciences,

Ms Yan Song, Associate Professor, China Foreign Affairs University.

The Government of the Republic of Colombia is represented by:

HE Mr Luis Gilberto Murillo Urrutia, Minister for Foreign Affairs,

HE Ms Carolina Olarte Bácares, Ambassador of the Republic of Colombia to the Kingdom of the Netherlands,

HE Mr Juan José Quintana Aranguren, Ambassador, Deputy Permanent Representative of the Republic of Colombia to the United Nations, New York,

Ms Andrea Jiménez Herrera, Minister Plenipotentiary, Director of International Legal Affairs, Ministry of Foreign Affairs,

Ms Laurence Boisson de Chazournes, Professor of International Law at the University of Geneva School of Law, titular member of the Institut de droit international,

Ms Lucía Teresa Solano Ramírez, Counsellor, Permanent Mission of the Republic of Colombia to the United Nations, New York,

Mr Marco Alberto Velásquez Ruiz, Counsellor, Embassy of the Republic of Colombia in the Kingdom of the Netherlands,

Le Gouvernement de la République populaire de Chine est représenté par :

S. Exc. M. Xinmin Ma, conseiller juridique, ministère des affaires étrangères, membre de la Commission du droit international,

M^{me} Ni Tian, conseillère, ambassade de la République populaire de Chine au Royaume des Pays-Bas,

M^{me} Jing Zhong, directrice de division, département des traités et du droit, ministère des affaires étrangères,

M. Hao Huang, troisième secrétaire, ambassade de la République populaire de Chine au Royaume des Pays-Bas,

M^{me} Linqi Zhang, attachée, ambassade de la République populaire de Chine au Royaume des Pays-Bas,

M. Yifan Wang, attaché, département des traités et du droit, ministère des affaires étrangères,

M^{me} Zhuo Cui, attachée, département des traités et du droit, ministère des affaires étrangères,

M^{me} Xiao Han, attachée, département des traités et du droit, ministère des affaires étrangères,

M. Li Chen, professeur à l'Université de Fudan,

M^{me} Xiaolu Lei, professeure à l'Université de Wuhan,

M. Heng Liu, professeur associé à l'académie chinoise des sciences sociales,

M^{me} Tiantian He, professeure associée à l'académie chinoise des sciences sociales,

M^{me} Yan Song, professeure associée à l'Université des affaires étrangères de Chine.

Le Gouvernement de la République de Colombie est représenté par :

S. Exc. M. Luis Gilberto Murillo Urrutia, ministre des affaires étrangères,

S. Exc. M^{me} Carolina Olarte Bácares, ambassadrice de la République de Colombie auprès du Royaume des Pays-Bas,

S. Exc. M. Juan José Quintana Aranguren, ambassadeur, représentant permanent adjoint de la Colombie auprès de l'Organisation des Nations Unies,

M^{me} Andrea Jiménez Herrera, ministre plénipotentiaire, directrice des affaires juridiques internationales, ministère des affaires étrangères,

M^{me} Laurence Boisson de Chazournes, professeur de droit international à la faculté de droit de l'Université de Genève et membre titulaire de l'Institut de droit international,

M^{me} Lucía Teresa Solano Ramírez, conseillère, mission permanente de la Colombie auprès de l'Organisation des Nations Unies,

M. Marco Alberto Velásquez Ruiz, conseiller, ambassade de la République de Colombie au Royaume des Pays-Bas,

Mr Sergio Andrés Díaz Rodríguez, Head of the Group of Treaties, Department of International Legal Affairs, Ministry of Foreign Affairs,

Mr Aditya Laddha, PhD candidate and assistant, Faculty of Law, University of Geneva,

Mr Sebastián Zuleta Henríquez, Legal Adviser, Office of the Minister for Foreign Affairs, Ministry of Foreign Affairs,

Mr Raúl Alfonso Simancas Gómez, Second Secretary for Foreign Affairs, Embassy of the Republic of Colombia in the Kingdom of the Netherlands,

Ms Danna Marcela Díaz López, Assistant, Office of the Minister for Foreign Affairs, Ministry of Foreign Affairs,

Mr Mario Alejandro López Schiller, Protocol Officer, Ministry of Foreign Affairs.

The Government of the Commonwealth of Dominica is represented by:

Mr Levi Peter, Attorney General,

Ms Vanica Sobers-Joseph, Legal Advocate, Senior State Attorney,

Ms Annika Bellot, Alliance of Small Island States Fellow.

The Government of the Republic of Korea is represented by:

Mr Hwang Jun-shik, Director General for International Legal Affairs, Ministry of Foreign Affairs,

Mr Lee Keun-Gwan, Professor, Seoul National University School of Law,

Ms Jung So Hyun, Director for International Legal Affairs, Ministry of Foreign Affairs,

Ms Lee Yuseong, First Secretary, Ministry of Foreign Affairs,

Ms Jang Eunhee, Second Secretary, Ministry of Foreign Affairs,

Ms Ahn Hyejeong, Minister and Consul-General, Embassy of the Republic of Korea in the Kingdom of the Netherlands,

Mr Bae Sang yoon, Attaché, Embassy of the Republic of Korea in the Kingdom of the Netherlands,

Ms Park Jiyeon, First Secretary, Embassy of the Republic of Korea in the Kingdom of the Netherlands,

Ms Hwang Soo Ah, Researcher, Embassy of the Republic of Korea in the Kingdom of the Netherlands.

The Government of the Republic of Costa Rica is represented by:

HE Ms Georgina Guillén Grillo, Ambassador, Director General for Foreign Policy, Ministry of Foreign Affairs and Worship,

HE Mr Arnoldo Brenes Castro, Ambassador of the Republic of Costa Rica to the Kingdom of the Netherlands,

M. Sergio Andrés Díaz Rodríguez, chef du service des traités, département des affaires juridiques internationales, ministère des affaires étrangères,

M. Aditya Laddha, doctorant et assistant, faculté de droit de l'Université de Genève,

M. Sebastián Zuleta Henríquez, conseiller juridique, cabinet du ministre des affaires étrangères, ministère des affaires étrangères,

M. Raúl Alfonso Simancas Gómez, deuxième secrétaire aux affaires étrangères, ambassade de la République de Colombie au Royaume des Pays-Bas,

M^{me} Danna Marcela Díaz López, assistante, cabinet du ministre des affaires étrangères, ministère des affaires étrangères,

M. Mario Alejandro López Schiller, chargé du protocole, ministère des affaires étrangères.

Le Gouvernement du Commonwealth de Dominique est représenté par :

M. Levi Peter, *Attorney General*,

M^{me} Vanica Sobers-Joseph, avocate, *Senior State Attorney*,

M^{me} Annika Bellot, *Fellow* de l'Alliance des petits États insulaires.

Le Gouvernement de la République de Corée est représenté par :

M. Hwang Jun-shik, directeur général des affaires juridiques internationales, ministère des affaires étrangères,

M. Lee Keun-Gwan, professeur à la faculté de droit de l'Université nationale (Séoul),

M^{me} Jung So Hyun, directrice des affaires juridiques internationales, ministère des affaires étrangères,

M^{me} Lee Yuseong, première secrétaire, ministère des affaires étrangères,

M^{me} Jang Eunhee, deuxième secrétaire, ministère des affaires étrangères,

M^{me} Ahn Hyejeong, ministre et consule générale, ambassade de la République de Corée au Royaume des Pays-Bas,

M. Bae Sang yoon, attaché, ambassade de la République de Corée au Royaume des Pays-Bas,

M^{me} Park Jiyeon, première secrétaire, ambassade de la République de Corée au Royaume des Pays-Bas,

M^{me} Hwang Soo Ah, chercheuse, ambassade de la République de Corée au Royaume des Pays-Bas.

Le Gouvernement de la République du Costa Rica est représenté par :

S. Exc. M^{me} Georgina Guillén Grillo, ambassadrice, directrice générale de la politique extérieure, ministère des affaires étrangères et des cultes,

S. Exc. M. Arnoldo Brenes Castro, ambassadeur de la République du Costa Rica auprès du Royaume des Pays-Bas,

Mr Marcelo Kohen, Professor Emeritus of International Law, Geneva Graduate Institute of International and Development Studies, titular member and former Secretary-General of the Institut de droit international,

Ms Sofia Cob Briceño, Minister Counsellor, Embassy of the Republic of Costa Rica in the Kingdom of the Netherlands.

The Government of the Republic of Côte d'Ivoire is represented by:

Mr Eugène Zagre, Director of Legal Affairs and Litigation, Ministry of the Environment and Sustainable Development,

Mr Kouadio Georges Clovis Kouacou, Minister Counsellor, Embassy of the Republic of Côte d'Ivoire in the Kingdom of the Netherlands,

Mr Bi Zah Nene, First Counsellor, Embassy of the Republic of Côte d'Ivoire in the Kingdom of the Netherlands,

Mr Arman Sarvarian, Counsel, Reader in Public International Law, University of Surrey.

The Governments of the Kingdom of Denmark, the Republic of Finland, Iceland, the Kingdom of Norway and the Kingdom of Sweden are represented by:

Mr Kristian Jervell, Director General for Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Norway,

Ms Sesselja Sigurdardóttir, Director General for Legal Affairs, Ministry of Foreign Affairs of Iceland,

Ms Kaija Suvanto, Director General for Legal Affairs, Ministry of Foreign Affairs of the Republic of Finland,

HE Ms Vibeke Pasternak Jørgensen, Ambassador, Under-Secretary for Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Denmark,

Ms Elinor Hammarskjöld, Director General for Legal Affairs, Ministry of Foreign Affairs of the Kingdom of Sweden,

Mr Henning Meidel Johnsen, Adviser, Legal Department, Ministry of Foreign Affairs of the Kingdom of Norway,

Mr Jørgen Sjørgard Skjold, Senior Adviser, Ministry of Foreign Affairs of the Kingdom of Norway, Associate Professor II, Faculty of Law, University of Oslo,

Ms Maise Biørn Jørgensen, Special Adviser, Legal Department, Ministry of Foreign Affairs of the Kingdom of Norway,

Ms Tarja Långström, Director for Public International Law at the Ministry of Foreign Affairs of the Republic of Finland,

Ms Anette Laulajainen, Second Secretary, Embassy of the Republic of Finland in the Kingdom of the Netherlands,

Ms Emma Långström, Junior Adviser, Embassy of the Republic of Finland in the Kingdom of the Netherlands,

M. Marcelo Kohen, professeur émérite de droit international à l'Institut de hautes études internationales et du développement de Genève, membre titulaire et ancien secrétaire général de l'Institut de droit international,

M^{me} Sofia Cob Briceño, ministre conseillère, ambassade de la République du Costa Rica au Royaume des Pays-Bas.

Le Gouvernement de la République de Côte d'Ivoire est représenté par :

M. Eugène Zagre, directeur des affaires juridiques et du contentieux, ministère de l'environnement et du développement durable,

M. Kouadio Georges Clovis Kouacou, ministre conseiller, ambassade de la République de Côte d'Ivoire au Royaume des Pays-Bas,

M. Bi Zah Nene, premier conseiller, ambassade de la République de Côte d'Ivoire au Royaume des Pays-Bas,

M. Arman Sarvarian, avocat, professeur de droit international public à l'Université de Surrey.

Les Gouvernements du Royaume du Danemark, de la République de Finlande, de l'Islande, du Royaume de Norvège et du Royaume de Suède sont représentés par :

M. Kristian Jervell, directeur général des affaires juridiques, ministère des affaires étrangères du Royaume de Norvège,

M^{me} Sesselja Sigurdardóttir, directrice générale des affaires juridiques, ministère des affaires étrangères de l'Islande,

M^{me} Kaija Suvanto, directrice générale des affaires juridiques, ministère des affaires étrangères de la République de Finlande,

S. Exc. M^{me} Vibeke Pasternak Jørgensen, ambassadrice, sous-secrétaire aux affaires juridiques, ministère des affaires étrangères du Royaume du Danemark,

M^{me} Elinor Hammarskjöld, directrice générale des affaires juridiques, ministère des affaires étrangères du Royaume de Suède,

M. Henning Meidel Johnsen, conseiller, département juridique, ministère des affaires étrangères du Royaume de Norvège,

M. Jørgen Sjørgard Skjold, conseiller principal, ministère des affaires étrangères du Royaume de Norvège et professeur associé II à la faculté de droit de l'Université d'Oslo,

M^{me} Maise Biørn Jørgensen, conseillère spéciale, département juridique, ministère des affaires étrangères du Royaume de Norvège,

M^{me} Tarja Långström, directrice du droit international public, ministère des affaires étrangères de la République de Finlande,

M^{me} Anette Laulajainen, deuxième secrétaire, ambassade de la République de Finlande au Royaume des Pays-Bas,

M^{me} Emma Långström, conseillère adjointe, ambassade de la République de Finlande au Royaume des Pays-Bas,

HE Mr Erling Rimestad, Ambassador of the Kingdom of Norway to the Kingdom of the Netherlands,

Ms Kristin Hefre, Minister-Counsellor, Embassy of the Kingdom of Norway in the Kingdom of the Netherlands,

Ms Edith Meek Allern, Adviser, Embassy of the Kingdom of Norway in the Kingdom of the Netherlands.

The Government of the Arab Republic of Egypt is represented by:

HE Mr Wael Aboulmagd, Assistant Minister for Climate Change, Environmental Affairs and Sustainable Development, Ministry of Foreign Affairs, Emigration and Egyptian Expatriates,

HE Mr Emad Magdy Hanna, Ambassador of the Arab Republic of Egypt to the Kingdom of the Netherlands,

Ms Jasmine Moussa, PhD, Legal Counsellor, Cabinet of the Minister for Foreign Affairs, Emigration and Egyptian Expatriates, Ministry of Foreign Affairs, Emigration and Egyptian Expatriates,

Mr Mohamed Samir Salem, First Secretary, Embassy of the Arab Republic of Egypt in the Kingdom of the Netherlands,

Ms Haidy Ahmed Abdelghany, Third Secretary, Ministry of Foreign Affairs, Emigration and Egyptian Expatriates.

The Government of the Republic of El Salvador is represented by:

HE Mr Agustín Vásquez Gómez, Ambassador of the Republic of El Salvador to the Kingdom of the Netherlands,

Mr Fernando Bordin, Associate Professor, Sidney Sussex College, University of Cambridge, Member of the Brazilian Bar,

Mr Josué Liévano, Minister Counsellor, Deputy Head of Mission, Embassy of the Republic of El Salvador in the Kingdom of the Netherlands,

Mr Daniel Starr, Counsellor, Embassy of the Republic of El Salvador in the Kingdom of the Netherlands.

The Government of the United Arab Emirates is represented by:

HE Mr Abdulla Balalaa, Assistant Minister for Energy and Sustainability Affairs, Ministry of Foreign Affairs,

Ms Majd Abdalla, Second Secretary, Embassy of the United Arab Emirates in the Kingdom of the Netherlands,

Mr Yasir Alnaqbi, Second Secretary, Embassy of the United Arab Emirates in the Kingdom of the Netherlands,

Ms Maryam Alnuaimi, Attaché, International Law Department, Ministry of Foreign Affairs,

Mr Alessandro Pizzuti, Legal Adviser, International Law Department, Ministry of Foreign Affairs,

S. Exc. M. Erling Rimestad, ambassadeur du Royaume de Norvège auprès du Royaume des Pays-Bas,

M^{me} Kristin Hefre, ministre-conseillère, ambassade du Royaume de Norvège au Royaume des Pays-Bas,

M^{me} Edith Meek Allern, conseillère, ambassade du Royaume de Norvège au Royaume des Pays-Bas.

Le Gouvernement de la République arabe d'Égypte est représenté par :

S. Exc. M. Wael Aboulmagd, ministre délégué aux changements climatiques, aux affaires environnementales et au développement durable, ministère des affaires étrangères, de l'émigration et des expatriés égyptiens,

S. Exc. M. Emad Magdy Hanna, ambassadeur de la République arabe d'Égypte auprès du Royaume des Pays-Bas,

M^{me} Jasmine Moussa, titulaire d'un doctorat, conseillère juridique, cabinet du ministre des affaires étrangères, de l'émigration et des expatriés égyptiens, ministère des affaires étrangères, de l'émigration et des expatriés égyptiens,

M. Mohamed Samir Salem, premier secrétaire, ambassade de la République arabe d'Égypte au Royaume des Pays-Bas,

M^{me} Haidy Ahmed Abdelghany, troisième secrétaire, ministère des affaires étrangères et des affaires des expatriés de la République arabe d'Égypte.

Le Gouvernement de la République d'El Salvador est représenté par :

S. Exc. M. Agustín Vásquez Gómez, ambassadeur de la République d'El Salvador auprès du Royaume des Pays-Bas,

M. Fernando Bordin, professeur associé, Sidney Sussex College, Université de Cambridge, membre du barreau du Brésil,

M. Josué Liévano, ministre-conseiller, chef de mission adjoint, ambassade de la République d'El Salvador au Royaume des Pays-Bas,

M. Daniel Starr, conseiller, ambassade de la République d'El Salvador au Royaume des Pays-Bas.

Le Gouvernement des Émirats arabes unis est représenté par :

S. Exc. M. Abdulla Balalaa, ministre adjoint chargé de l'énergie et du développement durable, ministère des affaires étrangères,

M^{me} Majd Abdalla, deuxième secrétaire, ambassade des Émirats arabes unis au Royaume des Pays-Bas,

M. Yasir Alnaqbi, deuxième secrétaire, ambassade des Émirats arabes unis au Royaume des Pays-Bas,

M^{me} Maryam Alnuaimi, attachée, département du droit international, ministère des affaires étrangères,

M. Alessandro Pizzuti, conseiller juridique, département du droit international, ministère des affaires étrangères,

Mr Simon Olleson, Barrister, Lawyer, Legal Advisor/Presidential Court,

Ms Ruba Ghandour, Legal Expert, International Law Department, Ministry of Foreign Affairs,

Ms Vishakha Choudhary, Legal Expert, International Law Department, Ministry of Foreign Affairs.

The Government of the Republic of Ecuador is represented by:

HE Mr Marcelo Vázquez-Bermúdez, Ambassador, Permanent Representative of the Republic of Ecuador to the United Nations Office and other international organizations in Geneva, member of the International Law Commission,

HE Mr Andrés Terán Parral, Ambassador of the Republic of Ecuador to the Kingdom of the Netherlands,

Mr Alfredo Crosato Neumann, Assistant Professor of International Law, Kadir Has University, Istanbul, member of the Lima Bar,

Mr Omri Sender, SJD, Attorney at Law, S. Horowitz and Co.,

Mr Niccolò Ridi, Senior Lecturer, King's College London,

Mr Carlos A. Cruz Carrillo, PhD Researcher, University of Basel,

Mr Hernán Escudero Álvarez, LLM University College London, member of the Ecuadorean Bar.

The Government of the Kingdom of Spain is represented by:

Mr Santiago Ripol Carulla, Head of the International Legal Office, Ministry of Foreign Affairs, European Union and Cooperation,

HE Ms Consuelo Femenía Guardiola, Ambassador of the Kingdom of Spain to the Kingdom of the Netherlands,

Ms Consuelo Castro Rey, State Attorney, Office of the Attorney General,

Mr Oriol Solà Pardell, Legal Adviser, International Legal Office of the Ministry of Foreign Affairs, European Union and Cooperation.

The Government of the United States of America is represented by:

Ms Margaret Taylor, Legal Adviser, United States Department of State,

Mr Richard Visek, Principal Deputy Legal Adviser, United States Department of State,

Ms Kathryn Youel Page, Assistant Legal Adviser, United States Department of State,

Mr John Daley, Deputy Assistant Legal Adviser, United States Department of State,

Ms Joanna Coyne, Attorney-Adviser, United States Department of State,

Mr Jonathan Davis, Attorney-Adviser, United States Department of State,

Mr Isaac Webb, Special Assistant to the Legal Adviser, United States Department of State,

M. Simon Olleson, *Barrister*, avocat, conseiller juridique près la Cour présidentielle,

M^{me} Ruba Ghandour, experte juridique, département du droit international, ministère des affaires étrangères,

M^{me} Vishakha Choudhary, expert juridique, département du droit international, ministère des affaires étrangères.

Le Gouvernement de la République de l'Équateur est représenté par :

S. Exc. M. Marcelo Vázquez-Bermúdez, ambassadeur, représentant permanent de la République de l'Équateur auprès de l'Office des Nations Unies et des autres organisations internationales (Genève), membre de la Commission du droit international,

S. Exc. M. Andrés Terán Parral, ambassadeur de la République de l'Équateur auprès du Royaume des Pays-Bas,

M. Alfredo Crosato Neumann, professeur adjoint de droit international à l'Université Kadir Has d'Istanbul, membre du barreau de Lima,

M. Omri Sender, SJD, avocat, cabinet S. Horowitz & Co.,

M. Niccolò Ridi, maître de conférences, King's College (Londres),

M. Carlos A. Cruz Carrillo, doctorant à l'Université de Bâle,

M. Hernán Escudero Álvarez, LLM University College London, membre du barreau équatorien.

Le Gouvernement du Royaume d'Espagne est représenté par :

M. Santiago Ripol Carulla, chef du bureau du droit international, ministère des affaires étrangères, de l'Union européenne et de la coopération,

S. Exc. M^{me} Consuelo Femenía Guardiola, ambassadrice du Royaume d'Espagne auprès du Royaume des Pays-Bas,

M^{me} Consuelo Castro Rey, avocate générale, bureau de l'avocat général,

M. Oriol Solà Pardell, conseiller juridique, bureau du droit international, ministère des affaires étrangères, de l'Union européenne et de la coopération.

Le Gouvernement des États-Unis d'Amérique est représenté par :

M^{me} Margaret Taylor, conseillère juridique, département d'État des États-Unis,

M. Richard Visek, premier conseiller juridique adjoint, département d'État des États-Unis,

M^{me} Kathryn Youel Page, assistante juridique, département d'État des États-Unis,

M. John Daley, assistant juridique adjoint, département d'État des États-Unis,

M^{me} Joanna Coyne, avocate-conseil, département d'État des États-Unis,

M. Jonathan Davis, avocat-conseil, département d'État des États-Unis,

M. Isaac Webb, assistant spécial auprès du conseiller juridique, département d'État des États-Unis,

Ms Alison Welcher, Legal Counselor, Embassy of the United States of America in the Kingdom of the Netherlands,

Ms Terra Gearhart-Serna, Deputy Legal Counselor, Embassy of the United States of America in the Kingdom of the Netherlands.

The Government of the Russian Federation is represented by:

Mr Maksim Musikhin, Director, Legal Department, Ministry of Foreign Affairs,

HE Mr Vladimir Tarabrin, Ambassador of the Russian Federation to the Kingdom of the Netherlands,

Mr Ruslan Kantur, Legal Adviser, Permanent Representation of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons.

The Government of the Republic of Fiji is represented by:

Mr Graham Leung, Attorney General,

Mr Luke Daunivalu, Permanent Representative of the Republic of Fiji to the United Nations Office and other international organizations in Geneva,

Ms Keleni Seruvatu, Director for Multilateral Affairs, Ministry of Foreign Affairs,

Ms Ofa Solimailagi, Deputy State Solicitor,

Ms Suliana Taukei, Principal Legal Officer, Office of the Attorney General,

Ms Genevieve Jiva, Manager, Climate Change Division, Ministry of Environment and Climate Change.

The Government of the French Republic is represented by:

Mr Diégo Colas, Legal Adviser, Director of Legal Affairs, Ministry for Europe and Foreign Affairs,

HE Mr François Alabrune, Ambassador of the French Republic to the Kingdom of the Netherlands,

Ms Tessa Barsac, Legal Consultant,

Mr Mathias Forteau, Professor of Public Law, University Paris Nanterre,

Ms Sophie Grosbon, Lecturer in Public Law, University Paris Nanterre,

Mr Yann Kerbrat, Professor of Public Law, Paris 1 Panthéon-Sorbonne University,

Mr Alain Pellet, Emeritus Professor, University Paris Nanterre, former Chairman of the International Law Commission, member of the Institut de droit international,

Ms Charlotte Blondel, Legal Adviser, Directorate of Legal Affairs, Ministry for Europe and Foreign Affairs,

Ms Marion Esnault, Legal Adviser, Directorate of Legal Affairs, Ministry for Europe and Foreign Affairs,

M^{me} Alison Welcher, conseillère juridique, ambassade des États-Unis d'Amérique au Royaume des Pays-Bas,

M^{me} Terra Gearhart-Serna, conseillère juridique adjointe, ambassade des États-Unis d'Amérique au Royaume des Pays-Bas.

Le Gouvernement de la Fédération de Russie est représenté par :

M. Maksim Musikhin, directeur du département juridique, ministère des affaires étrangères,

S. Exc. M. Vladimir Tarabrin, ambassadeur de la Fédération de Russie au Royaume des Pays-Bas,

M. Ruslan Kantur, conseiller juridique de la représentation permanente de la Fédération de Russie auprès de l'Organisation pour l'interdiction des armes chimiques.

Le Gouvernement de la République des Fidji est représenté par :

M. Graham Leung, *Attorney General*,

M. Luke Daunivalu, représentant permanent de la République des Fidji auprès de l'Organisation des Nations Unies et des organisations internationales (Genève),

M^{me} Keleni Seruvatu, directrice des affaires multilatérales du ministère des affaires étrangères,

M^{me} Ofa Solimailagi, *State Solicitor* adjointe,

M^{me} Suliana Taukei, juriste principale, bureau de l'*Attorney General*,

M^{me} Genevieve Jiva, directrice en charge du changement climatique, ministère du changement climatique et de l'environnement.

Le Gouvernement de la République française est représenté par :

M. Diégo Colas, jurisconsulte, directeur des affaires juridiques, ministère de l'Europe et des affaires étrangères,

S. Exc. M. François Alabrune, ambassadeur de la République française auprès du Royaume des Pays-Bas,

M^{me} Tessa Barsac, consultante juridique,

M. Mathias Forteau, professeur de droit public à l'Université Paris Nanterre,

M^{me} Sophie Grosbon, maîtresse de conférences de droit public à l'Université Paris Nanterre,

M. Yann Kerbrat, professeur de droit public à l'Université Paris 1 Panthéon-Sorbonne,

M. Alain Pellet, professeur émérite de l'Université Paris Nanterre, ancien président de la Commission du droit international, membre de l'Institut de droit international,

M^{me} Charlotte Blondel, conseillère juridique, direction des affaires juridiques, ministère de l'Europe et des affaires étrangères,

M^{me} Marion Esnault, conseillère juridique, direction des affaires juridiques, ministère de l'Europe et des affaires étrangères,

Mr Nabil Hajjami, Assistant Director for Public International Law, Directorate of Legal Affairs,
Ministry for Europe and Foreign Affairs,

Ms Corinne Balleix, Adviser, Embassy of the French Republic in the Kingdom of the Netherlands,

Ms Jade Frichithavong, Chargée de mission for Legal Affairs, Embassy of the French Republic in
the Kingdom of the Netherlands,

Mr Stéphane Louhaur, Legal Adviser, Embassy of the French Republic in the Kingdom of the
Netherlands,

Ms Lucile Robin, Intern, Embassy of the French Republic in the Kingdom of the Netherlands.

The Government of the Republic of Sierra Leone is represented by:

HE Mr Mohamed Lamin Tarawalley, Attorney General and Minister of Justice,

HE Mr Alpha Sesay, Deputy Minister of Justice,

HE Mr Michael Imran Kanu, Permanent Representative of the Republic of Sierra Leone to the
United Nations, New York,

Mr Charles Chernor Jalloh, Professor of International Law and Richard A. Hausler Chair in Law,
University of Miami Law School, member and Special Rapporteur of the International Law
Commission, member of the Ontario Bar,

Ms Phoebe Okowa, Professor of Public International Law, Queen Mary University, London, member
of the International Law Commission, Advocate of the High Court of Kenya,

Ms Fatmata Bintu Seisay, Director of Legal Training and Operations, Center for International Law
and Policy in Africa, member of the Bar of Sierra Leone,

Mr Thomas Freeman, Legal Secretary, Ministry of Justice.

The Government of the Republic of Ghana is represented by:

HE Mr Godfred Yeboah Dame, Attorney General and Minister for Justice,

HE Mr Francis Danti Kotia, Ambassador of the Republic of Ghana to the Kingdom of the
Netherlands,

Ms Diana Asonaba Dapaah, Deputy Attorney General and Deputy Minister for Justice,

Ms Helen Akpene Awo Ziwu, Solicitor General, Office of the Attorney General and Ministry of
Justice,

Ms Sylvia Ama Adusu, Chief State Attorney and Director of International Law Division, Office of
the Attorney General and Ministry of Justice,

Ms Jane Gasu Aheto, Director, Legal Bureau, Ministry of Foreign Affairs and Regional Integration,

HE Mr Senalor K. Yawlui, Minister, Deputy Head of Mission, Embassy of the Republic of Ghana in
the Kingdom of the Netherlands,

M. Nabil Hajjami, sous-directeur du droit international public, direction des affaires juridiques, ministère de l'Europe et des affaires étrangères,

M^{me} Corinne Balleix, conseillère, ambassade de la République française au Royaume des Pays-Bas,

M^{me} Jade Frichithavong, chargée de mission juridique, ambassade de la République française au Royaume des Pays-Bas,

M. Stéphane Louhaur, conseiller juridique, ambassade de la République française au Royaume des Pays-Bas,

M^{me} Lucile Robin, stagiaire, ambassade de la République française au Royaume des Pays-Bas.

Le Gouvernement de la République de Sierra Leone est représenté par :

S. Exc. M. Mohamed Lamin Tarawalley, *Attorney General*, ministre de la justice,

S. Exc. M. Alpha Sesay, vice-ministre de la justice,

S. Exc. M. Michael Imran Kanu, représentant permanent de la République de Sierra Leone auprès de l'Organisation des Nations Unies (New York),

M. Charles Chernor Jalloh, professeur de droit international et titulaire de la chaire de droit Richard A. Hausler à la faculté de droit de l'Université de Miami, membre et rapporteur spécial de la Commission du droit international, membre du barreau de l'Ontario,

M^{me} Phoebe Okowa, professeure de droit international public à l'Université Queen Mary de Londres, membre de la Commission du droit international, avocate, Haute Cour du Kenya,

M^{me} Fatmata Bintu Seisay, directrice de la formation et des activités juridiques, Center for International Law and Policy in Africa, membre du barreau de Sierra Leone,

M. Thomas Freeman, secrétaire juridique, ministère de la justice.

Le Gouvernement de la République du Ghana est représenté par :

S. Exc. M. Godfred Yeboah Dame, *Attorney General* et ministre de la justice,

S. Exc. M. Francis Danti Kotia, ambassadeur de la République du Ghana auprès du Royaume des Pays-Bas,

M^{me} Diana Asonaba Dapaah, *Attorney General* adjointe et ministre adjointe de la justice,

M^{me} Helen Akpene Awo Ziwu, *Solicitor General*, bureau de l'*Attorney General* et ministère de la justice,

M^{me} Sylvia Ama Adusu, *Chief State Attorney* et directrice du département du droit international, bureau de l'*Attorney General* et ministère de la justice,

M^{me} Jane Gasu Aheto, directrice des affaires juridiques, ministère des affaires étrangères et de l'intégration régionale,

S. Exc. M. Senalor K. Yawlui, ministre, chef de mission adjoint, ambassade de la République du Ghana au Royaume des Pays-Bas,

Ms Khalilah Hackman, Deputy Director, Legal Bureau, Ministry of Foreign Affairs and Regional Integration,

HE Ms Namira Negm, Ambassador, Former Legal Counsel of the African Union,

Mr Muin Boase, Great James Street Chambers, member of the Bar of England and Wales, Senior Lecturer in International Law, University of Derby.

The Government of Grenada is represented by:

Senator the Hon. Claudette Joseph, Attorney General and Minister for Legal Affairs,

HE Mr Raphael Joseph, Ambassador of Grenada to the Kingdom of Belgium and Head of the Mission of Grenada to the European Union,

Mr Justin Sobion, Senior Tutor, Faculty of Law, University of Auckland, New Zealand,

Ms Rueanna Haynes, External Counsel, Director of Climate Analytics,

Ms Rae Thomas, Crown Counsel, Office of the Attorney General and Ministry of Legal Affairs.

The Government of the Republic of Guatemala is represented by:

HE Ms Ana Cristina Rodríguez Pineda, Ambassador of the Republic of Guatemala to the Kingdom of the Netherlands,

Mr Juan Pablo Hernández Páez, Third Secretary, Embassy of the Republic of Guatemala in the Kingdom of the Netherlands.

The Government of the Cook Islands is represented by:

Ms Sandrina Thondoo, Director, Treaties, Multilaterals and Oceans Division, Ministry of Foreign Affairs and Immigration,

Ms Peka Fisher, Foreign Service Officer, Treaties, Multilaterals and Oceans Division, Ministry of Foreign Affairs and Immigration,

Mr Fuimaono Dylan Asafo, Senior Lecturer, Faculty of Law, University of Auckland.

The Government of the Republic of the Marshall Islands is represented by:

HE Mr John Silk, Ambassador and Permanent Representative of the Republic of the Marshall Islands to the United Nations, New York,

HE Ms Doreen deBrum, Ambassador and Permanent Representative of the Republic of the Marshall Islands to the United Nations Office and other international organizations in Geneva,

Mr Johnathen Kawakami, Deputy Attorney General,

Ms Kathy Jetnil-Kijiner, Climate Envoy,

Ms Atina Schutz, Special Assistant Attorney General,

M^{me} Khalilah Hackman, directrice adjointe des affaires juridiques, ministère des affaires étrangères et de l'intégration régionale,

S. Exc. M^{me} Namira Negm, ambassadrice, ancienne conseillère juridique de l'Union africaine,

M. Muin Boase, Great James Street Chambers, membre du barreau d'Angleterre et du pays de Galles, maître de conférences en droit international à l'Université de Derby.

Le Gouvernement de la Grenade est représenté par :

S. Exc. M^{me} Claudette Joseph, sénatrice, *Attorney General* et ministre des affaires juridiques,

S. Exc. M. Raphael Joseph, ambassadeur de la Grenade auprès du Royaume de Belgique et chef de la mission auprès de l'Union européenne,

M. Justin Sobion, directeur d'études principal à la faculté de droit de l'Université d'Auckland (Nouvelle-Zélande),

M^{me} Rueanna Haynes, conseillère extérieure, directrice de Climate Analytics,

M^{me} Rae Thomas, *Crown Counsel*, bureau de l'*Attorney General*, ministère des affaires juridiques.

Le Gouvernement de la République du Guatemala est représenté par :

S. Exc. M^{me} Ana Cristina Rodríguez Pineda, ambassadrice de la République du Guatemala auprès du Royaume des Pays-Bas,

M. Juan Pablo Hernández Páez, troisième secrétaire à l'ambassade de la République du Guatemala au Royaume des Pays-Bas.

Le Gouvernement des Îles Cook est représenté par :

M^{me} Sandrina Thondoo, directrice, département des traités, du multilatéralisme et des océans, ministère des affaires étrangères et de l'immigration,

M^{me} Peka Fisher, service des affaires étrangères, département des traités, du multilatéralisme et des océans, ministère des affaires étrangères et de l'immigration,

M. Fuimaono Dylan Asafo, maître de conférences à la faculté de droit de l'université d'Auckland.

Le Gouvernement de la République des Îles Marshall est représenté par :

S. Exc. M. John Silk, ambassadeur et représentant permanent de la République des Îles Marshall auprès de l'Organisation des Nations Unies (New York),

S. Exc. M^{me} Doreen deBrum, ambassadrice et représentante permanente de la République des Îles Marshall auprès de l'Office des Nations Unies et d'autres organisations internationales (Genève),

M. Johnathen Kawakami, *Attorney General* adjoint,

M^{me} Kathy Jetnil-Kijiner, émissaire pour le climat,

M^{me} Atina Schutz, assistante spéciale auprès de l'*Attorney General*,

Mr Augustine Sokimi, Legal Counsel, Permanent Mission of the Republic of the Marshall Islands to the United Nations Office and other international organizations in Geneva,

Ms Juliette Chesnel, Counsellor, Permanent Mission of the Republic of the Marshall Islands to the United Nations Office and other international organizations in Geneva,

Ms Malgosia Fitzmaurice,

Ms Agnes Rydberg,

Ms Jennifer Robinson.

The Government of Solomon Islands is represented by:

The Hon. John Muria Jnr, Attorney General,

HE Mr Moses Mosé, Ambassador of Solomon Islands to the Kingdom of Belgium, the Kingdom of the Netherlands, the French Republic and the Federal Republic of Germany, and Head of Mission of the Solomon Islands to the European Union,

Ms Freliz Marion Fakarii, Principal Crown Counsel, Solomon Islands Attorney General's Chambers,

Ms Jolene Seke, Senior Legal Officer for Permanent Secretary, Minister of Foreign Affairs and External Trade,

Mr Rodrick Rollands, Youth Representative, Solomon Islands Climate Action Network,

Mr Harjeevan Narulla, Barrister, Doughty Street Chambers,

Mr Stephen Webb, Partner, DLA Piper,

Ms Gitanjali Bajaj, Partner, Co-Head for International Arbitration Asia-Pacific, DLA Piper,

Ms Catriona Martin, Partner, DLA Piper,

Ms Riley Arthur, Solicitor, DLA Piper,

Ms Claire Robertson, Solicitor, DLA Piper.

The Government of the Republic of India is represented by:

Mr Luther Rangreji, Joint Secretary and Legal Adviser, Ministry of External Affairs,

Mr Rajat Agarwal, Joint Secretary, Ministry of Environment, Forest and Climate Change,

Ms K.C. Sowmya, Legal Counsellor, Embassy of the Republic of India in the Kingdom of the Netherlands,

Mr Yumkhaibam Sabir, Deputy Secretary, Ministry of External Affairs,

Ms Anushree Tripathi, Legal Consultant, Ministry of Environment, Forest and Climate Change.

M. Augustine Sokimi, conseiller juridique, mission permanente de la République des Îles Marshall auprès de l'Office des Nations Unies et d'autres organisations internationales (Genève),

M^{me} Juliette Chesnel, conseillère, mission permanente de la République des Îles Marshall auprès de l'Office des Nations Unies et d'autres organisations internationales (Genève),

M^{me} Malgosia Fitzmaurice,

M^{me} Agnes Rydberg,

M^{me} Jennifer Robinson.

Le Gouvernement des Îles Salomon est représenté par :

M. John Muria Junior, *Attorney General*,

S. Exc. M. Moses Mosé, ambassadeur des Îles Salomon auprès du Royaume de Belgique, du Royaume des Pays-Bas, de la République française et de la République fédérale d'Allemagne, et chef de mission des Îles Salomon auprès de l'Union européenne,

M^{me} Freliz Marion Fakarii, *Crown Counsel* principale, cabinet de l'*Attorney General*,

M^{me} Jolene Seke, juriste principale auprès du secrétaire permanent, ministre des affaires étrangères et du commerce extérieur,

M. Rodrick Rollands, représentant de la jeunesse, Solomon Islands Climate Action Network,

M. Harjeevan Narulla, *Barrister*, Doughty Street Chambers,

M. Stephen Webb, associé, cabinet DLA Piper,

M^{me} Gitanjali Bajaj, associée, coresponsable de l'arbitrage international Asie-Pacifique, cabinet DLA Piper,

M^{me} Catriona Martin, associée, cabinet DLA Piper,

M^{me} Riley Arthur, *Solicitor*, cabinet DLA Piper,

M^{me} Claire Robertson, *Solicitor*, cabinet DLA Piper.

Le Gouvernement de la République de l'Inde est représenté par :

M. Luther Rangreji, vice-secrétaire et conseiller juridique, ministère des affaires extérieures,

M. Rajat Agarwal, vice-secrétaire, ministère de l'environnement, des forêts et du changement climatique,

M^{me} K. C. Sowmya, conseillère juridique, ambassade de la République de l'Inde au Royaume des Pays-Bas,

M. Yumkhaibam Sabir, secrétaire adjoint, ministère des affaires extérieures,

M^{me} Anushree Tripathi, consultante juridique, ministère de l'environnement, des forêts et du changement climatique.

The Government of the Islamic Republic of Iran is represented by:

Mr Kazem Gharibabadi, Deputy Foreign Minister for Legal and International Affairs, Ministry of Foreign Affairs,

HE Mr Hadi Farajvand, Ambassador of the Islamic Republic of Iran to the Kingdom of the Netherlands,

Mr Seyed Ali Mousavi, Director General, Department for International Legal Affairs, Ministry of Foreign Affairs,

Mr Hamid Ebrahimi, Legal Counsellor, Embassy of the Islamic Republic of Iran in the Kingdom of the Netherlands,

Mr Ali Garshasbi, Legal Expert, Division for Treaties and Public International Law, Ministry of Foreign Affairs,

Mr Amirmohammad Shahriari, Legal Expert, Division for Treaties and Public International Law, Ministry of Foreign Affairs.

The Government of the Republic of Indonesia is represented by:

HE Mr Arif Havas Oegroseno, Vice-Minister for Foreign Affairs,

Mr L. Amrih Jinangkung, Director General for Legal Affairs and International Treaties,

HE Mr Mayerfas, Ambassador of the Republic of Indonesia to the Kingdom of the Netherlands,

Mr Febrizki Bagja Mukti, Minister Counsellor,

Mr F.X. Widiyarso, Minister Counsellor,

Mr Ahmad Bawazir, Minister Counsellor,

Ms Mia Padmasari, Counsellor,

Mr Andrea Albert Stefanus, First Secretary,

Ms Maudy Fitri Purliayu, Third Secretary,

Ms Fitri Nuril Islamy, Third Secretary.

The Government of Jamaica is represented by:

HE Ms Kamina Johnson Smith, Minister for Foreign Affairs and Foreign Trade,

HE Ms Symone Betton Nayo, Ambassador of Jamaica to the Kingdom of the Netherlands,

Ms Michelle Walker, Deputy Solicitor General, Attorney General's Chambers,

Ms Sherise Gayle, Senior Assistant to the Attorney General, Attorney General's Chambers,

Mr André Coore, Legal Adviser, Ministry of Foreign Affairs and Foreign Trade,

Ms Shelly-Ann Thompson, Assistant Attorney General, Attorney General's Chambers,

Le Gouvernement de la République islamique d'Iran est représenté par :

- S. Exc. M. Kazem Gharibabadi, vice-ministre des affaires étrangères chargé des affaires juridiques et internationales, ministère des affaires étrangères,
- S. Exc. M. Hadi Farajvand, ambassadeur de la République islamique d'Iran auprès du Royaume des Pays-Bas,
- M. Seyed Ali Mousavi, directeur général des affaires juridiques internationales, ministère des affaires étrangères,
- M. Hamid Ebrahimi, conseiller juridique, ambassade de la République islamique d'Iran au Royaume des Pays-Bas,
- M. Ali Garshasbi, expert juridique, département des traités et du droit international public, ministère des affaires étrangères,
- M. Amirmohammad Shahriari, expert juridique, département des traités et du droit international public, ministère des affaires étrangères.

Le Gouvernement de la République d'Indonésie est représenté par :

- S. Exc. M. Arif Havas Oegroseno, vice-ministre des affaires étrangères,
- M. L. Amrih Jinangkung, directeur général des affaires juridiques et des traités internationaux,
- S. Exc. M. Mayerfas, ambassadeur de la République d'Indonésie auprès du Royaume des Pays-Bas,
- M. Febrizki Bagja Mukti, ministre-conseiller,
- M. F.X. Widiyarso, ministre-conseiller,
- M. Ahmad Bawazir, ministre-conseiller,
- M^{me} Mia Padmasari, conseillère,
- M. Andrea Albert Stefanus, premier secrétaire,
- M^{me} Maudy Fitri Purliayu, troisième secrétaire,
- M^{me} Fitri Nuril Islamy, troisième secrétaire.

Le Gouvernement de la Jamaïque est représenté par :

- S. Exc. M^{me} Kamina Johnson Smith, ministre des affaires étrangères et du commerce extérieur,
- S. Exc. M^{me} Symone Betton Nayo, ambassadrice de la Jamaïque auprès du Royaume des Pays-Bas,
- M^{me} Michelle Walker, *Solicitor General* adjointe, cabinet de l'*Attorney General*,
- M^{me} Sherise Gayle, *Attorney General* adjointe principale, cabinet de l'*Attorney General*,
- M. André Coore, conseiller juridique, ministère des affaires étrangères et du commerce extérieur,
- M^{me} Shelly-Ann Thompson, *Attorney General* adjointe, cabinet de l'*Attorney General*,

Ms Peta-Gay Wilson, Assistant Attorney General, Attorney General's Chambers,

Mr Andrew Rodgers, Counsellor, Embassy of Jamaica in the Kingdom of Belgium and Mission of Jamaica to the European Union,

Ms Shaina Ferron, Crown Counsel, Ministry of Economic Growth and Job Creation.

The Government of the Independent State of Papua New Guinea is represented by:

Hon. Pila Kole Niningi, Attorney General and Minister for Justice,

HE Mr Fred Sarufa, Ambassador and Permanent Representative of the Independent State of Papua New Guinea to the United Nations, New York,

Mr Eric Kwa, Secretary, Department of Justice and Attorney General,

Mr Leslie Benjamin Mamu, Public Solicitor,

Mr E'ava Sotutu Geita, Acting Solicitor General,

Mr Chalapan Kaluwin, Executive Dean, Faculty of Science, University of Papua New Guinea,

Ms Lillian Botobai Woruba, Acting Deputy Secretary, Legal and Policy, Department of Justice and Attorney General,

Mr Thomas Michael Ilaisa, Deputy Public Solicitor,

Mr William Junior Bussil, Principal Legal Counsel, Climate Change and Development Authority,

Mr Levin Paiya, Principal Legal Officer, Department of Justice and Attorney General,

Mr Kevin Kipongi, Principal Legal Officer, Office of the Solicitor General, Department of Justice and Attorney General,

Ms Jennivive Michealene Kuman, Legal Officer, Office of the State Solicitor, Department of Justice and Attorney General,

Ms Ursula Regina Rakova, Women Representative from the Carteret Islands Community.

The Government of the Republic of Kenya is represented by:

HE Hon. Halima Mucheke, Ambassador of the Republic of Kenya to the Kingdom of the Netherlands,

Ms Phoebe Okowa, Professor of Public International Law, Queen Mary University, London, member of the International Law Commission, Advocate of the High Court of Kenya,

Mr Nigel Mwaura, Legal Officer, Embassy of the Republic of Kenya in the Kingdom of the Netherlands,

Mr Charles Chernor Jalloh, Professor of International Law and Richard A. Hausler Chair in Law, University of Miami Law School, member and Special Rapporteur, International Law Commission, member of the Ontario Bar,

M^{me} Peta-Gay Wilson, *Attorney General* adjointe, cabinet de l'*Attorney General*,

M. Andrew Rodgers, conseiller, ambassade de la Jamaïque au Royaume de Belgique et mission auprès de l'Union européenne,

M^{me} Shaina Ferron, *Crown Counsel*, ministère de la croissance économique et de la création d'emploi.

Le Gouvernement de l'État indépendant de Papouasie-Nouvelle-Guinée est représenté par :

S. Exc. M. Pila Kole Niningi, *Attorney General* et ministre de la justice,

S. Exc. M. Fred Sarufa, ambassadeur et représentant permanent de l'État indépendant de Papouasie-Nouvelle-Guinée auprès des Nations Unies (New York),

M. Eric Kwa, secrétaire, ministère de la justice et de l'*Attorney General*,

M. Leslie Benjamin Mamu, *Solicitor*,

M. E'ava Sotutu Geita, *Solicitor General* par intérim,

M. Chalapan Kaluwin, doyen, faculté des sciences de l'Université de Papouasie-Nouvelle-Guinée,

M^{me} Lillian Botobai Woruba, secrétaire adjointe par intérim, affaires juridiques et politiques, ministère de la justice et de l'*Attorney General*,

M. Thomas Michael Ilaisa, *Solicitor* adjoint de l'État,

M. William Junior Bussil, conseil juridique principal, autorité sur le changement climatique et le développement,

M. Levin Paiya, juriste principal, ministère de la justice et de l'*Attorney General*,

M. Kevin Kipongi, juriste principal, bureau du *Solicitor General*, ministère de la justice et de l'*Attorney General*,

M^{me} Jennivive Michealene Kuman, juriste, bureau du *Solicitor* d'État, ministère de la justice et de l'*Attorney General*,

M^{me} Ursula Regina Rakova, représentante des femmes, communauté des Îles Carteret.

Le Gouvernement de la République du Kenya est représenté par :

S. Exc. M^{me} Halima Mucheke, ambassadrice de la République du Kenya auprès du Royaume des Pays-Bas,

M^{me} Phoebe Okowa, professeure de droit international public à l'Université Queen Mary de Londres, membre de la Commission du droit international, avocate, Haute Cour du Kenya,

M. Nigel Mwaura, juriste, ambassade de la République du Kenya au Royaume des Pays-Bas,

M. Charles Chernor Jalloh, professeur de droit international et titulaire de la chaire de droit Richard A. Hausler à la faculté de droit de l'Université de Miami, membre et rapporteur spécial de la Commission du droit international, membre du barreau de l'Ontario,

Mr Gleider Hernández, Professor of Public International Law, KU Leuven, President of the European Society of International Law,

Mr Sean O'Reilly, Barrister, Plowman Chambers, member of the Bar of Hong Kong,

Mr Icarus Chan, member of the Bar of the State of New York,

Ms Esti Tambay, Senior Legal Counsel, Open Society Justice Initiative,

Ms Virginie Barral, Senior Lecturer, Goldsmiths University of London,

Mr Dan Olago, Institute for Climate Change and Adaptation, University of Nairobi,

Mr George Outa, Institute for Climate Change and Adaptation, University of Nairobi,

Ms Miriam Bennun, Research Assistant,

Ms Elizabeth Choge, Chief State Counsel, Republic of Kenya,

Ms Anita Chepseba, Deputy Chief State Counsel, Republic of Kenya,

Mr David Adegu, Assistant Director Climates Services, Kenya Meteorological Department.

The Government of the Republic of Kiribati is represented by:

HE Mr Teburoro Tito, Ambassador and Permanent Representative of the Republic of Kiribati to the United Nations, New York,

Mr Eyal Benvenisti, Emeritus Whewell Professor of International Law, University of Cambridge, member of the Institut de droit international,

Mr Aretaake Ientaake, Director of Human Rights, Ministry of Justice,

Ms Johanna Gusman, Senior Human Rights Adviser, Human Rights and Social Development, Pacific Community, Ministry of Justice,

Ms Anne-Sophie Vivier, Legal Adviser, Pacific and Global Engagement Manager, Vanuatu Climate Change Justice Program, Ministry of Justice,

Ms Tekimwau Otiawa Tabunawati, Senior Climate Change Officer, Office of the President,

Ms Kimberly Tokanang, activist advocator on climate change,

Ms Tiein Taebo, climate change advocator in the Pacific region and at the COP.

The Government of the State of Kuwait is represented by:

HE Mr Talal Al-Fassam, Ambassador of the State of Kuwait to the Republic of Austria, Permanent Representative of the State of Kuwait to the United Nations and international organizations in Vienna,

Ms Reham Al-Ghanim, Counsellor, Legal Affairs, Ministry of Foreign Affairs,

M. Gleider Hernández, professeur de droit public international, KU Leuven, président de la Société européenne de droit international,

M. Sean O'Reilly, avocat, Plowman Chambers, membre du barreau de Hong Kong,

M. Icarus Chan, membre du barreau de l'État de New York,

M^{me} Esti Tambay, conseillère juridique principale, Open Society Justice Initiative,

M^{me} Virginie Barral, maîtresse de conférences, Goldsmiths College, Université de Londres,

M. Dan Olago, Institute for Climate Change and Adaptation, Université de Nairobi,

M. George Outa, Institute for Climate Change and Adaptation, Université de Nairobi,

M^{me} Miriam Bennun, assistante de recherche,

M^{me} Elizabeth Choge, avocate principale d'État, République du Kenya,

M^{me} Anita Chepseba, avocate principale adjointe d'État, République du Kenya,

M. David Adegu, directeur adjoint, services climatiques, département météorologique du Kenya.

Le Gouvernement de la République de Kiribati est représenté par :

S. Exc. M. Teburoro Tito, ambassadeur de la mission permanente de Kiribati auprès de l'Organisation des Nations Unies (New York),

M. Eyal Benvenisti, professeur émérite de droit international, titulaire de la chaire Whewell de l'Université de Cambridge, membre de l'Institut de droit international,

M. Aretaake Ientaake, directeur des droits de l'homme, ministère de la justice,

M^{me} Johanna Gusman, conseillère principale experte en droits de l'homme, département des droits de l'homme et du développement social, Communauté du Pacifique, ministère de la justice,

M^{me} Anne-Sophie Vivier, directrice de l'engagement mondial et conseillère juridique pour le Pacifique aux fins du programme de Vanuatu relatif à la justice climatique, ministère de la justice,

M^{me} Tekimwau Otiawa Tabunawati, responsable en matière de changements climatiques, cabinet du président,

M^{me} Kimberly Tokanang, militante en matière de défense contre les changements climatiques,

M^{me} Tiein Taebo, militante en matière de défense contre les changements climatiques dans la région Pacifique et dans le cadre de COP.

Le Gouvernement de l'État du Koweït est représenté par :

S. Exc. M. Talal Al-Fassam, ambassadeur de l'État du Koweït auprès de la République d'Autriche, représentant permanent de l'État du Koweït auprès de l'Organisation des Nations Unies et des organisations internationales à Vienne,

M^{me} Reham Al-Ghanim, conseillère, affaires juridiques, ministère des affaires étrangères,

Mr Ibrahim Al-Dai, Chargé d'affaires a.i., Embassy of the State of Kuwait in the Kingdom of the Netherlands,

Mr Jaber Al-Sabah, Third Secretary, Embassy of the State of Kuwait in the Kingdom of the Netherlands,

Mr Dan Sarooshi, KC, Legal Adviser.

The Government of the Republic of Latvia is represented by:

Ms Sanita Pēkale, Director General of the Legal Directorate, Ministry of Foreign Affairs,

HE Ms Solvita Āboltiņa, Ambassador Extraordinary and Plenipotentiary of the Republic of Latvia to the Kingdom of the Netherlands,

Mr Mārtiņš Pāparinskis, Professor of Public International Law, University College London, member of the International Law Commission, member of the Permanent Court of Arbitration,

Mr Vladyslav Lanovoy, Assistant Professor in Public International Law, Université Laval,

Mr Joseph Crampin, Lecturer of International Law, University of Glasgow,

Ms Elīna Luīze Vītola, Representative of the Republic of Latvia before International Human Rights Institutions,

Mr Arnis Lauva, Head of the International Law Division, Ministry of Foreign Affairs,

Mr Gatis Šneiders, Counsellor, Deputy Head of Mission, Embassy of the Republic of Latvia in the Kingdom of the Netherlands,

Ms Sabīne Jansone, Jurisconsult, International Law Division, Ministry of Foreign Affairs.

The Government of the Principality of Liechtenstein is represented by:

HE Mr Pascal Schafhauser, Ambassador of the Principality of Liechtenstein to the Kingdom of Belgium,

Mr Valentin Flatz, Diplomatic Officer,

Mr Sina Alavi, Legal Adviser,

Ms Marion Crepet, Legal Adviser,

Ms Christina Hioureas, Partner, Foley Hoag LLP.

The Government of the Republic of Malawi is represented by:

HE Mr Thabo Chakaka-Nyirenda, Attorney General,

Ms Tafadzwa Pasipanodya, Partner, Foley Hoag LLP,

Mr Manuel Casas, Barrister, Twenty Essex,

Mr John Donald Chaula, Senior State Advocate,

Ms Nafisa Imuran Shareef, Senior State Advocate,

M. Ibrahim Al-Dai, chargé d'affaires par intérim, ambassade de l'État du Koweït au Royaume des Pays-Bas,

M. Jaber Al-Sabah, troisième secrétaire, ambassade de l'État du Koweït au Royaume des Pays-Bas,

M. Dan Sarooshi, KC, conseiller juridique.

Le Gouvernement de la République de Lettonie est représenté par :

M^{me} Sanita Pēkale, directrice générale de la direction juridique, ministère des affaires étrangères,

S. Exc. M^{me} Solvita Āboltiņa, ambassadrice extraordinaire et plénipotentiaire de la République de Lettonie auprès du Royaume des Pays-Bas,

M. Mārtiņš Pāparinskis, professeur de droit international public, University College de Londres, membre de la Commission du droit international, membre de la Cour permanente d'arbitrage,

M. Vladyslav Lanovoy, professeur adjoint de droit international public à l'Université Laval,

M. Joseph Crampin, chargé d'enseignement en droit international à l'Université de Glasgow,

M^{me} Elīna Luīze Vītola, représentante de la République de Lettonie auprès des institutions internationales des droits de l'homme,

M. Arnis Lauva, chef du département du droit international, ministère des affaires étrangères,

M. Gatis Šneiders, conseiller, chef de mission adjoint à l'ambassade de la République de Lettonie au Royaume des Pays-Bas,

M^{me} Sabīne Jansone, juriste, département du droit international, ministère des affaires étrangères.

Le Gouvernement de la Principauté du Liechtenstein est représenté par :

S. Exc. M. Pascal Schafhauser, ambassadeur de la Principauté du Liechtenstein auprès du Royaume de Belgique,

M. Valentin Flatz, agent diplomatique,

M. Sina Alavi, conseiller juridique,

M^{me} Marion Crepet, conseillère juridique,

M^{me} Christina Hioureas, associée, cabinet Foley Hoag LLP.

Le Gouvernement de la République du Malawi est représenté par :

S. Exc. M. Thabo Chakaka-Nyirenda, *Attorney General*,

M^{me} Tafadzwa Pasipanodya, associée, cabinet Foley Hoag LLP,

M. Manuel Casas, *Barrister*, cabinet Twenty Essex,

M. John Donald Chaula, premier avocat de l'État,

M^{me} Nafisa Imuran Shareef, première avocate de l'État,

Ms Sun Young Hwang, Associate, Foley Hoag LLP,

Ms Nour Nicolas, Associate, Foley Hoag LLP,

Ms Diem Huong Ho, Associate, Foley Hoag LLP,

Mr Muhammad Syed, Paralegal, Foley Hoag LLP.

The Government of the Republic of Maldives is represented by:

HE Mr Ahmed Usham, Attorney General,

Ms Jessica Wells, member of the Bar of England and Wales, Essex Court Chambers,

Ms Naomi Hart, member of the Bar of England and Wales, Essex Court Chambers,

Ms Camille Boileau, member of the Bar of England and Wales, Essex Court Chambers,

Ms Faena Fayyaz, Senior State Counsel, Office of the Attorney General.

The African Union is represented by:

Ms Hajer Gueldich, Legal Counsel, African Union,

Mr Makane Moïse Mbengue, Professor of International Law, Director of the Department of International Law and International Organization, University of Geneva, associate member of the Institut de droit international,

Mr Mohamed S. Helal, member of the African Union Commission on International Law (2020-2025), member of the Permanent Court of Arbitration, Associate Professor of Law, Moritz College of Law, The Ohio State University,

Ms Melina Antoniadis, member of the Law Society of Ontario, and of the Bar of England and Wales, G37 Chambers,

Mr Damien Charlotin, Research Fellow, HEC Paris, Lecturer, Sciences Po Paris, Counsel,

Ms Ginevra Le Moli, Professor, European University Institute,

Ms Saadia Bhatti, Partner, Gide Loyrette Nouel,

Ms Leslie-Anne Duvic-Paoli, Reader in Environmental Law, King's College London,

Ms Chiara Giorgetti, Professor of Law, University of Richmond School of Law,

Ms Meseret Fassil Assefa, Associate Legal Officer, African Union,

Ms Lefa Mondon, Consultant in International Law, PhD candidate, University Paris Cité, counsel, SLV Partners,

Mr John Nyanje, Doctoral Research Fellow, Africa Multiple Cluster, University of Bayreuth and University of Hannover, Germany,

Mr Ahmed Ad-Dirdeiry, Associate Legal Officer, African Union.

M^{me} Sun Young Hwang, collaboratrice, cabinet Foley Hoag LLP,

M^{me} Nour Nicolas, collaboratrice, cabinet Foley Hoag LLP,

M^{me} Diem Huong Ho, collaboratrice, cabinet Foley Hoag LLP,

M. Muhammad Syed, assistant juridique, cabinet Foley Hoag LLP.

Le Gouvernement de la République des Maldives est représenté par :

S. Exc. M. Ahmed Usham, *Attorney General*,

M^{me} Jessica Wells, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers,

M^{me} Naomi Hart, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers,

M^{me} Camille Boileau, membre du barreau d'Angleterre et du pays de Galles, Essex Court Chambers,

M^{me} Faena Fayyaz, conseillère principale d'État, bureau de l'*Attorney General*.

L'Union africaine est représentée par :

M^{me} Hajer Gueldich, conseil juridique de l'Union africaine,

M. Makane Moïse Mbengue, professeur de droit international et directeur du département de droit international public et organisation internationale de l'Université de Genève, membre associé de l'Institut de droit international,

M. Mohamed S. Helal, membre de la Commission de l'Union africaine sur le droit international (2020-2025), membre de la Cour permanente d'arbitrage, professeur associé de droit au Moritz College of Law de l'Université de l'État de l'Ohio,

M^{me} Melina Antoniadis, membre des barreaux de l'Ontario, et d'Angleterre et du pays de Galles, G37 Chambers,

M. Damien Charlotin, chercheur associé à HEC Paris, maître de conférences à Sciences Po Paris,

M^{me} Ginevra Le Moli, professeure à l'Institut universitaire européen,

M^{me} Saadia Bhatti, associée, cabinet Gide Loyrette Nouel,

M^{me} Leslie-Anne Duvic-Paoli, chargée de cours en droit de l'environnement au King's College (Londres),

M^{me} Chiara Giorgetti, professeure de droit à la faculté de droit de l'Université de Richmond,

M^{me} Meseret Fassil Assefa, juriste adjointe, Union africaine,

M^{me} Lefa Mondon, consultante en droit international, doctorante à l'Université Paris Cité, conseil, cabinet SLV Partners,

M. John Nyanje, doctorant chercheur associé, *Africa Multiple Cluster*, Université de Bayreuth et Université d'Hanovre (Allemagne),

M. Ahmed Ad-Dirdeiry, juriste adjoint, Union africaine.

The Government of the United Mexican States is represented by:

HE Ms Carmen Moreno Toscano, Ambassador of the United Mexican States to the Kingdom of the Netherlands,

Mr Pablo Adrian Arrocha Olabuenaga, Legal Adviser, Ministry of Foreign Affairs,

Mr Alfonso Ascencio Herrera, Minister, Deputy Head of Mission, Embassy of the United Mexican States in the Kingdom of the Netherlands,

Ms Alicia Patricia Perez Galeana, Counsellor, Head of Multilateral Legal Affairs, Embassy of the United Mexican States in the Kingdom of the Netherlands.

The Government of the Federated States of Micronesia is represented by:

Mr Clement Yow Mulalap, Legal Adviser.

The Government of the Republic of the Union of Myanmar is represented by:

HE U Soe Lynn Han, Ambassador of the Republic of the Union of Myanmar to the Kingdom of Belgium, the Kingdom of the Netherlands, the Grand Duchy of Luxembourg, the Republic of Croatia and the European Union,

Mr Zaw Minn Aung, Deputy Director General, Consular and Legal Affairs Department, Ministry of Foreign Affairs,

Ms Aye Chan Lynn, Assistant Director, Consular and Legal Affairs Department, Ministry of Foreign Affairs,

Ms Yu Za Na Khin Zaw, First Secretary, Embassy of the Republic of the Union of Myanmar in the Kingdom of Belgium.

The Government of the Republic of Namibia is represented by:

HE Ms Mekondjo Kaapanda-Girnus, Ambassador of the Republic of Namibia to the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg and Head of Mission to the European Union,

Ms Gladice Pickering, Executive Director, Ministry of Justice,

Mr Ndjodi Ndeunyema, Counsel, Solicitor, England and Wales,

Ms Phoebe Okowa, Professor of Public International Law, Queen Mary University, London, member of the International Law Commission, Advocate of the High Court of Kenya,

Mr Charles Chernor Jalloh, Professor of International Law and Richard A. Hausler Chair in Law, University of Miami School of Law, member and Special Rapporteur of the International Law Commission, member of the Ontario Bar,

Ms Lilian Mbaeva, Deputy Director, Treaties and Agreements, Ministry of International Relations and Cooperation,

Ms Tangi Shikongo, Chief Legal Officer, Ministry of Justice,

Mr Robert Xamseb, Senior Legal Officer, Ministry of Justice,

Le Gouvernement des États-Unis du Mexique est représenté par :

S. Exc. M^{me} Carmen Moreno Toscano, ambassadrice des États-Unis du Mexique auprès du Royaume des Pays-Bas,

M. Pablo Adrian Arrocha Olabuenaga, conseiller juridique, ministère des affaires étrangères,

M. Alfonso Ascencio Herrera, ministre, chef de mission adjoint, ambassade des États-Unis du Mexique au Royaume des Pays-Bas,

M^{me} Alicia Patricia Perez Galeana, conseillère, cheffe des affaires juridiques multilatérales, ambassade des États-Unis du Mexique au Royaume des Pays-Bas.

Le Gouvernement des États fédérés de Micronésie est représenté par :

M. Clement Yow Mulalap, conseiller juridique.

Le Gouvernement de la République de l'Union du Myanmar est représenté par :

S. Exc. U Soe Lynn Han, ambassadeur de la République de l'Union du Myanmar auprès du Royaume de Belgique, du Royaume des Pays-Bas, du Grand-Duché de Luxembourg, de la République de Croatie et de l'Union européenne,

M. Zaw Minn Aung, directeur général adjoint, département des affaires juridiques et consulaires, ministère des affaires étrangères,

M^{me} Aye Chan Lynn, directrice adjointe, département des affaires juridiques et consulaires, ministère des affaires étrangères,

M^{me} Yu Za Na Khin Zaw, première secrétaire, ambassade de la République de l'Union du Myanmar au Royaume de Belgique.

Le Gouvernement de la République de Namibie est représenté par :

S. Exc. M^{me} Mekondjo Kaapanda-Girrus, ambassadrice de la République de Namibie auprès du Royaume de Belgique, du Royaume des Pays-Bas et du Grand-Duché de Luxembourg, et cheffe de la mission auprès de l'Union européenne,

M^{me} Gladice Pickering, directrice générale du ministère de la justice,

M. Ndjodi Ndeunyema, conseil, *Solicitor* (Angleterre et pays de Galles),

M^{me} Phoebe Okowa, professeure de droit international public à l'Université Queen Mary de Londres, membre de la Commission du droit international, avocate, Haute Cour du Kenya,

M. Charles Chernor Jalloh, professeur de droit international et titulaire de la chaire de droit Richard A. Hausler à la faculté de droit de l'Université de Miami, membre et rapporteur spécial de la Commission du droit international, membre du barreau de l'Ontario,

M^{me} Lilian Mbaeva, directrice adjointe, traités et accords, ministère des relations internationales et de la coopération,

M^{me} Tangi Shikongo, juriste en chef, ministère de la justice,

M. Robert Xamseb, juriste principal, ministère de la justice,

Ms Johanna Shilumbu, Legal Officer, Ministry of Justice,

Ms Salmi Kapena, Legal Officer, Ministry of Justice,

Mr Icarus Chan, member of the Bar of the State of New York,

Mr James Goldstone, Executive Director of the Open Society Justice Initiative,

Ms Blanche Engelbrecht, Second Secretary (Political Affairs), Embassy of the Republic of Namibia in the Kingdoms of Belgium and the Netherlands, in the Grand Duchy of Luxembourg and Mission to the European Union.

The Government of Japan is represented by:

Mr Nakamura Kazuhiko, Director General for Global Issues, Ministry of Foreign Affairs,

HE Mr Minami Hiroshi, Ambassador of Japan to the Kingdom of the Netherlands,

Ms Takamura Yukari, Professor, Institute for Future Initiatives, The University of Tokyo,

Ms Alina Miron, Professor of International Law, University of Angers, member of the Paris Bar, Founding Partner of FAR Avocats,

Mr Mizuno Mitsuaki, Director of International Judicial Proceedings Division, International Legal Affairs Bureau, Ministry of Foreign Affairs,

Mr Maehira Tomoyoshi, Deputy Director, Climate Change Division, International Cooperation Bureau, Ministry of Foreign Affairs,

Mr Sato Hiroshi, Assistant Director, Social Treaties Division, International Legal Affairs Bureau, Ministry of Foreign Affairs,

Ms Hagiwara Sakura, First Secretary, Embassy of Japan in the Kingdom of the Netherlands,

Mr Kimura Masahiro, First Secretary, Embassy of Japan in the Kingdom of the Netherlands,

Mr Goto Kazuki, Researcher, Embassy of Japan in the Kingdom of the Netherlands.

The Government of the Republic of Nauru is represented by:

Hon. Lionel Rouwen Aingimea, Minister for Foreign Affairs and Trade,

Hon. Russ Joseph Kun, Deputy Minister for Foreign Affairs and Trade,

HE Mr David Aingimea, Ambassador-at-Large,

Mr Janmai Jay Udit, Secretary for Justice and Border Control, Department of Justice and Border Control,

Ms Joanie Hartman, Chargé d'affaires, Permanent Mission of the Republic of Nauru to the United Nations Office and other international organizations in Geneva,

Mr Tilson Ephraim, Director for Legal Affairs, Department of Foreign Affairs and Trade,

Mr Eirik Bjorge, Counsel, Professor of Law, University of Bristol,

M^{me} Johanna Shilumbu, juriste, ministère de la justice,

M^{me} Salmi Kapena, juriste, ministère de la justice,

M. Icarus Chan, membre du barreau de l'État de New York,

M. James Goldstone, directeur général de l'Open Society Justice Initiative,

M^{me} Blanche Engelbrecht, deuxième secrétaire, affaires politiques, ambassade de la République de Namibie aux Royaumes de Belgique et des Pays-Bas, et au Grand-Duché de Luxembourg, et mission auprès de l'Union européenne.

Le Gouvernement du Japon est représenté par :

M. Nakamura Kazuhiko, directeur général des enjeux mondiaux, ministère des affaires étrangères,

S. Exc. M. Minami Hiroshi, ambassadeur du Japon auprès du Royaume des Pays-Bas,

M^{me} Takamura Yukari, professeure, Institute for Future Initiatives, Université de Tokyo,

M^{me} Alina Miron, professeure de droit international à l'Université d'Angers, membre du barreau de Paris, associée fondatrice du cabinet FAR Avocats,

M. Mizuno Mitsuaki, directeur du service des procédures judiciaires internationales, bureau des affaires juridiques internationales, ministère des affaires étrangères,

M. Maehira Tomoyoshi, directeur adjoint, service des changements climatiques, bureau de la coopération internationale, ministère des affaires étrangères,

M. Sato Hiroshi, sous-directeur, service des traités relatifs aux questions sociales, bureau des affaires juridiques internationales, ministère des affaires étrangères,

M^{me} Hagiwara Sakura, première secrétaire, ambassade du Japon au Royaume des Pays-Bas,

M. Kimura Masahiro, premier secrétaire, ambassade du Japon au Royaume des Pays-Bas,

M. Goto Kazuki, chercheur, ambassade du Japon au Royaume des Pays-Bas.

Le Gouvernement de la République de Nauru est représenté par :

S. Exc. M. Lionel Rouwen Aingimea, ministre des affaires étrangères et du commerce,

S. Exc. M. Russ Joseph Kun, ministre adjoint des affaires étrangères et du commerce,

S. Exc. M. David Aingimea, ambassadeur extraordinaire,

M. Janmai Jay Udit, secrétaire à la justice et au contrôle des frontières, département de la justice et du contrôle des frontières,

M^{me} Joanie Hartman, chargée d'affaires, mission permanente de la République de Nauru auprès de l'Office des Nations Unies et des autres organisations internationales (Genève),

M. Tilson Ephraim, directeur des affaires juridiques, département des affaires étrangères et du commerce,

M. Eirik Bjorge, conseil, professeur de droit à l'Université de Bristol,

Ms Ludovica Chiussi, Counsel,

Ms Kuni Teimitsi, Personal Assistant to the Minister,

Mr Titus Jeremiah, Personal Assistant to the Deputy Minister,

Ms Joy Wawa, Adviser to the Minister,

Ms Aileen Kelese, Adviser to the Minister,

Mr Heribert Dagagio, Adviser to the Deputy Minister,

Ms Loretta Teueli, Director of Legislative Drafting.

The Government of Nepal is represented by:

HE Ms Arzu Rana Deuba, PhD, Minister for Foreign Affairs,

Mr Udaya Raj Sapkota, Secretary, Ministry of Law, Justice and Parliamentary Affairs,

Mr Suvanga Parajuli, Under-Secretary, Ministry of Foreign Affairs,

Mr Kamal Rawal, Personal Secretary to the Minister for Foreign Affairs,

Mr Rooush Karki, Second Secretary.

The Government of New Zealand is represented by:

Ms Victoria Hallum, Deputy Secretary, Multilateral Legal Affairs, Ministry of Foreign Affairs and Trade,

Mr Luke Roughton, Lead Legal Advisor, Ministry of Foreign Affairs and Trade,

Ms Charlotte Skerten, Lead Legal Advisor, Ministry of Foreign Affairs and Trade,

Mr Toby Fisher, Barrister, Matrix Chambers, London,

HE Ms Susannah Gordon, Ambassador of New Zealand to the Kingdom of the Netherlands,

Ms Hannah Frost, Deputy Head of Mission, Embassy of New Zealand in the Kingdom of the Netherlands.

The Government of the State of Palestine is represented by:

HE Mr Ammar Hijazi, Ambassador, Permanent Representative of the State of Palestine to International Organizations in the Netherlands,

Ms Nilufer Oral, Legal Counsel,

Ms Kate Mackintosh, Legal Counsel,

Ms Floriane Lavaud, Legal Counsel,

M^{me} Ludovica Chiussi, conseillère,
M^{me} Kuni Teimitsi, assistante personnelle du ministre,
M. Titus Jeremiah, assistant personnel du ministre adjoint,
M^{me} Joy Wawa, conseillère auprès du ministre,
M^{me} Aileen Kelese, conseillère auprès du ministre,
M. Heribert Dagagio, conseiller auprès du ministre adjoint,
M^{me} Loretta Teueli, directrice de la rédaction des textes législatifs.

Le Gouvernement du Népal est représenté par :

S. Exc. M^{me} Arzu Rana Deuba, PhD, ministre des affaires étrangères,
M. Udaya Raj Sapkota, secrétaire, ministère du droit, de la justice et des affaires parlementaires,
M. Suvanga Parajuli, sous-secrétaire, ministère des affaires étrangères,
M. Kamal Rawal, secrétaire particulier de la ministre des affaires étrangères,
M. Rooush Karki, deuxième secrétaire.

Le Gouvernement de la Nouvelle-Zélande est représenté par :

M^{me} Victoria Hallum, secrétaire adjointe des affaires multilatérales et juridiques, ministère des affaires étrangères et du commerce,
M. Luke Roughton, conseiller juridique principal, ministère des affaires étrangères et du commerce,
M^{me} Charlotte Skerten, conseillère juridique principale, ministère des affaires étrangères et du commerce,
M. Toby Fisher, *Barrister*, Matrix Chambers (Londres),
S. Exc. M^{me} Susannah Gordon, ambassadeur de la Nouvelle-Zélande auprès du Royaume des Pays-Bas,
M^{me} Hannah Frost, cheffe de mission adjointe, ambassade de la Nouvelle-Zélande au Royaume des Pays-Bas.

Le Gouvernement de l'État de Palestine est représenté par :

S. Exc. M. Ammar Hijazi, ambassadeur-représentant permanent de l'État de Palestine auprès des organisations internationales sises au Royaume des Pays-Bas,
M^{me} Nilufer Oral, conseil juridique,
M^{me} Kate Mackintosh, conseil juridique,
M^{me} Floriane Lavaud, conseil juridique,

Mr Mohammad Ayyad, Legal Adviser to the Permanent Representation of the State of Palestine to International Organizations in the Netherlands,

Ms Abeer Abdelhaq, Legal Adviser to the Permanent Representation of the State of Palestine to International Organizations in the Netherlands,

Mr Paul S. Reichler, Legal Counsel.

The Government of the Islamic Republic of Pakistan is represented by:

Mr Mansoor Usman Awan, Office of the Attorney General for Pakistan,

HE Mr Suljuk Mustansar Tarar, Ambassador of the Islamic Republic of Pakistan to the Netherlands,

Ms Fatima Anwar Malik, Consultant, International Disputes Unit, Office of the Attorney General for Pakistan,

Mr Eirik Bjorge, Counsel, Professor of Law, University of Bristol,

Mr Jamal Nasir, Deputy Head of Mission, Embassy of the Islamic Republic of Pakistan in the Netherlands,

Mr Syed Azmat Hussain Babar, International Disputes Unit, Office of the Attorney General for Pakistan.

The Government of the Republic of Palau is represented by:

HE Mr Gustav Aitaro, Minister of State,

Ms Ernestine Rengiil, Attorney General,

Mr Xavier Matsutaro, National Climate Change Coordinator, Office of Climate Change, Office of the President,

Mr Peter Prows, Legal Counsel.

The Government of the Republic of Panama is represented by:

Mr Fernando Gómez Arbeláez, Director of International Legal Affairs and Treaties, Ministry of Foreign Affairs,

HE Ms Sally Loo Hui, Ambassador of the Republic of Panama to the Kingdom of the Netherlands,

Ms Ilya Espino De Marotta, Deputy Administrator and Sustainability Officer, Panama Canal Authority,

Ms Raisa Raquel Bernal Serrano, Attorney, Ministry of Environment,

Ms Ana Luisa Aguilar, Environmental Engineer, Chief Negotiator on Climate Change, Ministry of Environment.

The Government of the Kingdom of the Netherlands is represented by:

Mr René Lefeber, Legal Adviser, Ministry of Foreign Affairs,

M. Mohammad Ayyad, conseiller juridique, représentation permanente de l'État de Palestine auprès des organisations internationales sises au Royaume des Pays-Bas,

M^{me} Abeer Abdelhaq, conseillère juridique, représentation permanente de l'État de Palestine auprès des organisations internationales sises au Royaume des Pays-Bas,

M. Paul Reichler, conseil juridique.

Le Gouvernement de la République islamique du Pakistan est représenté par :

M. Mansoor Usman Awan, bureau de l'*Attorney General* du Pakistan,

S. Exc. M. Suljuk Mustansar Tarar, ambassadeur de la République islamique du Pakistan auprès du Royaume des Pays-Bas,

M^{me} Fatima Anwar Malik, consultante auprès du département des différends internationaux, bureau de l'*Attorney General* du Pakistan,

M. Eirik Bjorge, conseil, professeur de droit à l'Université de Bristol,

M. Jamal Nasir, chef de mission adjoint, ambassade de la République islamique du Pakistan au Royaume des Pays-Bas,

M. Syed Azmat Hussain Babar, consultant, département des différends internationaux, bureau de l'*Attorney General* du Pakistan.

Le Gouvernement de la République des Palaos est représenté par :

S. Exc. M. Gustav Aitaro, ministre d'État,

M^{me} Ernestine Rengiil, *Attorney General*,

M. Xavier Matsutaro, coordonnateur national des activités relatives aux changements climatiques, bureau des changements climatiques, bureau du président,

M. Peter Prows, conseil juridique.

Le Gouvernement de la République du Panama est représenté par :

M. Fernando Gómez Arbeláez, directeur des affaires juridiques et des traités internationaux du ministère des affaires étrangères,

S. Exc. M^{me} Sally Loo Hui, ambassadrice de la République du Panama auprès du Royaume des Pays-Bas,

M^{me} Ilya Espino De Marotta, administratrice adjointe et chargée de la durabilité, Panama Canal Authority,

M^{me} Raisa Raquel Bernal Serrano, avocate auprès du ministère de l'environnement,

M^{me} Ana Luisa Aguilar, ingénieure en environnement, négociatrice en chef en matière de changement climatique, ministère de l'environnement.

Le Gouvernement du Royaume des Pays-Bas est représenté par :

M. René Lefeber, conseiller juridique, ministère des affaires étrangères,

Ms Lotte Kagenaar, Legal Officer, Ministry of Foreign Affairs,

Ms Sara van den Boom, Legal Officer, Ministry of Foreign Affairs,

Ms Annemiek Roeling, Coordinating Policy Officer, Ministry of Infrastructure and Water Management,

Ms Liedeke Wöltgens, Legal Officer, Ministry of Climate Policy and Green Growth,

Ms Kirsten Eeckhout, Legal Officer, Ministry of Climate Policy and Green Growth,

Mr Mert Kumru, Youth Representative, World's Youth for Climate Justice.

The Government of the Republic of Peru is represented by:

HE Ms Franca Deza Ferreccio, Ambassador of the Republic of Peru to the Kingdom of the Netherlands,

Mr Oscar Paredes Loza, Minister,

Ms Sandra Rodríguez Sánchez, Counsellor,

Ms Estefany Jordán Bueno, Second Secretary.

The Government of the Democratic Republic of the Congo is represented by:

Mr Ivon Mingashang, Professor at the University of Kinshasa, member of the International Law Commission, honorary member of the Brussels Bar and member of the Kinshasa/Gombe Bar,

Mr Nicolas Angelet, Professor at Ghent University and the Université libre de Bruxelles, member of the Brussels Bar, Associate Tenant of Doughty Street Chambers, London,

Ms Sandrine Maljean-Dubois, Director of Research at CNRS, Faculty of Law and Political Science, Aix-Marseille University,

Mr Jean-Paul Segihobe Bigira, Professor and Head of the Department of Environmental Law and Sustainable Development, University of Kinshasa, member of the Kinshasa/Gombe Bar, Member of Parliament,

Mr Olivier Corten, Professor of International Law at the Université libre de Bruxelles, member of the Institut de droit international,

Mr Sylvain Lumu Mbaya, Professor of International Law and Head of the Department of Public International Law and International Relations, Faculty of Law, University of Kinshasa, Judge at the Constitutional Court of the DRC,

Mr Camille Ngoma Kouabi, Professor, University of Kinshasa,

Mr Alidor Kahisha, Director of the Office of the Minister of State, Minister for Justice, member of the Kinshasa/Matete Bar,

Mr Joseph Baruani Saleh, Professor, Université Protestante au Congo,

Mr Ezéchiel Amani Cirimwami, Professor of International Law, Vrije Universiteit Brussel (VUB),

M^{me} Lotte Kagenaar, juriste, ministère des affaires étrangères,

M^{me} Sara van den Boom, juriste, ministère des affaires étrangères,

M^{me} Annemiek Roeling, agente chargée de la coordination des politiques, ministère des infrastructures et de la gestion des eaux,

M^{me} Liedeke Wöltgens, juriste, ministère de la politique climatique et de la croissance verte,

M^{me} Kirsten Eeckhout, juriste, ministère de la politique climatique et de la croissance verte,

M. Mert Kumru, représentant de la jeunesse, Jeunesse mondiale pour la justice climatique.

Le Gouvernement de la République du Pérou est représenté par :

S. Exc. M^{me} Franca Deza Ferreccio, ambassadrice de la République du Pérou auprès du Royaume des Pays-Bas,

M. Oscar Paredes Loza, ministre,

M^{me} Sandra Rodríguez Sánchez, conseillère,

M^{me} Estefany Jordán Bueno, deuxième secrétaire.

Le Gouvernement de la République démocratique du Congo est représenté par :

M. Ivon Mingashang, professeur à l'Université de Kinshasa, membre de la Commission du droit international des Nations Unies, avocat honoraire au barreau de Bruxelles et avocat au barreau de Kinshasa-Gombe,

M. Nicolas Angelet, professeur à l'Université de Gand et à l'Université libre de Bruxelles, avocat au barreau de Bruxelles, *Associate Tenant*, Doughty Street Chambers (Londres),

M^{me} Sandrine Maljean-Dubois, directrice de recherche au CNRS, faculté de droit et de science politique d'Aix-Marseille Université,

M. Jean-Paul Segihobe Bigira, professeur et chef de département du droit de l'environnement et du développement durable à l'Université de Kinshasa, avocat au barreau de Kinshasa-Gombe et député national de la RDC,

M. Olivier Corten, professeur de droit international à l'Université libre de Bruxelles, membre de l'Institut de droit international,

M. Sylvain Lumu Mbaya, professeur de droit international et chef de département du droit international public et relations internationales de la faculté de droit de l'Université de Kinshasa, juge à la Cour constitutionnelle de la RDC,

M. Camille Ngoma Kouabi, professeur à l'Université de Kinshasa,

M. Alidor Kahisha, directeur de cabinet du ministre d'État, ministre de la justice et avocat au barreau de Kinshasa-Matete,

M. Joseph Baruani Saleh, professeur à l'Université protestante au Congo,

M. Ezéchiél Amani Cirimwami, professeur de droit international à la Vrije Universiteit Brussel (VUB),

Mr François Habiyaemye Muhashy Kayangwe, Professor at the University of Goma, Researcher at the Royal Belgian Institute of Natural Sciences, member of the Congolese Academy of Sciences,

Mr Blaise Ndombe Musoki Obel, Judge and Deputy Executive Co-ordinator of the Inter-Institutional Commission for Assistance to Victims and Support for Reforms,

Mr Honoré Mitshabo Tshitenge, Legal Assistant to the Director of the Office of the President of the Republic, member of the Kinshasa/Gombe Bar,

Mr Jean-Paul Mwanza Kambongo, Head of the Faculty of Law, University of Kinshasa, member of the Kinshasa/Gombe Bar,

Mr Glodie Kinsemi Malambu, Assistant at the Faculty of Law, University of Kinshasa, member of the Kongo Central Bar,

Ms Grace Ngoy Ilunga, Assistant at the Human Sciences Research Centre, member of the Kinshasa/Matete Bar,

Mr Dany Bushabu, Assistant at the Faculty of Law, University of Kinshasa, member of the Kinshasa/Matete Bar,

Ms Rabbie Dimbu Mavua, Assistant at the Faculty of Law, University of Kinshasa,

Mr Bruno Kalala Mbuyi, Assistant at the Faculty of Law, University of Kinshasa,

Ms Bérénice Kabulo Mukanda, Assistant at the Faculty of Law, University of Kinshasa, member of the Kinshasa/Matete Bar,

Ms Alpha Lukala Kakala, Assistant at the Human Sciences Research Centre, member of the Kinshasa/Matete Bar,

Ms Romaine Bulalu Adanze, Assistant at the Human Sciences Research Centre,

Mr Jean-Patrick Nkosi, Assistant to the Deputy Minister for Justice in charge of international disputes.

The Government of the Portuguese Republic is represented by:

Ms Patrícia Galvão Teles, Director of the Department of Legal Affairs, Ministry of Foreign Affairs,

HE Ms Clara Nunes dos Santos, Ambassador of the Portuguese Republic to the Kingdom of the Netherlands,

Mr Mateus Kowalski, Head of the International Law Department, Ministry of Foreign Affairs,

Ms Inês Matos, Legal Adviser, Embassy of the Portuguese Republic in the Kingdom of the Netherlands.

The Government of the Dominican Republic is represented by:

Mr Boni Guerrero Canto, Director of Legal Affairs, Ministry of Foreign Affairs of the Dominican Republic,

HE Mr Juan Bautista Durán, Ambassador Extraordinary and Plenipotentiary of the Dominican Republic to the Kingdom of the Netherlands,

M. François Habiwaremye Muhashy Kayangwe, professeur à l'Université de Goma, chercheur à l'Institut royal des sciences naturelles de Belgique, membre titulaire de l'Académie congolaise des sciences,

M. Blaise Ndombe Musoki Obel, magistrat, coordonnateur exécutif adjoint de la commission interinstitutionnelle d'aide aux victimes et d'appui aux réformes,

M. Honoré Mitshabo Tshitenge, assistant juridique du directeur de cabinet du président de la République, avocat au barreau de Kinshasa-Gombe,

M. Jean-Paul Mwanza Kambongo, chef de travaux à la faculté de droit de l'Université de Kinshasa, avocat au barreau de Kinshasa-Gombe,

M. Glodie Kinsemi Malambu, assistant à la faculté de droit de l'Université de Kinshasa, avocat au barreau de Kongo-central,

M^{me} Grace Ngoy Ilunga, assistante au centre de recherche en sciences humaines, avocate au barreau de Kinshasa-Matete,

M. Dany Bushabu, assistant à la faculté de droit de l'Université de Kinshasa, avocat au barreau de Kinshasa-Matete,

M^{me} Rabbie Dimbu Mavua, assistante à la faculté de droit de l'Université de Kinshasa,

M. Bruno Kalala Mbuyi, assistant à la faculté de droit de l'Université de Kinshasa,

M^{me} Bérénice Kabulo Mukanda, assistante à la faculté de droit de l'Université de Kinshasa, avocate au barreau de Kinshasa-Matete,

M^{me} Alpha Lukala Kakala, assistante au centre de recherche en sciences humaines, avocate au barreau de Kinshasa-Matete,

M^{me} Romaine Bulalu Adanze, assistante au centre de recherche en sciences humaines,

M. Jean-Patrick Nkosi, assistant du vice-ministre de la justice en charge du contentieux international.

Le Gouvernement de la République portugaise est représenté par :

M^{me} Patrícia Galvão Teles, directrice du département des affaires juridiques au ministère des affaires étrangères,

S. Exc. M^{me} Clara Nunes dos Santos, ambassadrice de la République portugaise auprès du Royaume des Pays-Bas,

M. Mateus Kowalski, chef du département du droit international au ministère des affaires étrangères,

M^{me} Inês Matos, conseillère juridique à l'ambassade de la République portugaise au Royaume des Pays-Bas.

Le Gouvernement de la République dominicaine est représenté par :

M. Boni Guerrero Canto, directeur des affaires juridiques, ministère des affaires étrangères de la République dominicaine,

S. Exc. M. Juan Bautista Durán, ambassadeur extraordinaire et plénipotentiaire de la République dominicaine auprès du Royaume des Pays-Bas,

Ms Alejandra Torres Camprubí, Adjunct Professor on International Environmental Law, Faculty of Laws of IE University, International Legal Counsel at Torres Iuris, member of the Bars of Madrid and Paris,

Mr Julio Rojas Báez, Professor of International Law at Universidad Iberoamericana, Vice-President of the Inter-American Juridical Committee and Special Rapporteur on the Legal Implications of Sea-Level Rise in the Inter-American Regional Context, member of the Bar of the Dominican Republic.

The Government of Romania is represented by:

Ms Alina Orosan, Director General for Legal Affairs,

Ms Doina Doroftei, Diplomatic Counsellor.

The Government of the United Kingdom of Great Britain and Northern Ireland is represented by:

The Rt Hon. Lord Richard Hermer, KC, HM Attorney General for England and Wales,

Ms Sally Langrish, Legal Adviser and Director General, Legal, Foreign, Commonwealth and Development Office,

HE Ms Joanna Roper, CMG, Ambassador of the United Kingdom of Great Britain and Northern Ireland to the Kingdom of the Netherlands,

Mr Ben Juratowitch, KC, Barrister, member of the Bar of England and Wales, the Paris Bar and the Bar of Belize, Essex Court Chambers,

Mr Edward Haxton, Legal Counsellor, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Mr Christopher McQuiggin, Special Adviser to the Attorney General for England and Wales,

Mr Nigel Best, Legal Adviser, Attorney General's Office,

Mr Joshua Crossley, Principal Private Secretary, Attorney General's Office,

Ms Penelope Nevill, Barrister, member of the Bar of England and Wales, Twenty Essex,

Mr Jason Pobjoy, Barrister, member of the Bar of England and Wales, member of the Bar of Ireland, Blackstone Chambers,

Ms Belinda McRae, Barrister, member of the Bar of England and Wales, Twenty Essex,

Ms Alyssa Glass, University of Oxford,

Mr Angus Ackroyd, Assistant Legal Adviser, Foreign, Commonwealth and Development Office,

Ms Deborah Monteiro-Ferrett, Assistant Legal Adviser, Foreign, Commonwealth and Development Office,

M^{me} Alejandra Torres Camprubí, professeure associée en droit international de l'environnement, faculté de droit de l'IE University, conseillère juridique internationale, cabinet Torres Iuris, membre des barreaux de Madrid et de Paris,

M. Julio Rojas Báez, professeur de droit international à l'Universidad Iberoamericana, vice-président du comité juridique interaméricain et rapporteur spécial sur le sujet des conséquences juridiques de l'élévation du niveau de la mer dans le contexte régional interaméricain, membre du barreau de la République dominicaine.

Le Gouvernement de la Roumanie est représenté par :

M^{me} Alina Orosan, directrice générale des affaires juridiques,

M^{me} Doina Doroftei, conseillère diplomatique.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord est représenté par :

S. Exc. Lord Richard Hermer, KC, *HM Attorney General* pour l'Angleterre et le pays de Galles,

M^{me} Sally Langrish, conseillère juridique et directrice générale, département des affaires juridiques, bureau des affaires étrangères, du Commonwealth et du développement,

S. Exc. M^{me} Joanna Roper, CMG, ambassadrice du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord auprès du Royaume des Pays-Bas,

M. Ben Juratowitch, KC, avocat, membre des barreaux d'Angleterre et du pays de Galles, de Paris ainsi que du Belize, Essex Court Chambers,

M. Edward Haxton, conseiller juridique, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M. Christopher McQuiggin, conseiller spécial de l'*Attorney General* pour l'Angleterre et le pays de Galles,

M. Nigel Best, conseiller juridique, bureau de l'*Attorney General*,

M. Joshua Crossley, directeur de cabinet, bureau de l'*Attorney General*,

M^{me} Penelope Nevill, avocate, membre du barreau d'Angleterre et du pays de Galles, cabinet Twenty Essex,

M. Jason Pobjoy, avocat, membre des barreaux d'Angleterre et du pays de Galles, ainsi que d'Irlande, Blackstone Chambers,

M^{me} Belinda McRae, avocate, membre du barreau d'Angleterre et du pays de Galles, cabinet Twenty Essex,

M^{me} Alyssa Glass, Université d'Oxford,

M. Angus Ackroyd, conseiller juridique adjoint, bureau des affaires étrangères, du Commonwealth et du développement,

M^{me} Deborah Monteiro-Ferrett, conseillère juridique adjointe, bureau des affaires étrangères, du Commonwealth et du développement,

Ms Rebecca Hawkins, Head of International Climate Engagement, Foreign, Commonwealth and Development Office,

Ms Palika Bhasin, Second Secretary, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Ms Laura Grant, Policy Adviser, International Law, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Ms Pauline Pfaff, Policy Adviser, International Law, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Mr Jack Andrews, Multilateral Support Officer, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands.

The Government of Saint Lucia is represented by:

Ms Jan Yves Remy, External Counsel, Director, Shridath Ramphal Centre,

Ms Kate Wilson, Legal Officer, Department of Sustainable Development,

Ms Rochelle John-Charles, Crown Counsel IV, Office of the Attorney General,

Mr Desmond Simon, Chargé d'affaires a.i., Embassies of the Eastern Caribbean States to the Kingdom of Belgium and Missions to the European Union.

The Government of Saint Vincent and the Grenadines is represented by:

Mr Desmond Simon, Chargé d'affaires a.i., Embassies of the Eastern Caribbean States to the Kingdom of Belgium and Missions to the European Union,

Ms Shernell Hadaway, Parliamentary Counsel III, Attorney General's Chambers, Ministry of Legal Affairs, Deputy Chair Prime Ministerial Advisory Council on Youth, Climate Change Sector,

Mr Justin Sobion, Senior Tutor, Faculty of Law, University of Auckland, New Zealand,

Mr Edmund Jackson, NDC Partnership In-Country Facilitator, Sustainable Development Unit.

The Government of the Independent State of Samoa is represented by:

Ms Peseta Noumea Simi, Chief Executive Officer, Ministry of Foreign Affairs and Trade,

Ms Su'a Hellene Wallwork, Attorney General, Office of the Attorney General,

HE Ms Maureen Francella Strickland, Ambassador of the Independent State of Samoa to the Kingdom of the Netherlands and to the Kingdom of Belgium,

Mr David Junior Fong, Assistant Attorney General, Office of the Attorney General,

Mr Brendan Plant, Expert Legal Consultant,

Ms Fleur Nicole Ramsay, Expert Legal Consultant,

M^{me} Rebecca Hawkins, cheffe du département de l'engagement international en matière de climat, bureau des affaires étrangères, du Commonwealth et du développement,

M^{me} Palika Bhasin, deuxième secrétaire, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M^{me} Laura Grant, conseillère politique, droit international, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M^{me} Pauline Pfaff, conseillère politique, droit international, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M. Jack Andrews, chargé de l'appui multilatéral, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas.

Le Gouvernement de Sainte-Lucie est représenté par :

M^{me} Jan Yves Remy, directrice, Centre Shridath Ramphal, conseil externe,

M^{me} Kate Wilson, juriste, département du développement durable,

M^{me} Rochelle John-Charles, *Crown Counsel IV*, bureau de l'*Attorney General*,

M. Desmond Simon, chargé d'affaires par intérim, ambassades des États de la Caraïbe orientale au Royaume de Belgique et missions auprès de l'Union européenne.

Le Gouvernement de Saint-Vincent-et-les Grenadines est représenté par :

M. Desmond Simon, chargé d'affaires par intérim, ambassades des États des Caraïbes orientales auprès du Royaume de Belgique et missions auprès de l'Union européenne,

M^{me} Shernell Hadaway, conseillère parlementaire III, *Attorney General's Chambers*, ministère des affaires juridiques, vice-présidente du conseil consultatif sur la jeunesse du premier ministre — secteur du changement climatique,

M. Justin Sobion, directeur d'études principal à la faculté de droit de l'Université d'Auckland (Nouvelle-Zélande),

M. Edmund Jackson, facilitateur national auprès du partenariat pour les contributions déterminées au niveau national, groupe du développement durable.

Le Gouvernement de l'État indépendant du Samoa est représenté par :

M^{me} Peseta Noumea Simi, directrice générale, ministère des affaires étrangères et du commerce,

M^{me} Su'a Hellene Wallwork, *Attorney General*, bureau de l'*Attorney General*,

S. Exc. M^{me} Maureen Francella Strickland, ambassadrice de l'État indépendant du Samoa auprès du Royaume des Pays-Bas et du Royaume de Belgique,

M. David Junior Fong, *Attorney General* adjoint, bureau de l'*Attorney General*,

M. Brendan Plant, consultant juridique expert,

M^{me} Fleur Nicole Ramsay, consultante juridique experte,

Ms Lagi Samuelu Misiluki, Research and Information Officer, Legal Services Division, Ministry of Foreign Affairs and Trade,

Ms Teuila Raenynn Morita Manuleleua, First Secretary, Embassy of the Independent State of Samoa in the Kingdom of Belgium,

Mr Esekia Kirifi Soloi, State Solicitor.

The Government of the Republic of Senegal is represented by:

HE Ms Ramatoulaye Ba Faye, Ambassador of the Republic of Senegal to the Kingdom of the Netherlands,

Mr Doudou Cissé Diouf, Principal Private Secretary to the Minister of Justice, Keeper of the Seals,

Mr Ngane Ndour, Director of Human Rights, Ministry of Justice,

Mr Alioune Sall, Professor of Law, Full Professor, member of the Senegal Bar,

Mr Talla Gueye, Foreign Affairs Adviser, Directorate of Legal and Consular Affairs, Ministry of African Integration and Foreign Affairs,

Mr Khalifa Aboubacar Diouf, First Counsellor, Embassy of the Republic of Senegal in the Kingdom of the Netherlands.

The Government of the Republic of Seychelles is represented by:

HE Mr Flavien Joubert, Minister for Agriculture, Climate Change and Environment,

HE Mr Anthony Derjacques, Minister for Transport,

Mr Vinsent Shashikalum Perera, Attorney General,

HE Mr Kenneth Racombo, Ambassador of the Republic of Seychelles to the Kingdom of Belgium,

Ms Myra Laporte, Director, Multilateral Affairs Division, Foreign Affairs Department, Ministry of Foreign Affairs and Tourism,

Mr George Uzice, Climate Negotiator, Climate Change and Energy Department, Ministry of Agriculture, Climate Change and Environment,

Ms Teresa Laurencine, First Secretary, Permanent Mission of the Republic of Seychelles to the United Nations, New York,

Mr Jean-Marc Thouvenin, Professor, University of Paris Nanterre, Secretary-General of The Hague Academy of International Law, associate member of the Institut de droit international, member of the Paris Bar, Sygna Partners,

Mr Andres Villegas Jaramillo, Associate of the Instituto Hispano-Luso-Americano de Derecho Internacional, former Judicial Fellow of the International Court of Justice, member of the Colombian Bar, Sygna Partners,

Ms Eglantine Canale Jamet, former Judicial Fellow of the International Court of Justice, member of the Paris Bar, Sygna Partners,

M^{me} Lagi Samuelu Misiluki, fonctionnaire chargée de la recherche et de l'information, département des services juridiques, ministère des affaires étrangères et du commerce,

M^{me} Teuila Raenynn Morita Manuleleua, première secrétaire, ambassade de l'État indépendant du Samoa au Royaume de Belgique,

M. Esekia Kirifi Soloi, avocat d'État.

Le Gouvernement de la République du Sénégal est représenté par :

S. Exc. M^{me} Ramatoulaye Ba Faye, ambassadrice de la République du Sénégal auprès du Royaume des Pays-Bas,

M. Doudou Cissé Diouf, directeur du cabinet du ministre de la justice, garde des sceaux,

M. Ngane Ndour, directeur des droits humains, ministère de la justice,

M. Alioune Sall, professeur de droit, titulaire des universités, membre du barreau du Sénégal,

M. Talla Gueye, conseiller des affaires étrangères, direction des affaires juridiques et consulaires, ministère de l'intégration africaine et des affaires étrangères,

M. Khalifa Aboubacar Diouf, premier conseiller, ambassade de la République du Sénégal au Royaume des Pays-Bas.

Le Gouvernement de la République des Seychelles est représenté par :

S. Exc. M. Flavien Joubert, ministre de l'agriculture, du changement climatique et de l'environnement,

S. Exc. M. Anthony Derjacques, ministre des transports,

M. Vinsent Shashikalum Perera, *Attorney General*,

S. Exc. M. Kenneth Racombo, ambassadeur de la République des Seychelles auprès du Royaume de Belgique,

M^{me} Myra Laporte, directrice, service des affaires multilatérales, département des affaires étrangères, ministère des affaires étrangères et du tourisme,

M. George Uzice, négociateur sur les questions climatiques, département du changement climatique et de l'énergie, ministère de l'agriculture, du changement climatique et de l'environnement,

M^{me} Teresa Laurencine, première secrétaire, mission permanente de la République des Seychelles auprès de l'Organisation des Nations Unies (New York),

M. Jean-Marc Thouvenin, professeur à l'Université Paris Nanterre, secrétaire général de l'Académie de droit international de La Haye, membre associé de l'Institut de droit international, membre du barreau de Paris, cabinet Sygna Partners,

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M^{me} Eglantine Canale Jamet, ancienne *Judicial Fellow* de la Cour internationale de Justice, membre du barreau de Paris, cabinet Sygna Partners,

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The Government of the Republic of The Gambia is represented by:

HE Mr Dawda A. Jallow, Attorney General and Minister of Justice,

Mr Hussein Thomasi, Solicitor General,

HE Mr Pa Musa Jobarteh, Ambassador of the Republic of The Gambia to the Kingdom of Belgium and Head of Mission of the Republic of The Gambia to the European Union,

Mr Charles Chernor Jalloh, Professor of International Law and Richard A. Hausler Chair in Law, University of Miami Law School, member and Special Rapporteur of the International Law Commission, member of the Ontario Bar,

Ms Phoebe Okowa, Professor of Public International Law, Queen Mary University, London, member of the International Law Commission, Advocate of the High Court of Kenya,

Ms Reneta R. Jack, Senior State Counsel, Attorney General's Chambers and Ministry of Justice, Republic of The Gambia, Focal Point, Ministry of Environment, Climate Change and Natural Resources,

Ms Christina Hioureas, Partner, Foley Hoag LLP,

Mr Andrew Loewenstein, Partner, Foley Hoag LLP,

HE Ms Rohey John Mangang, Minister of Environment, Ministry of Environment, Climate Change and Natural Resources,

HE Mr Lamin B. Dibba, Permanent Representative of the Republic of The Gambia to the United Nations, New York,

Mr Bubu Pateh Jallow, Former Adviser to the Minister of the Environment of the Republic of The Gambia,

Ms Fatmata Bintu Seisay, Director of Legal Operations and Training, Center for International Law and Policy in Africa, member of the Bar of Sierra Leone.

The Government of the Republic of Singapore is represented by:

Ms Rena Lee, Ambassador for International Law, Chief Executive, Intellectual Property Office of Singapore,

Ms Davinia Aziz, Minister-Counsellor, Embassy of the Republic of Singapore in the Kingdom of the Netherlands,

Mr Kenneth Wong, Senior Director, Senior State Counsel, Attorney-General's Chambers,

Ms Ai Lin Seow, Deputy Senior State Counsel, Attorney-General's Chambers,

Ms Ryce Lee, State Counsel, Attorney-General's Chambers,

Ms Vanessa Lam, State Counsel, Attorney-General's Chambers,

M^{me} Lefa Mondon, conseillère juridique, consultante en droit international, doctorante à l'Université Paris Cité, conseil, cabinet SLV Partners.

Le Gouvernement de la République de Gambie est représenté par :

S. Exc. M. Dawda A. Jallow, *Attorney General* et ministre de la justice,

M. Hussein Thomasi, *Solicitor General*,

S. Exc. M. Pa Musa Jobarteh, ambassadeur de la République de Gambie auprès du Royaume de Belgique et chef de la mission auprès de l'Union européenne,

M. Charles Chernor Jalloh, professeur de droit international et titulaire de la chaire de droit Richard A. Hausler à la faculté de droit de l'Université de Miami, membre et rapporteur spécial de la Commission du droit international, membre du barreau de l'Ontario,

M^{me} Phoebe Okowa, professeure de droit international public à l'Université Queen Mary de Londres, membre de la Commission du droit international, avocate, Haute Cour du Kenya,

M^{me} Reneta R. Jack, conseillère d'État principale, cabinet du procureur général et ministère de la justice, République de Gambie, coordinatrice, ministère de l'environnement, des changements climatiques et des ressources naturelles,

M^{me} Christina Hioureas, associée, cabinet Foley Hoag LLP,

M. Andrew Loewenstein, associé, cabinet Foley Hoag LLP,

S. Exc. M^{me} Rohey John Mangang, ministre de l'environnement, ministère de l'environnement, des changements climatiques et des ressources naturelles,

S. Exc. M. Lamin B. Dibba, représentant permanent de la République de Gambie auprès de l'Organisation des Nations Unies (New York),

M. Bubu Patch Jallow, ancien conseiller auprès de la ministre de l'environnement de la République de Gambie,

M^{me} Fatmata Bintu Seisay, directrice des activités et de la formation juridiques, Center for International Law and Policy in Africa, et membre du barreau de Sierra Leone.

Le Gouvernement de la République de Singapour est représenté par :

S. Exc. M^{me} Rena Lee, ambassadrice pour le droit international, directrice générale, Office de la propriété intellectuelle de Singapour,

M^{me} Davinia Aziz, ministre-conseillère, ambassade de la République de Singapour au Royaume des Pays-Bas,

M. Kenneth Wong, directeur principal, conseiller d'État principal, cabinet de l'*Attorney General*,

M^{me} Ai Lin Seow, conseillère d'État principale adjointe, cabinet de l'*Attorney General*,

M^{me} Ryce Lee, conseillère d'État, cabinet de l'*Attorney General*,

M^{me} Vanessa Lam, conseillère d'État, cabinet de l'*Attorney General*,

Mr Matthew Kwok, First Secretary (Administration), Embassy of the Republic of Singapore in the Kingdom of the Netherlands.

The Government of the Republic of Slovenia is represented by:

Mr Marko Rakovec, Director-General for International Law, Ministry of Foreign and European Affairs,

HE Mr Jožef Drofenik, Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands,

Ms Vasilka Sancin, Professor of International Law, Faculty of Law, University of Ljubljana,

Mr Daniel Müller, Partner of FAR Avocats, member of the Paris Bar,

Mr Primož Koštrica, representative of the Ministry of Foreign and European Affairs,

Mr Helmut Hartman, Legal Adviser, Embassy of the Republic of Slovenia in the Kingdom of the Netherlands.

The Government of the Republic of the Sudan is represented by:

Ms Oaima Mahmoud Ahmed Alsharief, Chargé d'affaires a.i., Embassy of the Republic of the Sudan in the Kingdom of the Netherlands,

Mr Marwan Ahmed Mohamed Khier, Deputy Head of Mission, Legal Officer, Embassy of the Republic of the Sudan in the Kingdom of the Netherlands,

Mr Fabián O. Raimondo, Associate Professor of Public International Law, Maastricht University, member of the Bar of the City of La Plata (Argentina),

Mr Skander Galand, Assistant Professor of Public International Law, Maastricht University, member of the Bar of Quebec.

The Government of the Democratic Socialist Republic of Sri Lanka is represented by:

Hon. Parinda Ranasinghe Jnr, President's Counsel, Attorney General,

HE Ms Rekha Gunasekera, Ambassador of the Democratic Socialist Republic of Sri Lanka to the Kingdom of the Netherlands,

Ms Avanti Perera, Deputy Solicitor General,

Ms Sasireha Shanmugam, First Secretary, Embassy of the Democratic Socialist Republic of Sri Lanka in the Kingdom of the Netherlands.

The Government of the Swiss Confederation is represented by:

HE Mr Franz Perrez, Head of the Directorate of International Law, Federal Department of Foreign Affairs,

Mr Steeve Guillod, Lawyer,

Ms Nathalie Guillet, Lawyer,

M. Matthew Kwok, premier secrétaire (administration), ambassade de la République de Singapour au Royaume des Pays-Bas.

Le Gouvernement de la République de Slovénie est représenté par :

M. Marko Rakovec, directeur général du droit international, ministère des affaires étrangères et européennes,

S. Exc. M. Jožef Drofenik, ambassadeur de la République de Slovénie auprès du Royaume des Pays-Bas,

M^{me} Vasilka Sancin, professeure de droit international, faculté de droit de l'Université de Ljubljana,

M. Daniel Müller, associé au cabinet FAR Avocats, membre du barreau de Paris,

M. Primož Koštrica, représentant du ministère des affaires étrangères et européennes,

M. Helmut Hartman, conseiller juridique, ambassade de la République de Slovénie au Royaume des Pays-Bas.

Le Gouvernement de la République du Soudan est représenté par :

M^{me} Omaila Mahmoud Ahmed Alsharief, chargée d'affaires par intérim, ambassade de la République du Soudan au Royaume des Pays-Bas,

M. Marwan Ahmed Mohamed Khier, chef de mission adjoint, juriste, ambassade de la République du Soudan au Royaume des Pays-Bas,

M. Fabián O. Raimondo, professeur associé de droit international public, Université de Maastricht, membre du barreau de La Plata (Argentine),

M. Skander Galand, professeur adjoint de droit international public, Université de Maastricht, membre du barreau du Québec.

Le Gouvernement de la République socialiste démocratique de Sri Lanka est représenté par :

S. Exc. M. Parinda Ranasinghe Jnr., conseiller du président, *Attorney General*,

S. Exc. M^{me} Rekha Gunasekera, ambassadrice de la République socialiste démocratique de Sri Lanka auprès du Royaume des Pays-Bas,

M^{me} Avanti Perera, *Solicitor General* adjointe,

M^{me} Sasireha Shanmugam, première secrétaire, ambassade de la République socialiste démocratique de Sri Lanka au Royaume des Pays-Bas.

Le Gouvernement de la Confédération suisse est représenté par :

S. Exc. M. Franz Perrez, directeur de la direction du droit international public au département fédéral des affaires étrangères,

M. Steeve Guillod, avocat,

M^{me} Nathalie Guillet, avocate,

HE Ms Corinne Cicéron Bühler, Ambassador of the Swiss Confederation to the Kingdom of the Netherlands,

Ms Sandra Caluori, Deputy Head of Mission, Multilateral Affairs, Embassy of the Swiss Confederation in the Kingdom of the Netherlands,

Mr Gian Heimann, trainee, Multilateral Affairs, Embassy of the Swiss Confederation in the Kingdom of the Netherlands.

The Government of the Republic of Serbia is represented by:

Mr Aleksandar Gajić, Chief Legal Adviser, Ministry of Foreign Affairs,

Mr Marko Jovanović, Principal Assistant to the Chief Legal Adviser,

Mr Dušan Vukić, Chargé d'affaires a.i., Embassy of the Republic of Serbia in the Kingdom of the Netherlands.

The Government of the Kingdom of Thailand is represented by:

Ms Suphanvasa Chotikajan Tang, Director-General, Department of Treaties and Legal Affairs,

HE Mr Asi Mamane, Ambassador Extraordinary and Plenipotentiary of the Kingdom of Thailand to the Kingdom of the Netherlands,

Mr Songchai Chaipatiyut, Deputy Director-General, Department of Treaties and Legal Affairs,

Mr Sompop Sermswatsri, Director of Legal Affairs Division, Department of Treaties and Legal Affairs,

Ms Sutthathip Vathitphund, Director of International Law Development Division, Department of Treaties and Legal Affairs,

Mr Vorapol Chensawasdiyai, Counsellor, Department of Treaties and Legal Affairs,

Mr Juthakeart Montapaneewat, Counsellor, Embassy of the Kingdom of Thailand in the Kingdom of the Netherlands,

Mr Sun Thathong, Counsellor, Department of Treaties and Legal Affairs,

Ms Suyanee Yotdamnoen, First Secretary, Embassy of the Kingdom of Thailand in Nepal,

Mr Jutha Saovabha, First Secretary, Department of Treaties and Legal Affairs,

Ms Panpailin Jantarasombat, Second Secretary, Department of Treaties and Legal Affairs,

Mr Andaman Saisrithong, Third Secretary, Department of Treaties and Legal Affairs,

Ms Sisira Kitmanee, Third Secretary, Department of Treaties and Legal Affairs,

Mr Naporn Popattanachai, Assistant Professor, University of Galway,

Mr Phattharaphong Saengkrai, Lecturer, Faculty of Law, Thammasat University,

Mr Icarus Chan, Member of the Bar of the State of New York.

S. Exc. M^{me} Corinne Cicéron Bühler, ambassadrice de la Confédération suisse auprès du Royaume des Pays-Bas,

M^{me} Sandra Caluori, cheffe de mission adjointe, activités multilatérales, ambassade de la Confédération suisse au Royaume des Pays-Bas,

M. Gian Heimann, stagiaire, activités multilatérales, ambassade de la Confédération suisse au Royaume des Pays-Bas.

Le Gouvernement de la République de Serbie est représenté par :

M. Aleksandar Gajić, conseiller juridique principal au ministère des affaires étrangères,

M. Marko Jovanović, assistant principal du conseiller juridique principal,

M. Dušan Vukić, chargé d'affaires par intérim de l'ambassade de la République de Serbie au Royaume des Pays-Bas.

Le Gouvernement du Royaume de Thaïlande est représenté par :

M^{me} Suphanvasa Chotikajan Tang, directrice générale, département des traités et des affaires juridiques,

S. Exc. M. Asi Mamanee, ambassadeur extraordinaire et plénipotentiaire du Royaume de Thaïlande auprès du Royaume des Pays-Bas,

M. Songchai Chaipatiyut, directeur général adjoint, département des traités et des affaires juridiques,

M. Sompop Sermswatsri, directeur de la division des affaires juridiques, département des traités et des affaires juridiques,

M^{me} Sutthathip Vathitphund, directrice de la division du droit international du développement, département des traités et des affaires juridiques,

M. Vorapol Chensawasdijai, conseiller, département des traités et des affaires juridiques,

M. Juthakeart Montapaneewat, conseiller, ambassade du Royaume de Thaïlande au Royaume des Pays-Bas,

M. Sun Thathong, conseiller, département des traités et des affaires juridiques,

M^{me} Suyanee Yotdamnoen, première secrétaire, ambassade du Royaume de Thaïlande au Népal,

M. Jutha Saovabha, premier secrétaire, département des traités et des affaires juridiques,

M^{me} Panpailin Jantarasombat, deuxième secrétaire, département des traités et des affaires juridiques,

M. Andaman Saisrithong, troisième secrétaire, département des traités et des affaires juridiques,

M^{me} Sisira Kitmanee, troisième secrétaire, département des traités et des affaires juridiques,

M. Naporn Popattanachai, professeur adjoint à l'Université de Galway,

M. Phattharaphong Saengkrai, maître de conférences à la faculté de droit de l'Université Thammasat,

M. Icarus Chan, membre du barreau de l'État de New York.

The Government of the Democratic Republic of Timor-Leste is represented by:

Ms Elizabeth Gouveia Leite Exposto, Chief of Staff to the Prime Minister, Chief Executive Officer, Land and Maritime Boundary Office,

HE Mr Adão Soares Barbosa, Special Envoy and Ambassador-at-Large for Climate Affairs,

HE Mr Dionisio Babo Soares, Permanent Representative of the Democratic Republic of Timor-Leste to the United Nations,

Mr Eran Sthoeger, Legal Counsel, Litigator and Consultant in International Law; Adjunct Professor of Law, Brooklyn Law School; Lecturer in international environmental law, Columbia University School of Professional Studies

Mr Simon Benedict Fenby, Principal Legal and Policy Adviser, Land and Maritime Boundary Office,

Ms Adelsia Maria Assunção Coelho da Silva, Senior Legal Adviser, Land and Maritime Boundary Office,

Ms Jenisse Charmes da Silva, Legal Adviser, Land and Maritime Boundary Office,

Mr Stephen Webb, Partner, Head of Energy Asia-Pacific, DLA Piper,

Ms Gitanjali Bajaj, Partner, Co-Head for International Arbitration Asia-Pacific, DLA Piper,

Ms Claire Robertson, Solicitor, DLA Piper,

Ms Virginia Gomes, Executive Secretary, Land and Maritime Boundary Office,

Ms Lee Hale, Support Executive, DLA Piper.

The Government of the Kingdom of Tonga is represented by:

Ms Fekitamoeloa Katoa 'Utoikamanu, Minister for Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications,

Ms Linda Simiki Folaumoetu'i, Attorney General, Attorney General's Office,

Ms Madeleine Keitilani Ecleste Lavemai, Assistant Crown Counsel, Legal Advice and International Law Division, Attorney General's Office,

Ms Lute Heivaha Ofa Ki Arana Leki, Legal Officer, Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications,

Ms Papyrus Tokai, Legal Officer, Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications,

Mr Paula Ma'u, Chief Secretary and Secretary to Cabinet, Prime Minister's Office,

Le Gouvernement de la République démocratique du Timor-Leste est représenté par :

- M^{me} Elizabeth Gouveia Leite Exposto, directrice de cabinet du premier ministre, directrice générale de l'Office des frontières terrestres et maritimes,
- S. Exc. M. Adão Soares Barbosa, envoyé spécial et ambassadeur itinérant chargé des affaires relatives au climat,
- S. Exc. M. Dionisio Babo Soares, représentant permanent de la République démocratique du Timor-Leste auprès de l'Organisation des Nations Unies,
- M. Eran Sthoeger, conseiller juridique, avocat et consultant en droit international, professeur adjoint de droit, faculté de droit de Brooklyn, chargé d'enseignement en droit international de l'environnement, School of Professional Studies de l'université de Columbia,
- M. Simon Benedict Fenby, conseiller juridique et politique principal, Office des frontières terrestres et maritimes,
- M^{me} Adelsia Maria Assunção Coelho da Silva, conseillère juridique hors classe, Office des frontières terrestres et maritimes,
- M^{me} Jenisse Charmes da Silva, conseillère juridique, Office des frontières terrestres et maritimes,
- M. Stephen Webb, associé, directeur du département de l'énergie pour la région Asie-Pacifique, cabinet DLA Piper,
- M^{me} Gitanjali Bajaj, associée, codirectrice du département de l'arbitrage international pour la région Asie-Pacifique, cabinet DLA Piper,
- M^{me} Claire Robertson, *Solicitor*, cabinet DLA Piper,
- M^{me} Virginia Gomes, secrétaire exécutive, Office des frontières terrestres et maritimes,
- M^{me} Lee Hale, chargée de l'appui, cabinet DLA Piper.

Le Gouvernement du Royaume des Tonga est représenté par :

- S. Exc. M^{me} Fekitamoeloa Katoa 'Utoikamanu, ministre de la météorologie, de l'énergie, de l'information, de la gestion des catastrophes, de l'environnement, du changement climatique et des communications,
- M^{me} Linda Simiki Folaumoetu'i, *Attorney General*, bureau de l'*Attorney General*,
- M^{me} Madeleine Keitilani Ecleste Lavemai, conseillère adjointe de la couronne, service du conseil juridique et du droit international, bureau de l'*Attorney General*,
- M^{me} Lute Heivaha Ofa Ki Arana Leki, conseillère juridique, ministère de la météorologie, de l'énergie, de l'information, de la gestion des catastrophes, de l'environnement, du changement climatique et des communications,
- M^{me} Papyrus Tokai, conseillère juridique, ministère de la météorologie, de l'énergie, de l'information, de la gestion des catastrophes, de l'environnement, du changement climatique et des communications,
- M. Paula Ma'u, secrétaire principal et secrétaire du Gouvernement, cabinet du premier ministre,

Mr Sione Finau Sisifa, Solicitor General, Attorney General's Office,

Mr Sione 'Akau'ola, Chief Executive Officer, Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications,

Ms Lu'isa Malolo, Director, Department of Climate Change, Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications,

Ms Rose Lesley Kautoke, Senior Crown Counsel, Head of the Legal Advice and International Law Division, Attorney General's Office,

Mr Siosiu Veikune, Pacific Islands Students Fighting Climate Change, Tongan Chapter,

Ms Gitanjali Bajaj, Partner, Co-Head for International Arbitration Asia-Pacific, DLA Piper,

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Ms Claire Donse, Partner, International Head of Pro Bono, DLA Piper,

Ms Camilla Thomas, Solicitor, Senior Associate, DLA Piper,

Ms Riley Arthur, Solicitor, DLA Piper.

The Government of Tuvalu is represented by:

HE Ms Eselealofa Apinelu, High Commissioner of Tuvalu to Fiji, Secretary General, Commission of Small Island States on Climate Change and International Law,

Hon. Laingane Italeli Talia, Attorney General of Tuvalu,

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Ms Catherine Amirfar, Debevoise & Plimpton LLP, member of the Bars of the Supreme Court of the United States of America and the State of New York,

Ms Philippa Webb, Professor of Public International Law, Blavatnik School of Government, University of Oxford, member of the Bars of Belize, England and Wales, and the State of New York, Twenty Essex Street Chambers,

Ms Beatrice A. Walton, Debevoise & Plimpton LLP, member of the Bar of the State of New York.

The Government of the Union of the Comoros is represented by:

HE Mr Youssouf Mondoha Assoumani, Ambassador of the Union of the Comoros to the Federal Democratic Republic of Ethiopia and Permanent Representative to the African Union,

M. Sione Finau Sisifa, *Solicitor General*, bureau de l'*Attorney General*,

M. Sione 'Akau'ola, directeur général, ministère de la météorologie, de l'énergie, de l'information, de la gestion des catastrophes, de l'environnement, du changement climatique et des communications,

M^{me} Lu'isa Malolo, directrice du département du changement climatique, ministère de la météorologie, de l'énergie, de l'information, de la gestion des catastrophes, de l'environnement, du changement climatique et des communications,

M^{me} Rose Lesley Kautoke, conseillère principale de la couronne, cheffe du service du conseil juridique et du droit international, bureau de l'*Attorney General*,

M. Siosiuva Veikune, Pacific Islands Students Fighting Climate Change, Tongan Chapter,

M^{me} Gitanjali Bajaj, associée, codirectrice du service arbitrage international Asie-Pacifique, cabinet DLA Piper,

M. Stephen Webb, associé, cabinet DLA Piper,

M^{me} Claire Donse, associée, directrice internationale des prestations fournies à titre gracieux, cabinet DLA Piper,

M^{me} Camilla Thomas, avocate, collaboratrice senior, cabinet DLA Piper,

M^{me} Riley Arthur, avocate, cabinet DLA Piper.

Le Gouvernement des Tuvalu est représenté par :

S. Exc. M^{me} Eselealofa Apinelu, haute-commissaire des Tuvalu auprès des Fidji, secrétaire générale de la Commission des petits États insulaires sur le changement climatique et le droit international,

S. Exc. M^{me} Laingane Italeli Talia, *Attorney General*,

M. Payam Akhavan, LL.M. SJD (Harvard) OOnt FRSC, professeur de droit international, titulaire de la chaire des droits de l'homme, et collaborateur émérite, Massey College, Université de Toronto, membre de la Cour permanente d'arbitrage, membre associé de l'Institut de droit international, membre des barreaux de l'État de New York et de l'Ontario,

M^{me} Catherine Amirfar, cabinet Debevoise & Plimpton LLP, membre des barreaux de la Cour suprême des États-Unis d'Amérique et de l'État de New York,

M^{me} Philippa Webb, professeure de droit international public, Blavatnik School of Government, Université d'Oxford, membre des barreaux du Belize, d'Angleterre et du pays de Galles, et de l'État de New York, Twenty Essex Street Chambers,

M^{me} Beatrice A. Walton, cabinet Debevoise & Plimpton LLP, membre du barreau de l'État de New York.

Le Gouvernement de l'Union des Comores est représenté par :

S. Exc. M. Youssouf Mondoha Assoumani, ambassadeur de l'Union des Comores auprès de la République fédérale démocratique d'Éthiopie et représentant permanent auprès de l'Union africaine,

Mr Faicoil Mohamed Djitihadi, Director-General of Political and Legal Affairs, Ministry of Foreign Affairs,

Mr Guy-Fleury Ntwari, Doctor of Law, Consultant and former Legal Adviser to the African Union,

Ms Kiara Neri, Professor of International Law, Director of the Centre for International Law, Jean Moulin Lyon 3 University,

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Ms Mulima Lisimba, First Secretary for Legal Affairs, Geneva,

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Mr Joseph Busenga, First Secretary for Legal Affairs, Brussels,

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Ms Lisa Kingsberry, Director of Strategic Communications,

Ms Johanna Gusman, Adviser, Human Rights,

Mr Ray Campbell, Digital Communicator,

Mr Lorima Dalituicama, Digital Testimonial Support,

Ms Mereseini Rakuita, Principal Strategic Lead, Pacific Women and Girls,

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The Pacific Islands Forum is represented by:

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Mr Esala Nayasi, Deputy Secretary General, Strategic Policy and Programming,

Ms Desna Solofa, Deputy Secretary General, Governance,

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Le Forum des îles du Pacifique est représenté par :

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Ms Brenda Reson Sapuro, Youth Representative,

Mr Peter Wekesa, Expert, Environment and Natural Resource Governance,

Ms Cherryl Newman, Secretary,

Ms Ying-Shan Lee, Project Coordinator, Foundation for International Law for the Environment (FILE),

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Mr Steven Solomon, Principal Legal Officer,

Mr Kenneth Piercy, Senior Legal Officer,

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M^{me} Holly Moore, juriste hors classe,

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Ms Christina Voigt, Professor of Law, University of Oslo, Department of Public and International Law, Chair of the International Union for Conservation of Nature World Commission on Environmental Law,

Mr Francesco Sindico, Professor of International Law, University of Strathclyde, Co-Chair of the International Union for Conservation of Nature World Commission on Environmental Law Climate Change Law Specialist Group,

Mr Edgardo Sobenes, Consultant in International Law, ESILA BV, Advanced LLM, Leiden University, Master, Superior Institute of Law and Economics and the University of Barcelona.

M^{me} Josephine Norris, membre du service juridique de la Commission européenne,

M^{me} Klára Talabér-Ritz, membre du service juridique de la Commission européenne,

M^{me} Caroline Richelle, cheffe d'équipe, rapporteuse politique, représentation de la Commission européenne aux Pays-Bas,

M. Enrico Macchiotta, stagiaire auprès du conseiller principal sur les aspects internationaux de la politique européenne sur le changement climatique, direction générale de l'action pour le climat,

M^{me} Ana Rita Cunha, stagiaire au sein de l'équipe RELEX, service juridique de la Commission européenne.

L'Union internationale pour la conservation de la nature est représentée par :

M^{me} Grethel Aguilar, directrice générale,

M^{me} Christina Voigt, professeur de droit à l'Université d'Oslo, département de droit public et international, présidente de la Commission mondiale du droit de l'environnement de l'Union internationale pour la conservation de la nature,

M. Francesco Sindico, professeur de droit international à l'Université de Strathclyde, coprésident du groupe de spécialistes sur le changement climatique, Commission mondiale du droit de l'environnement de l'Union internationale pour la conservation de la nature,

M. Edgardo Sobenes, consultant en droit international, cabinet ESILA BV, Advanced LLM, Université de Leyde, master, Institut supérieur de droit et d'économie et Université de Barcelone.

The PRESIDENT: Please be seated. The sitting is open.

With this morning's sitting, the Court begins its two weeks of hearings on the request for an advisory opinion submitted to it by the General Assembly of the United Nations on the question of the *Obligations of States in respect of Climate Change*.

On 29 March 2023, by resolution 77/276, the General Assembly of the United Nations decided to request an advisory opinion from the Court. The text of the resolution was transmitted to the Court by a letter from the Secretary-General of the United Nations dated 12 April 2023 and received in the Registry on 17 April 2023. I shall ask the Registrar to read the questions on which the Court is asked to render an advisory opinion.

The REGISTRAR:

“Having particular regard to the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention on the Law of the Sea, the duty of due diligence, the rights recognized in the Universal Declaration of Human Rights, the principle of prevention of significant harm to the environment and the duty to protect and preserve the marine environment,

- (a) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations?
- (b) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:
 - (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?
 - (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?”

Le PRÉSIDENT : Conformément au paragraphe 1 de l'article 66 du Statut, le greffier adjoint a notifié la requête pour avis consultatif à tous les États admis à ester devant la Cour.

Par une ordonnance en date du 20 avril 2023, la présidente, à l'époque, de la Cour a décidé, conformément au paragraphe 2 de l'article 66 du Statut, que l'Organisation des Nations Unies et ses États Membres étaient susceptibles de fournir des renseignements sur ces questions. Par la même

ordonnance, la Cour a fixé la date d'expiration du délai dans lequel des exposés écrits sur ces questions pouvaient être présentés à la Cour, et la date d'expiration du délai dans lequel les États et organisations ayant présenté un exposé écrit pouvaient présenter des observations écrites sur les autres exposés écrits faits par d'autres États et organisations, conformément au paragraphe 4 de l'article 66 du Statut.

Par la suite, en réponse à des demandes présentées par des participants, ces délais ont été prorogés à plusieurs reprises par de nouvelles ordonnances.

Ayant reçu des demandes de plusieurs organisations internationales tendant à être autorisées à participer à la procédure, la Cour a décidé, conformément à l'article 66 de son Statut, que les organisations suivantes étaient susceptibles de fournir des renseignements sur les questions qui lui avaient été soumises : l'Union internationale pour la conservation de la nature, la Commission des petits États insulaires sur le changement climatique et le droit international, l'Union européenne, l'Union africaine, l'Organisation des pays exportateurs de pétrole, l'Organisation des États d'Afrique, des Caraïbes et du Pacifique, le Groupe Fer de lance mélanésien, l'Agence des pêches du Forum des îles du Pacifique, la Communauté du Pacifique, le Bureau des parties à l'accord de Nauru, le Forum des îles du Pacifique, l'Alliance des petits États insulaires et l'Organisation mondiale de la Santé. Ces organisations ont donc été autorisées à présenter des exposés écrits et des observations écrites dans les délais fixés à cet effet. La Cour a également décidé, à la suite d'une demande reçue des Îles Cook, d'autoriser ces dernières à participer à la procédure et par conséquent à présenter un exposé écrit et des observations écrites dans les délais fixés à cet effet.

En application du paragraphe 2 de l'article 65 du Statut, le 30 juin 2023, le Secrétariat des Nations Unies a communiqué à la Cour un dossier contenant des documents pouvant servir à élucider les questions. En vertu de la même disposition, le 30 octobre 2023, des documents supplémentaires ont été communiqués à la Cour. Le dossier complet a été publié sur le site Internet de la Cour.

Dans le délai du 22 mars 2024, tel que prorogé par l'ordonnance du 15 décembre 2023, des exposés écrits ont été déposés au Greffe par 76 États, dont un exposé écrit conjoint de cinq États, et 12 organisations internationales participant à la procédure. Après l'expiration du délai pertinent, la Cour a autorisé, à titre exceptionnel, trois autres États à présenter des exposés écrits.

Par communications datées du 8 juillet 2024, le Greffe a informé l'Organisation des Nations Unies ainsi que les États et organisations internationales qui avaient été jugés susceptibles de fournir des renseignements sur les questions soumises par l'Assemblée générale que la Cour avait décidé de tenir des audiences publiques sur la demande d'avis consultatif, qui s'ouvriraient le 2 décembre 2024. Les destinataires ont en outre été invités, s'ils avaient l'intention de prendre part à ces audiences, à en informer le Greffe, au plus tard le 2 octobre 2024.

Dans le délai fixé au 15 août 2024, tel que prorogé par l'ordonnance du président de la Cour datée du 30 mai 2024, des observations écrites sur les exposés écrits ont été déposées au Greffe par 55 États et sept organisations internationales participant à la procédure. Après l'expiration du délai pertinent, le président de la Cour a autorisé, à titre exceptionnel, un autre État à présenter des observations écrites.

Le Greffe a informé l'Organisation des Nations Unies, ainsi que les États et organisations internationales qui avaient été jugés susceptibles de fournir des renseignements sur les questions soumises par l'Assemblée générale, que des organisations non gouvernementales avaient, de leur propre initiative, présenté des exposés écrits, en application de l'instruction de procédure XII, et que ces documents étaient disponibles sur un portail Internet qu'il avait créé à cet effet. Le Greffe a en outre rappelé que, aux termes de l'instruction de procédure XII, ces exposés « ne doivent pas être considérés comme faisant partie du dossier de l'affaire ».

Statuant sur une demande reçue de l'État de Palestine le 2 octobre 2024, la Cour a décidé que celui-ci était susceptible de fournir des renseignements sur les questions soumises par l'Assemblée générale et que l'État de Palestine était par conséquent autorisé à participer, conformément à l'article 66 du Statut, à cette procédure orale.

La liste des participants à la procédure orale et le calendrier de ces audiences ont été communiqués aux États et organisations internationales y prenant part. Les participants ont également été informés de certaines modalités pratiques relatives à l'organisation de la procédure.

This morning, the Court will hear a joint presentation by Vanuatu and the Melanesian Spearhead Group, followed, after a short break, by South Africa, Albania and Germany; and this afternoon, oral statements will be presented by Antigua and Barbuda, Saudi Arabia, Australia,

the Bahamas, Bangladesh and Barbados. Vanuatu and the Melanesian Spearhead Group have been allocated one hour of speaking time, and the other Participants will speak for a maximum of 30 minutes each.

Before inviting the first delegation to address the Court, I would add that, in accordance with Article 106 of the Rules of Court, the Court has decided to make the written statements and written comments submitted to it accessible to the public after the opening of the oral proceedings. The written statements and written comments of States not taking part in the oral proceedings will be made accessible to the public on the first day of the oral proceedings. The written statements and written comments of States and organizations taking part in the oral proceedings will be made accessible at the end of the day on which they present their oral statements. The written statements in question will be posted on the Court's website.

Let me also take this opportunity to explain the modalities that will be followed in the event of questions being put by Members of the Court to Participants in these oral proceedings. Such questions will be asked at the close of the hearings, on the afternoon of Friday 13 December 2024, after the last delegation has completed its presentation. The written text of such questions will be transmitted to the Participants by the Registrar. For questions put to a specific Participant or a specific group of Participants, the addressees should provide their written replies by Friday 20 December 2024, at 6 p.m. These replies will be transmitted to all other Participants, who may provide any written comments they may wish to make on such replies by Monday 30 December 2024, at 6 p.m. In the case questions are put to all Participants, written replies should be provided by Friday 20 December 2024, at 6 p.m. No written comments on these replies are envisaged. Finally, I would like to remind all those present in the Great Hall of Justice that mobile phones must be switched off during this morning's sitting so that the proceedings are not disrupted. This measure is needed, due to the fact that the Dutch Government will broadcast a national alert to all phone numbers registered in the Netherlands at 12 noon today. In this regard, it is not sufficient for mobile phones to be placed in silent mode; they must be switched off. I thank you for your co-operation.

I now give the floor to the representatives of Vanuatu and the Melanesian Spearhead Group and I invite Mr Ralph Regenvanu to the podium. You have the floor, Sir.

Mr REGENVANU:

I. INTRODUCTION

1. Mr President, Madam Vice-President, Members of the Court, good morning. It is with a profound sense of urgency and responsibility that I stand before you today, representing the Republic of Vanuatu along with the Melanesian Spearhead Group (MSG), in these historic proceedings. The outcome of these proceedings will reverberate across generations, determining the fate of nations like mine and the future of our planet.

2. Vanuatu is a nation of islands and island peoples. Our peoples have built vibrant cultures and traditions over millennia that are intimately intertwined with our ancestral lands and seas. Yet today, we find ourselves on the frontlines of a crisis we did not create — a crisis that threatens our very existence and that of so many other peoples who have come in unprecedented numbers to be heard by this Court.

3. The importance of the questions before this Court cannot be overstated. At issue in this case is the legality under the entire corpus of international law of a certain conduct, displayed by specific States over time, which has interfered with the climate system to the point that has already resulted in injury to Vanuatu and that threatens the survival of my people and of humanity as a whole.

4. The General Assembly, acting by consensus, defined this conduct in clear terms¹. — First, in question (a), the General Assembly refers to “anthropogenic emissions of greenhouse gases”². As stated in the 2023 Synthesis Report of the Intergovernmental Panel on Climate Change (IPCC): “Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming”³. This is not only a statement of the global scientific consensus; it was also adopted line-by-line with the consensus of all States, including all those

¹ Vanuatu Written Statement, paras. 137-157.

² UN General Assembly resolution 77/276: Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 29 March 2023, operative part, question (a).

³ Intergovernmental Panel on Climate Change, *Synthesis Report of the IPCC Sixth Assessment Report (AR6). Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers (2023), statement A.1; Vanuatu Written Statement, paras. 77-82.

present in these proceedings⁴. The unprecedented risks created by anthropogenic greenhouse gas emissions have been known since at least the 1960s, as detailed in our written submissions⁵. Indeed, in an address on 8 February 1965, then United States President Lyndon Johnson identified the problem in the clearest terms: “This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels”⁶.

- Second, the General Assembly specifically referred in preambular paragraph 5 of resolution 77/276 to “conduct of States over time in relation to activities that contribute to climate change and its adverse effects”⁷. The conduct on trial here is that of States, which have failed for over a century, despite increasingly dire warnings, to rein in the emissions from their territories. I must emphasize that, since 1990, emissions have increased by over 50 per cent⁸, reaching an all-time high in 2023 last year⁹. More than half of all CO₂ emissions since 1750 were emitted after 1990¹⁰. Whatever the time frame, there is no excuse.
- Third, a handful of readily identifiable States have produced the vast majority of historic and current greenhouse gas emissions¹¹. Yet other countries, including my own, are suffering the brunt of the consequences. The IPCC has recognized this climate injustice, stating: “Vulnerable communities who have historically contributed the least to current climate change are

⁴ Intergovernmental Panel on Climate Change, Appendix A to the Principles Governing IPCC Work: Procedures for the preparation, review, acceptance, adoption, approval and publication of IPCC Reports (adopted 15th sess., San José, 15-18 April 1999; amended 37th sess., Batumi, 14-18 October 2013, section 4.4); List of the 195 IPCC member countries: available at: https://www.ipcc.ch/site/assets/uploads/2019/02/ipcc_members.pdf; Vanuatu Written Statement, paras. 68-72.

⁵ Vanuatu Written Statement, paras. 177-192; Expert Report of Professor Naomi Oreskes on Historical Knowledge and Awareness, in Government Circles, of the Effects of Fossil Fuel Combustion as the Cause of Climate Change (dated 29 January 2024) (Vanuatu Written Statement, Exhibit D); MSG Written Statement, para. 298.

⁶ Lyndon B. Johnson, Special Message to the Congress on Conservation and Restoration of Natural Beauty, 8 February 1965; Vanuatu Written Statement, para. 182, fn. 305.

⁷ UN General Assembly resolution 77/276: Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 29 March 2023, preambular paragraph 5, *in fine*.

⁸ UN Environment Programme, *No more hot air, please! With a massive gap between rhetoric and reality, countries draft new climate commitments*, Emissions Gap Report, 2024, p. 5, fig. 2.1.

⁹ UN Environment Programme, 2024, *No more hot air, please! With a massive gap between rhetoric and reality, countries draft new climate commitments*, p. 4.

¹⁰ Institute for European Environmental Policy, “More than half of all CO₂ emissions since 1751 emitted in the last 30 years”, 29 April 2020, available at: <https://ieep.eu/news/more-than-half-of-all-co2-emissions-since-1751-emitted-in-the-last-30-years/>.

¹¹ Vanuatu Written Statement, paras. 73, 152-153, 162-170; Expert Report of Professor Corinne Le Quéré on Attribution of global warming by country (dated 8 December 2023) (Vanuatu Written Statement, Exhibit B).

disproportionately affected”¹². The definition of the relevant conduct in question (*b*) thus reflects the beating heart of this request when it asks the Court to determine the “legal consequences” arising for States whose “acts and omissions . . . have caused significant harm to the climate system and other parts of the environment”¹³.

5. The question is therefore simple at its core. Having regard to their obligations under international law, have those States responsible for climate change acted lawfully? Vanuatu’s position is clear: the conduct responsible for this crisis is unlawful under a range of international obligations, including those explicitly mentioned in resolution 77/276. This is a legal case and, as the Court will know from the written submissions, we are far from being alone in making it¹⁴.

6. Mr President, Madam Vice-President, Members of the Court, our delegation has just returned from the recent UNFCCC Conference of the Parties (COP), COP29 in Baku, where we witnessed first-hand, once again, the failure of the process. It is unconscionable that the COP failed to reach any agreement on cutting emissions. The current emission reduction commitments of States, even if fully respected, will see a catastrophic increase in temperature. For many peoples, including in Vanuatu, the prolonged and systematic failure of the COP process has cost them their well-being, their cultures and even their lives. There is an urgent need for a collective response to climate change grounded not in political convenience but in international law.

7. The Court, as the principal judicial organ of the United Nations, is uniquely positioned to provide authoritative guidance regarding the entire corpus of international law. We look to the Court for recognition that the conduct which has already caused immense harm to my people and so many others is unlawful, that it must cease, and that its consequences must be repaired.

8. In closing, I choose my words carefully when I say that this may well be the most consequential case in the history of humanity. Let us not allow future generations to look back and wonder why the cause of their doom was condoned.

¹² Intergovernmental Panel on Climate Change, *Synthesis Report of the IPCC Sixth Assessment Report (AR6). Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers (2023), statement A.2; Vanuatu Written Statement, paras. 83-91, 125-128 and 171-176.

¹³ UN General Assembly resolution 77/276: Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 29 March 2023, operative part, question (*b*).

¹⁴ Vanuatu Written Comments, paras. 149-150.

9. Mr President, Madam Vice President, Members of the Court, I will be followed today by six speakers on behalf of the Republic of Vanuatu and the Melanesian Spearhead Group. First will be Vanuatu's Attorney General, Mr Arnold Loughman, who will emphasize the need for this Court to apply international law to the conduct responsible for climate change. Second will be Mr Ilan Kiloe, who will introduce the Melanesian Spearhead Group and discuss the harms that climate change has already caused to the States and peoples of Melanesia. Third will be Mr Julian Aguon, who will demonstrate that the conduct responsible for climate change has infringed the rights to self-determination of Melanesian peoples. Fourth, Professor Jorge Viñuales will explain that this same conduct violates the duties of due diligence, prevention of significant harm to the environment, and the protection and preservation of the marine environment. Next, Professor Margaretha Wewerinke-Singh will discuss the legal consequences resulting from State conduct that breaches these and other rules of international law. Finally, Ms Cynthia Houniuhui will share the impacts of climate change on the youth of present and future generations throughout Melanesia.

10. I thank you for the honour of addressing you. And I now request, Mr President, the Court to call Mr Loughman. Thank you.

The PRESIDENT: I thank Mr Regenvanu. I now give the floor to Mr Arnold Loughman. You have the floor, Sir.

Mr LOUGHMAN:

II. THE NEED FOR INTERNATIONAL LAW TO ADDRESS THE CONDUCT RESPONSIBLE FOR CLIMATE CHANGE

1. Mr President, Madam Vice-President, Members of the Court, as the Attorney General of Vanuatu, my foremost duty is to uphold the Constitution and the rule of law. Our Constitution is a covenant with our people, guaranteeing fundamental rights and freedoms, and committing to the protection of our way of life for present and future generations. Our Constitution also establishes our sovereignty, which we regained in 1980 following more than a century of colonial rule.

2. Yet I stand here before you with a heavy heart. The rights enshrined in our Constitution are being undermined — and not from within, but from the acts and omissions of certain States beyond our borders. We know what the cause of climate change is: a conduct of specific States, which was

explained by Mr Regenvanu, Special Envoy. Vanuatu's contribution to global greenhouse gas emissions is negligible, and yet we are among those most affected by climate change.

3. As the principal legal officer of my country, I have come before this Court because domestic legal remedies are unable to address a crisis of this scope and magnitude. I have come to ask you to uphold the rule of law. Under international law, States have obligations: obligations to act with due diligence; to prevent significant harm to the environment; to reduce their emissions and provide support to countries like mine; to protect the human rights of present and future generations; to protect and preserve the marine environment; and to respect the fundamental rights of my people to self-determination in our own land. The failure by a small number of large-emitting States to fulfil these obligations constitutes an internationally wrongful act, triggering legal consequences under the international law of State responsibility.

4. Each of these States, which are identified on the basis of reliable scientific evidence in Vanuatu's submissions¹⁵, has individually caused significant harm to the climate system and other parts of the environment. Together, they have caused catastrophic harm in the form of climate change and its adverse effects. In a system intended to uphold peace and security, self-determination, the enjoyment of fundamental rights and the protection of the environment, how can the conduct that has taken humanity to the brink of catastrophe, threatening the survival of entire peoples, be lawful and without consequences?

5. We urge the Court to affirm in the clearest terms that this conduct is in breach of the obligations of States under international law and that such breach carries legal consequences.

6. Mr President, Madam Vice-President, Members of the Court, the stakes could not be higher. The survival of my people and so many others is on the line. We trust in the wisdom of this Court to uphold the principles of international law.

7. Thank you for your attention. I would now kindly ask you, Mr President, to call upon Mr Ilan Kiloe to take the floor. Thank you *tumas*.

The PRESIDENT: I thank Mr Loughman. I now give the floor to Mr Ilan Kiloe. You have the floor, Sir.

¹⁵ Vanuatu Written Statement, paras. 73, 152-153 and 162-170; Expert Report of Professor Corinne Le Quéré on Attribution of global warming by country (dated 8 December 2023) (Vanuatu Written Statement, Exhibit B).

Mr KILOE:

III. INTRODUCTION OF THE MELANESIAN SPEARHEAD GROUP AND ADVERSE EFFECTS OF CLIMATE CHANGE IN MELANESIA

1. Mr President, Madam Vice-President, Members of the Court, I have the honour to address you this morning on behalf of the Melanesian Spearhead Group (MSG), which brings together the Republic of Fiji, the Independent State of Papua New Guinea, Solomon Islands, Vanuatu and the Kanak Socialist National Liberation Front of New Caledonia (FLNKS). New Caledonia is a non-self-governing territory and FLNKS represents the indigenous Melanesian Kanak people. The peoples of West Papua and the Torres Strait are also our Melanesian brothers and sisters.

2. Melanesia is a tapestry of diverse peoples, each with their own rich cultures, languages and traditions. But we also share, in the words of the Melanesian philosopher, Bernard Narokobi, a “common cultural and spiritual unity”¹⁶ stemming from our interconnectedness with our environment. We are “placepersons”, which means we *are* the places; we are the landscapes, we are the waters, and we are the soils, the stones, and we are the flora and the fauna, we are the weather, the seasons, and the spirits of our ancestral territories.

3. Yet now, across our sea of islands, anthropogenic climate change has imperilled our peoples’ physical survival and ripped apart the integral relationships between people and place that grounds our very existence. Simply put, climate change has unravelled the fabric of our lives.

4. As the Court knows, we have submitted 35 testimonies from across communities in Melanesia. These testimonies contain the stories and the realities of our fathers, our mothers and our children. Through these testimonies, our people shared their sacred knowledge, their sacrifice, and their suffering and their grief. In return, they ask only that we bring their voices here, to this Great Hall of Justice, so that the Court can understand what they are going through and how much they have lost. We respectfully ask the Court to read the testimonies of our people with great care to better understand what climate change means for them, including the concrete impact on their right to self-determination.

¹⁶ Bernard Narokobi, *The Melanesian Way*, pp. 6-7, 1983, Institute of Papua New Guinea Studies.

5. Self-determination is at the heart of MSG's mission. Each of MSG's member States emerged from colonial rule less than fifty years ago. Yet climate change is now robbing our peoples of their hard-won self-determination. Melanesian peoples have been deprived of their means of subsistence, lost their territories and suffered the collapse of their self-determined governance systems, economies and cultures. These losses represent severe violations of their right to self-determination.

6. Such violations are especially devastating for the Kanak people, and for other Melanesian peoples who are still colonized, as they compound the ongoing violations they are already enduring due to their dependent political status. Non-self-governing peoples lack the ability to control their responses to climate change or, indeed, even to appear before this honourable Court. MSG is proud to count the FLNKS among its membership and to bring the otherwise unheard voices of colonized peoples to these important proceedings.

7. More generally, the injustice of the climate crisis is inseparable from our shared colonial histories. The majority of anthropogenic greenhouse gas emissions can be attributed to the conduct of a few readily identifiable States, some of which colonized and exploited the land, the resources and the peoples of Melanesia. We have not yet recovered from the enduring violence that colonization has inflicted on us, as we struggle to rebuild and assert ourselves within a system we did not create. Climate change is now depriving our peoples, again, of our ability to enjoy our right to self-determination in our land. Mr President, Madam Vice-President, and Members of the Court, the harsh reality is that many of our people will not survive.

8. The conduct responsible for these existential harms cannot — I repeat, cannot — be lawful under international law. In closing, MSG joins Vanuatu in asking the Court to affirm that this conduct is unlawful, with ensuing legal consequences.

9. I thank you for your courtesy and attention. Mr President, I respectfully request that you now call Mr Julian Aguon to the podium. I thank you.

The PRESIDENT: I thank Mr Kiloe. I now give the floor to Mr Julian Aguon. You have the floor, Sir.

Mr AGUON:

IV. VIOLATIONS OF THE RIGHT TO SELF-DETERMINATION

1. Mr President, Madam Vice-President, Members of the Court, the right to self-determination is a cornerstone of the international legal order. This Court has characterized self-determination as both an “essential principle[] of contemporary international law”¹⁷ and as a “fundamental human right, [with] a broad scope of application”¹⁸. Its realization is — to quote the United Nations Human Rights Committee — “an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights”¹⁹. The right to self-determination gives rise to obligations of an *erga omnes* character²⁰. The right is also widely recognized as a peremptory norm of international law²¹.

2. Self-determination guarantees the right of all peoples to freely determine their political status and freely pursue their economic, social and cultural development²². It also encompasses their rights to maintain their territorial integrity and permanent sovereignty over their natural resources²³. Yet the conduct responsible for climate change has already infringed on the right to self-determination for the many peoples of Melanesia.

3. Over time and generations, the peoples of Melanesia have self-determined, developing sophisticated systems of governance, economies, cultures and cosmologies grounded in the intimate

¹⁷ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 102, para. 29.

¹⁸ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019 (I), p. 131, para. 144.

¹⁹ UN Human Rights Committee, General Comment No. 12, Twenty-first session (1984), para. 1.

²⁰ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 102, para. 29; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019 (I), p. 139, para. 180; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), pp. 172, 199, paras. 88, 155-156; UN Human Rights Committee, General Comment No. 12, Twenty-first session (1984), para. 5.

²¹ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, para. 233; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, I.C.J. Reports 2019, separate opinion of Vice-President Sebutinde, pp. 283-291, paras. 25-45; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, separate opinion of Judge Gomez Robledo, paras. 18-22; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, declaration of Judge Tladi, paras. 14-16; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, I.C.J. Reports 2019, separate opinion of Judge Robinson, p. 317, para. 71 (a); Dire Tladi, Fourth Report of the Special Rapporteur on Peremptory Norms of General International Law (Jus Cogens), 31 January 2019, UN doc A/CN.4/727, pp. 48–52, paras. 108–115; Draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens), with commentaries, Yearbook of the International Law Commission, 2022, vol. II, Part Two, conclusion 23 and Annex, letter (h).

²² *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, para. 241.

²³ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, paras. 237 and 240.

relationship between each people and their place. The well-established adverse effects of climate change have caused a total collapse of these self-determined ways of life²⁴. Melanesian peoples have already suffered forced dislocations from their traditional territories, loss of natural resources essential for both cultural and physical subsistence, breakdown of political systems and means of self-governance, and rupture of relationships to the cosmos. In short, they have lost nearly everything that has, since time immemorial, formed their very essence as peoples.

4. In its written submissions²⁵, MSG has catalogued these horrors in great detail by way of testimonies²⁶, collected from communities across Melanesia — including but not limited to the Ouara Tribe of New Caledonia²⁷, the people of Veraibari Village in Papua New Guinea²⁸, the villagers of Vunidogoloa, Fiji²⁹, the people of Malaita Province, Solomon Islands³⁰, and the people of Yakel Village, Vanuatu³¹. These testimonies unequivocally demonstrate that the conduct responsible for climate change has already caused grievous violations of the right to self-determination of peoples across the subregion.

5. The same is true at the level of sovereign States³². In Vanuatu, for instance, unrelenting natural disasters have flung the nation into a near-constant state of emergency. The Sisyphean task of responding to climate disasters has left the country simply unable to pursue its aspirations for sustainable development and has forced the Government to take on substantial debt, thereby inducing dependency³³. These constraints, together with the degradation and destruction of the nation's natural resources, sharply curtail Vanuatu's ability to self-govern and freely determine its economic, social and cultural development.

²⁴ MSG Written Statement, paras. 59-82.

²⁵ MSG Written Comments, paras. 59-82.

²⁶ MSG Written Statement, Exhibits 5-39.

²⁷ MSG Written Statement, Exhibit 12.

²⁸ MSG Written Statement, Exhibit 14

²⁹ MSG Written Statement, Exhibits 6-8.

³⁰ MSG Written Statement, Exhibits 15-17.

³¹ MSG Written Statement, Exhibits 21-27.

³² Vanuatu Written Statement, paras. 294-301, 514; MSG Written Comments, paras. 71-75, 82; Vanuatu Written Comments, table 2, p. 85.

³³ MSG Written Comments, paras. 71-75.

6. Worse is yet to come. Rising sea levels are projected to submerge the entire territory of certain small island States — possibly within decades³⁴. This would inhibit the sovereignty of these States and, thus, the right of affected peoples to fully enjoy their self-determined political status. It would also force the dispersal of peoples from their ancestral homelands, undermining their right to exist as integral peoples within their own territory, which this Court stated in its most recent Advisory Opinion on the *Occupied Palestinian Territory*, is protected by their right to self-determination³⁵. For the peoples of Melanesia, whose very existence as peoples is fused with their ancestral territories³⁶, this would be tantamount to collective death.

7. No participant in these proceedings has disputed these facts. However, one has argued that these harms do not implicate individual States' obligations. Another has contended that the right of self-determination was not designed to address climate change. These arguments miss the point. While the right to self-determination has a clear normative core — that is the right of peoples to determine their own fate — this does not make it a static norm. In fact, the opposite is true, as preserving that core requires the application of the norm in factual situations where that right is most at risk. Indeed, the conduct at issue in this case profoundly undermines the most core aspects of the self-determination right.

8. All States are obligated to respect the right to self-determination by refraining from any conduct that infringes on the right³⁷. The conduct at issue in this case has caused violations of the right to self-determination — violations which were foreseeable. States engaged in this conduct have thus breached their obligations to respect the right to self-determination, triggering distinct legal consequences.

9. Mr President, Madam Vice-President, Members of the Court, this matter strikes at the very heart of international law. Self-determination enjoys more liberatory heft than any other single norm of international law. Yet the reality is that the conduct of a handful of States has caused severe,

³⁴ Intergovernmental Panel on Climate Change, Chapter 15: Small Islands, in *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Full Report* (2022), pp. 382, 2046, 2053-2055, 2095-2096.

³⁵ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 239.

³⁶ MSG Written Statement, paras. 19-20, 245, 330; MSG Written Comments, paras. 79, 149.

³⁷ Vanuatu Written Statement, paras. 302-303.

systemic and sustained violations of this right. The legal framework is robust but still requires your affirmation to translate principles into practice. We urge this Court to reaffirm the rule of law and protect the right of all peoples to self-determination.

10. In closing, throughout these proceedings, we have taken great care to accurately describe the peoples and cultures of Melanesia even though we are aware that most aspects of those same cultures are difficult to translate into any of the languages officially recognized by this Court. But we have done so because, as surely as these peoples deserve to live in the world on their own terms, so too do they deserve to be heard here. The peoples of Melanesia live exceptionally close to the earth and thus feel the vandalism visited upon it acutely. Moreover, theirs represents living, breathing, alternative imaginations — imaginations other than the one that has brought this planet to the brink of ecological collapse. Thus, ensuring they are able to live and thrive in their ancestral spaces is of the utmost importance, and not only for themselves, but for all of humanity.

11. Mr President, Madam Vice-President, Members of the Court, thank you for your attention. Mr President, I now respectfully call upon you to invite Professor Jorge Viñuales to the podium.

The PRESIDENT: I thank Mr Aguon. I now give the floor to Professor Jorge Viñuales. You have the floor, Professor.

Mr VIÑUALES:

**V. VIOLATIONS OF THE DUTIES OF DUE DILIGENCE, PREVENTION OF SIGNIFICANT HARM
TO THE ENVIRONMENT, AND PROTECTION AND PRESERVATION
OF THE MARINE ENVIRONMENT**

1. Mr President, Madam Vice-President, Members of the Court, for over 170 years, a handful of States have contributed the overwhelming majority of greenhouse gas emissions, the cause of climate change. For much of this period, international law has required States to act with due diligence, to ensure that their territory is not used in a way that significantly harms others, to prevent significant harm to the environment, which includes the climate system, and to protect and preserve the marine environment.

2. From the *Alabama Claims* arbitration³⁸ and the *Trail Smelter* arbitration³⁹ to this Court's *Corfu Channel* case⁴⁰, its Advisory Opinion on the *Legality of Nuclear Weapons*⁴¹ and its subsequent decisions, most recently in the *Silala* case⁴², these obligations of due diligence and prevention have been recognized as a core requirement of State conduct. Specifically, in 1996, the Court confirmed "[t]he existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment"⁴³.

3. Prevention is the cornerstone of international environmental law and it is of general application. The International Tribunal for the Law of the Sea has recalled, in its advisory opinion of May 2024, that the principle of prevention is the source of the obligation to protect and preserve the marine environment⁴⁴. The Inter-American Court of Human Rights, in an advisory opinion of 2017, likewise referred to the obligation of States to prevent significant environmental damage within and outside their territory as a foundation of the rights to life and integrity⁴⁵. The United Nations Framework Convention on Climate Change expressly confirms, at paragraph 8 of its preamble, the application of the prevention principle to anthropogenic emissions of greenhouse gases⁴⁶.

4. The obligations of due diligence and prevention are therefore central to the present proceedings. In resolution 77/276, the General Assembly — acting by consensus — requested the Court to have particular regard to "the duty of due diligence . . . , the principle of prevention of

³⁸ *Alabama Claims of the United States of America against Great Britain*, Award rendered on 14 September 1872 by the tribunal of arbitration established by Article I of the Treaty of Washington of 8 May 1871, XXIX *Reports of International Arbitral Awards*, pp. 129-130.

³⁹ *Trail Smelter Arbitration*, III *Reports of International Arbitral Awards*, p. 1965.

⁴⁰ *Corfu Channel (United Kingdom v. Albania)*, Merits, Judgment, I.C.J. Reports 1949, p. 22.

⁴¹ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996 (I).

⁴² *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Judgment, I.C.J. Reports 2022 (II), p. 614, para. 99.

⁴³ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996 (I), pp. 241-242, para. 29.

⁴⁴ *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal)*, ITLOS Case No. 31, Advisory Opinion (21 May 2024), para. 186.

⁴⁵ *Advisory Opinion OC-23/17 ("The Environment and Human Rights")*, Inter-American Court of Human Rights, Series A No. 23, 15 November 2017, para. 174.

⁴⁶ United Nations Framework Convention on Climate Change, 9 May 1992, 1771 UNTS 107, preamble, para. 8.

significant harm to the environment and the duty to protect and preserve the marine environment”⁴⁷. Later, in formulating question (b), the General Assembly used the terminology of prevention when asking what are the legal consequences of the acts and omissions of certain States which “have caused significant harm to the climate system and other parts of the environment”⁴⁸.

5. The Court will, therefore, have to clarify what were the main contributors to climate change *required* to do to comply with their due diligence and prevention obligations?

6. In the *Pulp Mills* case, the Court answered a similar question in the following terms: “A State is . . . obliged to use all the means at its disposal in order to avoid activities which take place in its territory, or in any area under its jurisdiction, causing significant damage to the environment of another State.”⁴⁹

7. The climate system is, of course, both within and beyond the jurisdiction of the affected States, and, in any event, the obligation of prevention also protects the environment of “areas beyond national control”⁵⁰. In the specific context of climate change, exercising the requisite due diligence entails, according to the IPCC, “rapid and deep and, in most cases, immediate greenhouse gas emissions reductions in all sectors this decade”⁵¹. The main source of emissions is the burning of fossil fuels, coal, oil and gas⁵². The International Energy Agency found, in a flagship report of 2021, that reaching net-zero emissions by 2050 requires that no new oil, gas or coal projects are approved, beyond those committed in 2021⁵³.

8. Thus, when it comes to activities that significantly contribute to climate change, the required conduct was and is clear: States which have significantly contributed to climate change were and are

⁴⁷ UN General Assembly resolution 77/276: Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 29 March 2023, operative part, chapeau.

⁴⁸ *Ibid.*, question (b).

⁴⁹ *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010 (I), p. 56, para. 101.

⁵⁰ *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996 (I), p. 242, para. 29.

⁵¹ Intergovernmental Panel on Climate Change, *Synthesis Report of the IPCC Sixth Assessment Report (AR6). Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, Summary for Policymakers (2023), statement B.6.

⁵² IPCC, *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (2021), Technical Summary, box TS5, p. 80; Vanuatu Written Comments, paras. 38-39.

⁵³ International Energy Agency, *Net Zero by 2050. A Roadmap for the Global Energy Sector* (Summary for policymakers) (2021), p. 11.

required to achieve deep cuts of their greenhouse gas emissions, as well as of their production of fossil fuels.

9. But they have not. For decades, what we have seen from large emitting and producing States is delay, low ambition and, in practice, concrete plans to expand the extraction and use of fossil fuels. In other words, the exact opposite of their due diligence that was and is required from them.

10. This is not a matter of degree. The contrast between word and deed is stark. Large emitting and producing States are proactively expanding their fossil fuel production and consumption, paying lip service to their climate commitments. Vanuatu has substantiated this claim in great detail, both empirically and legally, in its written submissions⁵⁴. But it is useful to recall some figures.

- Since 1990, emissions of greenhouse gases have increased by more than 50 per cent⁵⁵.
- The highest annual emissions ever recorded were, well, in 2023⁵⁶ and figures for 2024 are not yet available.
- According to the International Monetary Fund, the cost of fossil fuel subsidies from States reached an all-time high of US\$7 trillion in 2022⁵⁷, that is more than 23 times the figure that developing countries struggled to secure as climate finance in the recent COP29⁵⁸.
- The 2023 edition of the Production Gap Report from the United Nations Environment Programme (UNEP), befittingly titled *Phasing down or phasing up?*, with interrogation marks, captures the essence of the problem. Looking at 20 large State emitters, it concludes: “While 17 of the 20 countries profiled have pledged to achieve net-zero emissions, and many have launched initiatives to reduce emissions from fossil fuel production activities, most continue to promote, subsidize, support, and plan on the expansion of fossil fuel production”⁵⁹ That would lead,

⁵⁴ Vanuatu Written Statement, paras. 162-170, 247-248, 267-278, 285-287, 510, 512, 513; Expert Report of Professor Corinne Le Quéré on Attribution of global warming by country (dated 8 December 2023) (Vanuatu Written Statement, Exhibit B); Vanuatu Written Comments, paras. 52-75, 110 and table 1, 165-168 and table 2.

⁵⁵ United Nations Environment Programme, *No more hot air, please! With a massive gap between rhetoric and reality, countries draft new climate commitments*, Emissions Gap Report, 2024, p. 5, fig. 2.1.

⁵⁶ *Ibid.*, 2024, p. 4.

⁵⁷ Simon Black, Antung A. Liu, Ian Parry & Nate Vernon, IMF Fossil Fuel Subsidies Data: 2023 Update (August 2023) IMF Working Paper (Fiscal Affairs Department), Washington, DC, WP/23/169, p. 3.

⁵⁸ Decision -/CMA.6, Matters relating to finance. New collective quantified goal on climate finance (advanced version), UN doc. FCCC/PA/CMA/2024/L.22, 24 November 2024, para. 8.

⁵⁹ United Nations Environment Programme, *Production Gap Report 2023: Phasing down or phasing up? Top fossil fuel producers plan even more extraction despite climate promises*, 2023, p. 5.

according to the UNEP, “to global production levels in 2030 that are 460%, 29%, and 82% higher for coal, oil, and gas, respectively”⁶⁰.

As I said earlier, lip service to climate commitments.

11. Mr President, Madam Vice-President, Members of the Court, such a deliberate level of subsidies and inaction attributable to specific States over a long period of time in full knowledge of the catastrophic effects for humans and the environment, at least since the 1960s⁶¹, amounts to a serious violation of States’ obligations to act with due diligence, prevent significant harm to the environment, and protect and preserve the marine environment.

12. To echo the words of Attorney General Loughman, how could this deliberate conduct be consistent with international law? Major emitters and producers, in their written submissions, have tried to hide behind the enormity of the problem, overstating the complexity of the legal question. Yet, if an isolated incident of transboundary pollution is unlawful, it is unthinkable that the ultimate form of pollution is not. It would be like accepting the tragic irony, famously noted by Raphael Lemkin, that murder is unlawful, but genocide is not⁶².

13. Thank you for your attention, Mr President. I now respectfully request that you call Professor Margaretha Wewerinke-Singh to the podium.

The PRESIDENT: I thank Professor Viñuales. I now give the floor to Professor Margaretha Wewerinke-Singh. Professor, you have the floor.

Ms WEWERINKE-SINGH:

VI. LEGAL CONSEQUENCES OF THESE VIOLATIONS

1. Mr President, Madam Vice-President, Members of the Court. *Ubi jus ibi remedium*: where there is a right, there is a remedy in breach.

2. The conduct concerned in this case violates international law. The Court has been asked to articulate the legal consequences of these violations. As a majority of Participants have stressed,

⁶⁰ *Ibid.*, pp. 4-5.

⁶¹ Vanuatu Written Statement, paras. 177-192; Expert Report of Professor Naomi Oreskes on Historical Knowledge and Awareness, in Government Circles, of the Effects of Fossil Fuel Combustion as the Cause of Climate Change (dated 29 January 2024) (Vanuatu Written Statement, Exhibit D).

⁶² Raphael Lemkin, *Genocide*, 15/2 *American Scholar*, 1946, pp. 227-230.

these legal consequences are governed by the general law of State responsibility. This is confirmed by the explicit reference to “legal consequences” in question (b) of the Request. It is also clear from the use, in both the English and French texts, of the exact terminology of Article 42 of the International Law Commission’s Articles on the Responsibility of States for Internationally Wrongful Acts⁶³.

3. Remarkably, a few Participants have argued that the law of State responsibility cannot be effectively applied to climate change. But the opposite is true. *Acts*, such as issuing licences for fossil fuel exploration and extraction or granting massive fossil fuel subsidies, as well as *omissions*, such as the failure to regulate emissions, or to provide finance as required under the United Nations Framework Convention on Climate Change and the Paris Agreement, are plainly “conduct” that is attributable to States under the general rule codified in Article 4 of the ILC Articles. The nature of the breach is also captured, in all its complexity, by the rule in Article 15. This rule concerns breaches arising from a composite act, understood as “a series of actions or omissions defined in the aggregate as wrongful”. Furthermore, Article 47 confirms that, when multiple States have displayed the same wrongful conduct, the responsibility of each may be invoked.

4. The suggestion that the UN Framework Convention on Climate Change or the Paris Agreement replaces these secondary rules is, simply put, wrong⁶⁴. Indeed, it has already been dismissed, implicitly or explicitly, by courts around the world⁶⁵, including recently by the European Court of Human Rights, whose judgment in *KlimaSeniorinnen v. Switzerland* expressly relies on

⁶³ UN General Assembly resolution 77/276: Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, 29 March 2023, operative part, question (b) (i); Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 42; Vanuatu Written Statement, paras. 544-545.

⁶⁴ Vanuatu Written Comments, para. 216; Kenya Written Statement, paras. 6.100-6.101; MSG Written Statement, para. 322; OACPS Written Statement, para. 188.

⁶⁵ *Verein KlimaSeniorinnen Schweiz and others v. Switzerland*, ECtHR Application no. 53600/20, Judgment of the Grand Chamber (9 April 2024), paras. 442-443; *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for Advisory Opinion submitted to the Tribunal)*, ITLOS Case No. 31, Advisory Opinion (21 May 2024), paras. 223, 286; see also UN Human Rights Committee, Views Adopted by the Committee under Article 5(4) of the Optional Protocol, concerning Communication No 3624/2019, 21 July 2022, UN doc. CCPR/C/135/D/3624/2019, paras. 9-11; *Neubauer and Others v. Germany* [2021] 1 BvR 2656/18, 1 BvR 96/20, 1 BvR 78/20, 1 BvR 288/20, 1 BvR 96/20, 1 BvR 78/20 (German Federal Constitutional Court); *Advocate Padam Bahadur Shrestha v. Prime Minister and Office of Council of Ministers and Others*, [2018] Order No 074-WO-0283 (2075/09/10 BS) (Supreme Court of Nepal), paras. 13-14; *Salamanca Mancera and others v. Presidencia de la Republica de Colombia and others*, 29 January 2018 (Tribunal Superior de Bogotá), paras. 5.2-5.6; *State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v. Stichting Urgenda* [2019] ECLI:NL:HR:2019:2007 (Supreme Court of the Netherlands), paras. 5.7.5-5.7.9; *Re Constitutionality of Article 42(1)1 of the Framework Act on Low Carbon, Green Growth* (Case No. 2020HunMa289; Case No. 2021HunMa1264; Case No. 2022HunMa854; Case No. 2023HunMa846), 29 August 2024 (Constitutional Court of Korea).

Article 47 of the ILC Articles, affirming that States can be held internationally responsible for violations stemming from their contributions to climate change⁶⁶. Likewise, the International Tribunal for the Law of the Sea confirmed in its advisory opinion of May 2024 that international responsibility attaches where a State breaches its climate-related obligations under the UN Convention on the Law of the Sea⁶⁷.

5. Mr President, Madam Vice-President, distinguished Members of the Court, this Court is called upon to affirm a similar, yet even more fundamental point: that a State which, by its acts and omissions, has caused significant harm to the climate system and other parts of the environment has thereby breached international law; and that, in the ordinary way, the general law of State responsibility governs the legal consequences of that breach.

6. The Court must not be silent on this crucial point. Silence risks implying that international law condones this conduct. That it carries no legal consequences. And, that it can continue with impunity.

7. As we all know, the legal consequences for such internationally wrongful conduct are well established. First, responsible States must cease the wrongful conduct⁶⁸. What does this mean? In our submission, this means not only stopping actions that fuel the fire — such as expanding, and providing subsidies for fossil fuels — but also dismantling the systemic structures that drive emissions. It requires a suite of regulatory measures capable of achieving immediate and deep emission cuts, bearing in mind that the obligation of cessation is not fulfilled until a responsible State actually ceases to cause further harm.

8. Second, as several Participants have highlighted, assurances of non-repetition must be provided⁶⁹, including effective safeguards against false solutions that risk aggravating the harm, such as geoengineering.

⁶⁶ *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, ECtHR Application no. 53600/20, Judgment of the Grand Chamber (9 April 2024), paras. 442-443.

⁶⁷ Request for an advisory opinion submitted by the Commission of Small Island States on Climate Change and International Law (Request for advisory opinion submitted to the Tribunal), ITLOS Case No. 31, Advisory Opinion (21 May 2024), paras. 223, 286.

⁶⁸ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 30; Vanuatu Written Comments, paras. 175-185.

⁶⁹ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 30.

9. Third, reparations. While some Participants cite difficulties establishing a causal link between wrongful conduct and specific injury as if making reparations impossible, others rightly point out that attribution science can establish such links with great precision. More importantly, however, the Court does not need to identify a source-specific causal link to clarify the content of reparations as a legal consequence.

10. The cardinal principle is crystal clear. Responsible States are required to make full reparation for the injury they have caused. How is this given effect in this case? In our submission, responsibility for reparations can and must be proportionate to historic contributions to the harm. As the Supreme Court of the Netherlands held in the *Urgenda* case, an underlying principle of Article 47 of the ILC Articles is that “partial fault also justifies partial responsibility”⁷⁰. Examples such as the Climate Superfund Act passed by the State of Vermont in the United States earlier this year show that holding specific polluters accountable for climate damages is not only possible in theory but achievable in practice⁷¹. We urge the Court to ensure that international law is given full force in this context.

11. Restitution is, of course, the primary form of reparations⁷², and there is ample scope for restitution in its ordinary understanding. For instance, ecosystem restoration is possible at least to some extent, and responsible States must make every effort to achieve and support it. For harms that cannot be undone, monetary compensation is due⁷³. The Court’s express recognition of this obligation is critical in a context where the burden of addressing losses and damages, in practice, remains on those injured. The financial mechanisms established in international negotiations have

⁷⁰ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 34; *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, *I.C.J. Reports 2010 (I)*, p. 14, para. 273; *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*, Advisory Opinion of 1 February 2011, ITLOS Case No. 17, para. 196.

⁷¹ Climate Superfund Act (Vermont) (No. 122 of 2024).

⁷² Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 35, commentary, para. 3; *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*, Judgment, *I.C.J. Reports 2012 (I)*, p. 153, para. 137.

⁷³ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, *Yearbook of the International Law Commission*, 2001, Vol. II, Part Two, as corrected, Art. 36; *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, *I.C.J. Reports 2010 (I)*, p. 103, para. 273; *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*, Advisory Opinion of 1 February 2011, ITLOS Case No. 17, paras. 196-197.

not changed this reality. As a matter of law, their establishment in no way negates or replaces the obligation of compensation arising from breaches of international law.

12. Satisfaction is required to repair spiritual, dignitary and other aspects of the injury that cannot be cured through restitution or compensation. It should cover a wide range of measures, including acknowledgement of the harm and commemorations and tributes to the victims⁷⁴. The participatory rights of children and youth, who occupy a proximate position to future generations⁷⁵, merit special regard in this context. The recognition of the unlawful character of the relevant conduct is also an important form of satisfaction, consistent with the Court's practice.

13. Fourth, and finally, due to the peremptory nature of the right to self-determination and the *erga omnes* character of relevant obligations, the breach triggers additional obligations for all States and international organizations. Specifically, States and international organizations must not recognize the unlawful situation resulting from the breach. A concrete implication is the obligation to recognize the territory and maritime spaces of small island developing States, as established under the law of the sea, and of their continued sovereignty and statehood despite the effects of climate change⁷⁶. All States and international organizations must also cooperate to bring the breach to an end⁷⁷.

14. Mr President, Madam Vice-President, Members of the Court, the law of State responsibility serves as the international law's foundation. It ensures that no State is above the law. That violations have consequences. That rights do, indeed, come with remedies for victims. The magnitude of climate change, and the severity of the harm already suffered, underscore the urgency of applying these fundamental principles, now, in these proceedings, with full force.

⁷⁴ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Yearbook of the International Law Commission, 2001, Vol. II, Part Two, as corrected, Art. 37.

⁷⁵ Maastricht Principles on the Human Rights of Future Generations, preambular paragraph VII and Art. 22; Vanuatu Written Statement, para. 526; Vanuatu Written Comments, table 2, p. 97.

⁷⁶ Vanuatu Written Statement, paras. 637-640; Vanuatu Written Comments, para. 231; MSG Written Statement, para. 326; MSG Written Comments, para. 237.

⁷⁷ Vanuatu Written Comments, para. 231; Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, Yearbook of the International Law Commission, 2001, Vol. II, Part Two, as corrected, Art. 41; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019 (I)*, pp. 139-140, paras. 180-182; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 200, para. 159.

15. Thank you for your careful attention. Mr President, I now kindly ask you to invite Ms Cynthia Houniuhi, a representative of the youth, to the floor to conclude the oral submissions on behalf of the Republic of Vanuatu and the Melanesian Spearhead Group.

The PRESIDENT: I thank Professor Wewerinke-Singh. I now give the floor to Ms Cynthia Houniuhi. Madam, you have the floor.

Ms HOUNIUHI:

VII. PERSPECTIVE OF THE YOUTH OF PRESENT AND FUTURE GENERATIONS

1. Mr President, Madam Vice-President, Members of the Court. My name is Cynthia Rosah Bareagihaka Houniuhi. I am from Makira and South Malaita in the Solomon Islands. Within my blood flows the collective memory of my ancestors (*Hutaa*) who were conceived from the divine law (*Warato'o*) and have thrived on our islands since time immemorial. I stand before you, not as an individual, but as the living embodiment of the voices of our people — past, present and future. I also have the honour to address you as President of the Pacific Islands Students Fighting Climate Change, the youth organization that began the campaign to bring climate change before you. Five years ago, I was one of those students who together dreamed up a plan to seek an advisory opinion from this Court and brought that dream to the Government of Vanuatu.

2. Twenty-nine years ago, when this Court considered the legality of the threat or use of nuclear weapons, a Marshallese mother stood where I am standing now: Lijon Eknilang. She was a survivor of the United States' nuclear weapons testing programme, which unleashed 67 nuclear weapons upon her homeland and her people. She appeared before this Court to share the grave injustice inflicted upon her life, her nation, and our region, all in the spirit of contributing to the vision of a peaceful and better world. I am here to do the same.

3. For my people, our land (*Mako*) is the most precious. Land is our mother, a living, timeless plane where generations past, present and future converge, interconnected and sustained in an unbroken cycle of life. It is upon our land that our values and principles are rooted, preserved and transmitted across generations.

4. Our land stretches to the distant waters, where the shark (*Pa'ewa*) swims, rises to the heights where the eagle (*Hatta*) soars, spans the rivers traversed by the crocodile (*Huara*), and reaches into the depths of soil where the snake (*Maā*) burrows. For my *Are 'Are* people, the birthright custodians (*Rionimae Noni*) work in sync with our clan totems (*Rionimae*) to safeguard the fundamental relationships with the divine law (*Warato'o*), land (*Mako*) and people (*Noni*).

5. My people understand the continuous duty of past and present generations to protect the environment for the future generations (*Kiramo*). It is the adherence to this duty that enabled my people to live and thrive in harmony with our environment. This duty (*Arata ni Noni O'oanaha*) is our understanding of the legal principle of intergenerational equity.

6. Climate change is undermining our ability to uphold this sacred contract. My people's land of *Fanalei* is nearing a critical point, on the verge of being completely engulfed by the rising seas. Without our land, our bodies and memories are severed from the fundamental relationships that define who we are.

7. Those who stand to lose are the future generations. Their future is uncertain, reliant upon the decision-making of a handful of large-emitting States which, as my colleagues explained, are responsible for climate change. These States have not only enabled but proactively encouraged the production and consumption of fossil fuels and continue to do so today.

8. When the Paris Agreement was concluded, the youth of the world looked up to it as an instrument of hope. Today, the entire COP process has been hijacked by large emitters and major fossil fuel producers, turning it into a polluter safe-harbour and a trap for everyone else. No good-faith understanding of the UNFCCC or the Paris Agreement can be consistent with the conduct of large emitters. By depriving the UNFCCC, the Paris Agreement and COP process of any good-faith meaning, these States have turned all three against their spirit.

9. For my people, and for the world's youth and future generations, the consequences are existential.

10. As judges of the World Court, you possess the power to help us course-correct and renew hope in humanity's ability to address the greatest challenge of our time. And you can do this simply by applying international law to the conduct responsible for climate change.

Palahenga Diana, and thank you.

The PRESIDENT: I thank the representatives of Vanuatu and the Melanesian Spearhead Group for their presentation. Before I invite the next delegation to take the floor, the Court will observe a break of 15 minutes. The hearing is suspended.

The Court is adjourned from 11.15 a.m. to 11.30

The PRESIDENT: Please be seated. The sitting is resumed. I now invite the next participating delegation, South Africa, to address the Court and I call His Excellency Mr Vusimuzi Madonsela to the podium. You have the floor, Sir.

Mr MADONSELA:

I. INTRODUCTION

1. Mr President, Madam Vice-President, distinguished Members of the Court, it is an honour to address you today on behalf of the Republic of South Africa on the *Obligations of States in respect of Climate Change*.

2. The consequences of climate change are far-reaching and are already being felt, particularly in developing countries. The best available science tells us the worst is yet to come.

3. My own country, South Africa, is especially vulnerable to the vagaries of climate change due to its location in a region with temperature levels that are rising faster than the global average. We are already facing significant challenges of water scarcity and food insecurity, compounded by slow-onset and extreme weather events. The unprecedented severe flooding and destruction of infrastructure that occurred over the past few years is now followed by the onset of a new drought cycle. This has a devastating impact on our people and the country's ecosystems, which is especially concerning as South Africa is one of the most biologically diverse countries.

4. Domestically, South Africa is a country in which these severe climate challenges compound the most pressing triple challenges of poverty, unemployment and inequality. South Africa's Constitution guarantees the right to have the environment protected for present and future generations, and to do so in a way that promotes justifiable economic and social development.

5. South Africa is fully committed to contributing its best efforts towards addressing the global challenge of climate change. In the context of our just transition and a commitment to a sustainable

development path, we have submitted an ambitious nationally determined contribution under the Paris Agreement, which is backed by policies and legislation.

6. Therefore, in considering the questions posed to it, the Court is invited to have due regard to the complex phenomenon of climate change and the national circumstances of States with different capacities and responsibilities, which is the context in which the international community developed the multilateral climate change legal régime.

7. This legal régime recognizes that the historical responsibility for emissions lays at the doorstep of developed countries, hence the primary burden of responsibility for addressing it rests on their shoulders. Developed countries have accepted legal responsibility for reducing emissions, yet they have largely failed to honour it, and in this regard impacts adversely on the rest of the international community.

8. According to the Intergovernmental Panel on Climate Change, whereas Africa is one of the geographical regions that is most affected by climate change, it has contributed only 3 per cent to the historic cumulative fossil fuel emissions between 1850 and 2019, whilst developed countries have contributed 57 per cent⁷⁸. Emission reductions therefore require clear equity considerations, on which climate change law must be based.

9. Developing countries, which bear the least responsibility for causing climate change, do not have sufficient means to deal with its adverse effects, amidst other pressing developmental and inequality challenges. It is estimated that it will cost trillions of dollars and significant technology transfer to keep within the 2°C temperature goal set in the Paris Agreement — let alone the 1.5°C goal that African countries consider a necessity⁷⁹. It is therefore estimated that, on average, African countries spend nearly 1 per cent of their government budget on adaptation to climate change alone. This represents ten times more governmental expenditure on adaptation than the total international

⁷⁸ 2022: Emissions Trends and Drivers. In IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, p. 233.

⁷⁹ IPCC, 2018. IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, p. 22.

support provided for adaptation⁸⁰. Cost multipliers include the loss and damage associated with the adverse effects of climate change, and recovery efforts related thereto.

10. The multilateral régime, centred on the United Nations Framework Convention on Climate Change (UNFCCC), is the international community's collective response to climate change. Based on the context I have briefly summarized, the Convention focuses on sustainable development and the differentiated responsibilities of States, taking into account the pressing needs and capacity constraints of developing countries.

11. The Convention approach is that a climate change response must be conducive to sustainable development, and to inclusive and equitable global decision-making processes. It is critical that any climate response must be done in a manner that is in line with the concept of a just transition. Equally, it is essential that vulnerable persons, in particular local communities, women and children, are not made to suffer further as a result of a climate response that fails to take their circumstances into account. There is a need for an "all economy, all society" response to this common concern of humankind. This response requires shifting from a high to a low emissions economy; from incremental to transformative adaptation and climate resilience; whilst building an inclusive, employment-intensive economy. Without adequate support, through funding and technology transfer, developing countries will be rendered continually vulnerable to the adverse effects of climate change and may find themselves regressing in developmental gains made thus far.

12. With that, Mr President, distinguished Members of the Court, it is now my honour to request you to invite Ms Brammer, Principal State Law Adviser, to address you on the applicable law, and thereafter Mr Scholtz, State Law Adviser, to address you on the legal obligations of States and their legal consequences.

I thank you.

The PRESIDENT: I thank His Excellency Mr Madonsela. I now give the floor to Ms Romi Brammer. Madam, you have the floor.

⁸⁰ United Nations Environment Programme (2023). Adaptation Gap Report 2023: Underfinanced. Underprepared. Inadequate investment and planning on climate adaptation leaves world exposed, p. 48.

Ms BRAMMER:

II. APPLICABLE LAW

1. Mr President, Madam Vice-President, distinguished Members of the Court, I am honoured to address you to make South Africa's submissions regarding the applicable law on which the Court should base its advisory opinion on the questions posed to it by the General Assembly.

2. Climate change is intrinsically linked to development and impacts on most, if not all, of the sustainable development goals (SDGs). The existing developmental challenges faced by developing countries, like my own, will undoubtedly be further exacerbated by climate change. The SDGs carry with them responsibilities and obligations for States at both international and national levels, and it is of the utmost importance that the Court takes this into consideration. An analysis of climate change law that does not take into account the wider sustainable development agenda, may lead to conclusions that would upend carefully negotiated international and domestic consensus positions that have taken many years to develop. Climate change cannot be elevated above — or separated from — other sustainable development imperatives and obligations through a silo-based approach to State responsibility.

3. Furthermore, the preamble to the Paris Agreement acknowledges that human rights should be considered when taking action to address climate change especially when it comes to the protection of the rights of most vulnerable persons, which include local communities, women and children.

4. We also recognize that international climate change policy and law have to accommodate other emerging international legal norms, such as the right to development.

5. While South Africa fully recognizes that there are numerous legal instruments that have relevance, we submit that it would be most appropriate for the Court to apply the Convention, the Kyoto Protocol and the Paris Agreement in answering the questions placed before it, being the most “directly relevant applicable law” governing the obligations of States in the context of climate change⁸¹.

⁸¹ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports 1996 (I)*, p. 243, para. 34.

6. Given that the Convention and Paris Agreement enjoy universal membership, the Court should be primarily guided by the obligations contained in these treaties. This will ensure that the Court's advisory opinion reflects the consensus of States.

7. It is also important to note that these treaties established compliance mechanisms that can impose corrective measures. When these measures are not adhered to, then the general rules of State responsibility are triggered.

8. As has already been stated, it is imperative that the Court, in its consideration of this advisory opinion, bear in mind the historical responsibility for climate change as well as the Convention's guiding principles of equity and common but differentiated responsibilities and respective capabilities, in light of different national circumstances. The Convention notes in its third preambular paragraph that "the largest share of historical and current global emissions of greenhouse gases has originated in developed countries".

9. In the lead-up to the negotiations and adoption of the Convention, developing countries were firm that any climate change response would have to be done in a manner that did not hamper their economic development. This is indeed reflected in the Convention, which additionally requires that its objective, being the limitation and stabilization of greenhouse gas concentrations in the atmosphere, should be pursued in a way that enables sustainable economic development.

10. The Convention states in specific terms that Parties must be guided by the principles listed in Article 3, including the principle of sustainable development. Importantly, this was deliberately underscored in the Kyoto Protocol and the Paris Agreement by States agreeing that both must be implemented in a manner that pursues the objective of the Convention and must be guided by the principles contained therein. These principles must therefore serve as the lens through which obligations arising from the Convention, the Kyoto Protocol and the Paris Agreement are assessed.

11. I pause here to draw the Court's attention to the fact that both the Kyoto Protocol and the Paris Agreement, while distinct, are *under* the Convention. These agreements are intrinsically linked to the Convention and cannot be read in isolation. It is additionally important to underscore that the Paris Agreement did not replace the Convention or the Kyoto Protocol. There is no provision in the Paris Agreement which suggests that it supersedes either the Convention or the Kyoto Protocol. On

the contrary, the Paris Agreement provides in Article 2 that it serves to enhance the implementation of the Convention and its objective.

12. Article 3 of the Convention contains two core principles that permeate all aspects of States' climate change response, namely *equity* and *common but differentiated responsibilities and respective capabilities (CBDR&RC)*. Equity relates to the usage of the planet's natural resources, including its carbon space, and access to opportunities linked to just transitions and towards more sustainable modes of production and consumption. CBDR&RC comprises two elements: firstly, the common responsibility of all States in relation to the protection of the environment; and secondly, the different circumstances of States, both in terms of their contribution to the problem as well as their ability to prevent, reduce or control the threat. Crucially, this principle acknowledges the specific needs of developing countries, which give rise to different obligations for different States. These differences were reflected in the use of Annexes I and II of the Convention which contain lists of certain developed countries to which certain obligations are assigned. This approach was maintained in the Kyoto Protocol. The Paris Agreement takes a more nuanced approach in its distinction between developed and developing countries. However, it was agreed that the distinction *must* remain, as it is an inescapable reality.

13. It must be stressed that developed countries had the benefit of industrializing at an early stage, which contributed extensively to climate change. Developing countries, on the other hand, have not received the economic benefits of industrialization and are thus faced with the detrimental effects of climate change and little financial capacity to respond thereto. As such, developing countries' responses to climate change must factor in their specific national capabilities, but it is also essential that developed countries assume their role in assisting developing countries, through funding and technology transfer, in responding adequately to climate change to enable a truly global response to this global threat.

14. Whilst the Convention, the Kyoto Protocol and the Paris Agreement are all treaties that created binding rights and obligations on the part of States, the decisions taken at annual Conferences of the Parties (COP) to implement these rights and obligations are generally not regarded as legally binding. Notwithstanding, as the purpose of the multitude of decisions is to give practical effect to the rights and obligations of the Parties set out in these treaties, the Court must also have regard for

these decisions. To not do so will hinder the Court from having a holistic view and a full understanding of the matter before it.

15. In rendering its advisory opinion, the Court must be cognizant of the already mentioned guiding principles and decisions taken at the COPs. These were formulated through extensive and careful negotiations, and are therefore a true expression of the intent of States regarding their obligations in respect of climate change.

16. Mr President, distinguished Members of the Court, it is now my honour to request that you to invite Mr Scholtz to address you on the obligations of States and legal consequences.

I thank you.

The PRESIDENT: I thank Ms Romi Brammer. I now give the floor to Mr Cornelius Scholtz. Sir, you have the floor.

Mr SCHOLTZ:

III. OBLIGATIONS FOR STATES UNDER THE CLIMATE CHANGE RÉGIME AND LEGAL CONSEQUENCES

1. Mr President, Madam Vice-President, distinguished Members of the Court, I am honoured to address you to make South Africa's submissions regarding the legal obligations of States and the legal consequences.

2. The fact that developed countries bear the greatest responsibility for the historic and current levels of greenhouse gas emissions translated into different, and more onerous, legal obligations for developed countries. The United Nations Framework Convention on Climate Change, adopted in 1992, places a clear obligation on developed countries to take the lead in addressing climate change⁸².

3. The Convention does not set a quantified collective goal, nor any individual, quantified targets to be fulfilled by developed countries. Instead, the Convention creates various obligations of conduct:

⁸² Article 4 (2) (a) of the UNFCCC.

- one category of obligations is applicable to all Parties, “taking into account their common but differentiated responsibilities and specific national and regional development priorities, objectives and circumstances”⁸³;
- another category is specifically applicable to developed countries and States listed in Annex I to the Convention that are required to take steps to reduce greenhouse gas emissions;
- and a further category of obligations is applicable to developed countries, and those States listed in Annex II of the Convention: they are obliged to support developing countries through the provision of finance, technology transfer and capacity-building.

4. The Kyoto Protocol, adopted in 1997, took a further step by establishing obligations of result by setting prescribed emission reduction targets for developed countries. These are targets that are contained in Annex B to the Protocol⁸⁴. This approach acknowledges the historical responsibility of developed countries, as well as the fact that more ambitious action is needed from them if climate change is to be mitigated at all.

5. Importantly, neither the Convention, nor the Kyoto Protocol set binding emission reduction targets for developing countries.

6. The Paris Agreement, adopted in 2015, set three overarching collective goals: on mitigation, on adaptation and on the financing of climate action⁸⁵. Parties agreed to limit the increase in average global temperatures to well below 2°C, and to pursue efforts to strengthen this goal towards a limit of 1.5°C.

7. As for the obligations of individual States, the Paris Agreement provides that these would be self-determined. Parties must submit successive nationally determined contributions (NDC), and each NDC must be more ambitious than the previous one⁸⁶. All Parties, including developing countries, are obliged to submit NDCs and to pursue domestic mitigation measures to achieve goals that they have determined for themselves based on their specific circumstances.

⁸³ Article 4 (1) of the UNFCCC.

⁸⁴ Article 3 (1) and Annex B of the Kyoto Protocol.

⁸⁵ Article 2 (1) of the Paris Agreement.

⁸⁶ Article 4 (2) of the Paris Agreement.

8. The Paris Agreement clearly states that the obligations of parties will be implemented to reflect equity and the principle of common, but differentiated, responsibilities and respective capabilities (CBDR-RC), in light of different national circumstances⁸⁷. This qualification is an essential element which the Court must consider to ensure that equity and justice prevail.

9. While achieving a specific target is not a legally binding obligation, there is an obligation to pursue successively ambitious mitigation measures. Such obligations must be interpreted in line with the principle of prevention, which this Court has found to be a customary rule in the context of the law concerning transboundary harm, and which has its régime in the obligation of due diligence. This Court, in the *Pulp Mills on the River Uruguay* case, found that a State is “obliged to use all the means at its disposal in order to avoid activities which take place in its territory, or in any area under its jurisdiction, causing significant damage to the environment of another State”⁸⁸.

10. The phrase “the means at its disposal” is a crucial consideration. It requires having regard for the particular facts and circumstances that pertain to the State in question. This phrase also echoes the principle of CBDR-RC, and is reflected in the fact that different legal obligations apply to different categories of States. The parties to the Paris Agreement do not have the same means at their disposal. They therefore do not have the same legal obligations in respect of climate change. Developed countries bear a greater responsibility to reduce their own greenhouse gas emissions, not only because they have historically contributed significantly more emissions, but also because they have greater resources to invest in a low-carbon future.

11. In line with the principle of progression envisioned in the Paris Agreement, the Kyoto Protocol targets for developed countries must be the starting-point for their NDCs under the Paris Agreement, not only in respect of specificity, but also in respect of ambition.

12. Mr President, Members of the Court, mitigation of climate change is not the only issue. The Convention also recognizes that communities have to adapt to those effects of climate change that are already inevitable. Under the climate change treaties, enabling countries to deal with the increase in the intensity and frequency of extreme weather events is given the same priority as the goal of reducing emissions.

⁸⁷ Article 2 (2) of the Paris Agreement.

⁸⁸ *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010 (I), p. 56, para. 101.

13. Article 4 of the Convention is drafted in peremptory language and requires parties, subject to CBDR-RC, to design and implement programmes containing measures that facilitate climate change adaptation⁸⁹. Furthermore, they are required to co-operate in preparing for adaptation to the impacts of climate change⁹⁰.

14. The Kyoto Protocol reaffirms existing obligations of parties under the Convention, while the Paris Agreement obliges parties to “engage in adaptation planning processes and the implementation of actions”⁹¹ and also creates a legal obligation on enhanced international support to be provided to developing countries⁹².

15. The importance of adaptation responses to climate change cannot be overstated. However, the success of adaptation plans is dependent on the capacity of countries to implement them. The United Nations Environment Programme has estimated that developing countries would likely have to spend hundreds of billions of US dollars annually for the next ten years in order to cover the costs related to adaptation⁹³.

16. The need to assist developing countries with financial resources is critical. The Convention, the Kyoto Protocol and the Paris Agreement all establish clear obligations to provide financial resources to developing countries, both for mitigation and for adaptation⁹⁴.

17. The Convention expressly states that the extent to which developing countries will be able to implement their commitments under the Convention depends on the financial resources and transfer of technology provided by developed countries⁹⁵. Without the much-needed finance and technology transfer, developing countries were and still are restricted in what they can do to implement their commitments.

18. Developed countries undertook to mobilize US\$100 billion per year by 2020 to address the needs of developing countries. Although they failed to deliver on this goal, the parties to the

⁸⁹ Article 4 (1) (b) of the UNFCCC.

⁹⁰ Article 4 (1) (e) of the UNFCCC.

⁹¹ Article 10 of the Kyoto Protocol and Article 7 (9) of the Paris Agreement.

⁹² Article 7 (13) of the Paris Agreement.

⁹³ United Nations Environment Programme (2023). *Adaptation Gap Report 2023: Underfinanced. Underprepared. Inadequate investment and planning on climate adaptation leaves world exposed*, p. 49.

⁹⁴ Article 4 (3) to (5) of the UNFCCC; Article 11 of the Kyoto Protocol; Article 9 of the Paris Agreement.

⁹⁵ Article 4 (7) of the UNFCCC.

Convention nevertheless recognize the need for large-scale support, and this finance goal was increased recently at the 29th Conference of the Parties to US\$300 billion. It is an inescapable fact for developing countries to implement their NDCs under the Paris Agreement, that they will require adequate financial assistance and technology transfer. If such support is not forthcoming, they cannot be held legally responsible to fully give effect to their NDCs.

IV. LEGAL CONSEQUENCES

19. The legal obligations of parties to the Convention, the Kyoto Protocol and the Paris Agreement must be viewed through the lens of the Convention principles, in particular sustainable development, equity and common, but differentiated, responsibilities and respective capabilities.

20. The obligations of States in respect of climate change are nuanced and different States have different obligations. The legal consequences flowing from different obligations are therefore not uniform and require a case-by-case assessment, having regard for each State's level of development, its particular circumstances, as well as the level of support that a State is able to provide, or the level of support that it requires.

V. CONCLUSION

21. Mr President, Members of the Court, to conclude, the Convention, the Kyoto Protocol and the Paris Agreement were carefully negotiated over several decades, having due regard for a variety of factors, including the varying levels of development of countries and their varying capabilities to respond to climate change.

22. There is no question that there are legal obligations on States to take significant and progressively more ambitious action. However, it is important that when reaching any conclusion regarding the obligations of States in respect of climate change, a proper assessment needs to be made of the responsibility of States for historic and current emissions, as well as their specific national circumstances, including their varying levels of development.

23. The Court's advisory opinion presents a rare opportunity to take stock in a systematic way of the international law principles applicable to climate change that have developed over more than three decades. It is an opportunity to remind States of the legal obligations that they have agreed to. The Court's opinion can be of great benefit to the ongoing multilateral talks under the auspices of

the Convention where States have to make difficult compromises in order to ensure a future that is safe, prosperous and fair.

24. Mr President, Madam Vice-President, Members of the Court, this concludes the submissions on behalf of South Africa.

I thank you very much for your attention.

The PRESIDENT: I thank the representatives of South Africa for their presentation. I now invite the delegation of Albania to make its oral statement and I call upon Mr Armand Skapi to take the floor.

Mr SKAPI:

I. CLIMATE INEQUALITY

1. Introduction

1. Mr President, Madam Vice-President, distinguished Members of the Court, it is an honour to appear before you today on behalf of the Republic of Albania. You will hear two statements in Albania's name today. I will open with a general observation and then address *horizontal* disparities in the impact of climate change on States and how these disparities translate into the responsibilities of States to take meaningful steps to address climate change. I will be followed by Ms Cherie Blair, who will address the *vertical* dimension, setting out how existing patterns of marginalization and inequality must inform States' duties to protect those most affected by climate change.

2. Mr President, Members of the Court, let me start with a broad observation. This hearing takes place in the shadow of the COP29 Summit. As you have already heard this morning, there are already sharp debates about whether the outcome of that meeting was sufficient to address the looming threats of climate change. Albania shares the concerns expressed in the joint submissions by Vanuatu and Melanesian Spearhead Group, and I do not repeat those here.

3. Speaking in Baku, Albania's Prime Minister, Mr Edi Rama, expressed his, and Albania's, frustration with the current state of the debate about climate change, commenting that: "Life goes on, with its old habits, and our speeches — full of good words about fighting climate change — change

nothing.” In his scripted statement, he highlighted the importance of “global ambition and collective action” and “shared responsibility”.

4. The Court’s voice — its opinion — addressed to the General Assembly and also the wider world, will be critically important, and delivered at a critically important time. We urge the Court to be *bold, direct and clear in its statement of what the law requires* to meaningfully address the threats we face.

5. It is Albania’s view that the law as it stands today requires States and others to take meaningful action to address climate change. You are *not* asked to make new law; this is neither your task nor your competence. You are, though, asked to advise both on the obligations of States under international law and on the legal consequences under those obligations for States whose acts and omissions have, over time, caused significant harm.

6. Your opinion should, therefore, in Albania’s view, address the responsibility of States, including with regard to obligations to address and regulate conduct, both action and inaction, that causes or would cause significant harm to the climate system or part of the environment.

7. You are asked, in declaring the law as it is, to bring a clarity to the law that will both allow and require States to take the action required of them — and require accountability for a failure to do so.

8. Mr President, Members of the Court, I now turn to my more substantive submissions.

2. Climate change: a shared crisis, unequal burdens

9. Climate change is a global crisis. The unprecedented level of participation by States in these proceedings underscores an undeniable truth: no State will be spared from the far-reaching impacts of climate change. This appreciation, of itself, demands a *bold, direct and clear statement of what the law requires*. But this appreciation is only part of the picture. Its effects are and will be felt unevenly — both by States and by peoples. As the World Bank has noted, it is developing and middle-income nations that are “likely to bear the greatest burden of climate change in terms of loss of life and relative effect on investment and the economy”⁹⁶.

⁹⁶ P. Abeygunawardena et al., *Poverty and climate change: reducing the vulnerability of the poor through adaptation* (English) (Washington, DC: World Bank Group), 2019, available at <http://documents.worldbank.org/curated/en/534871468155709473/Poverty-and-climate-change-reducing-the-vulnerability-of-the-poor-through-adaptation>.

10. Take Albania. We are a middle-income country at the heart of Europe. We have consistently produced some of the lowest levels of CO₂ and anthropogenic greenhouse gas emissions in Europe. Yet, as the World Bank has recognized, we are one of the countries most severely affected by climate change⁹⁷.

- (i) The Albanian coastline, a key part of our national life and driver of our tourism and economic growth, faces severe threats from rising sea levels, coastal erosion and extreme weather events⁹⁸.
- (ii) Changes in rainfall patterns and increasing temperatures threaten the agriculture sector, a vital pillar of our economy⁹⁹.
- (iii) Albania's celebrated reliance on hydropower — approximately 90 per cent of our electricity generation — is undermined by water scarcity caused by drought and erratic precipitation¹⁰⁰.

11. Our progress, hard-won over decades, hangs in the balance. Climate change threatens our economic stability, erodes our social resilience, and obstructs our path toward sustainable development¹⁰¹.

12. Our neighbours in the Western Balkans face similar challenges. Our region is one of the areas in Europe most heavily affected by the impact of climate change. This trend is projected to worsen, with temperature rise expected to increase to 4°C, and potentially beyond 5°C, by the end of this century¹⁰².

13. Despite Albania's proactive mitigation and adaptation efforts, the scale of the measures required far exceeds our available financial resources.

⁹⁷ World Bank Group, *Climate Change in Albania*, 17 September 2023, available at <https://www.worldbank.org/en/country/albania/brief/climate-change-in-albania>.

⁹⁸ World Bank Group, *Climate Risk Country Profile: Albania*, 2021, p. 26, available at <https://climateknowledgeportal.worldbank.org/sites/default/files/2021-06/15812-Albania%20Country%20Profile-WEB.pdf>, p. 26.

⁹⁹ *Ibid.*, available at <https://climateknowledgeportal.worldbank.org/sites/default/files/2021-06/15812-Albania%20Country%20Profile-WEB.pdf>, pp. 11, 16-18.

¹⁰⁰ *Ibid.*, available at <https://climateknowledgeportal.worldbank.org/sites/default/files/2021-06/15812-Albania%20Country%20Profile-WEB.pdf>, pp. 21-23.

¹⁰¹ *Ibid.*, available at <https://climateknowledgeportal.worldbank.org/sites/default/files/2021-06/15812-Albania%20Country%20Profile-WEB.pdf>, p. 12.

¹⁰² European Commission, *Commission Staff Working Document — Guidelines for the Implementation of the Green Agenda for the Western Balkans*, 6 October 2020, available at https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-10/green_agenda_for_the_western_balkans_en.pdf, p. 3.

14. The World Bank has estimated that we require US\$6 billion of investment for adaptation measures alone¹⁰³ — more than one quarter of our GDP¹⁰⁴. The Western Balkans collectively needs US\$37 billion for adaptation¹⁰⁵.

15. This financial burden cannot — and should not — be borne alone by our economies: by our people. We are in need of assistance.

3. Differentiated obligations: a legal imperative for climate justice

16. Mr President, we are neither shirking our responsibility nor advancing a case for development aid, pulling on the heartstrings of developed States, pleading for handouts. In our view, while all States must mitigate emissions, to enable this *the law imposes differential responsibilities on States*: greater action is required of those whose actions have contributed — and will continue to contribute — most acutely to climate change and of those who can most afford to take meaningful action to address the threats.

17. The Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment has observed: “[t]he main contributors to the problem have reaped immense economic benefits and thus have the greatest responsibility to solve the problem”¹⁰⁶.

18. This observation lays bare the injustice at the heart of the climate crisis and underscores the need for your advisory opinion to affirm expressly two existing and complementary sets of legal obligations:

- (i) *First*, that developed, industrialized States — those who possess greater resources and, historically, bear disproportionate responsibility for global greenhouse gas emissions — are obligated to take material steps in significantly reducing emissions.
- (ii) *Second*, that these States are obligated to contribute financial resources, to facilitate technology transfer and to build capacity to enable developing and middle-income countries to mitigate the impacts of climate change and adapt to its adverse effects.

¹⁰³ World Bank Group, *Country Climate and Development Report: Western Balkans* 6 October 2024, p. 13.

¹⁰⁴ World Bank, *Country Overview: Albania*, available at <https://www.worldbank.org/en/country/albania/overview>.

¹⁰⁵ World Bank Group, *Country Climate and Development Report: Western Balkans* 6 October 2024, p. 13.

¹⁰⁶ Office of the High Commissioner for Human Rights (“OHCHR”), *Report of the Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment — Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, 15 July 2019, UN doc. A/74/161, para. 26.

19. These obligations are not novel or controversial. They are at the heart of a golden thread that runs through the corpus of international law you are asked to examine.

20. For instance, the Kyoto Protocol includes multiple provisions expressly requiring States parties to co-operate to take all practicable steps to promote, facilitate and finance the transfer of — or access to — technologies and know-how pertinent to climate change, in particular to developing countries¹⁰⁷.

21. Similarly, amongst the key obligations of the Paris Agreement are the following:

- (i) *First*, that developed State parties *shall* provide financial resources to assist developing State parties with respect to both mitigation and adaptation¹⁰⁸.
- (ii) *Second*, that parties *shall* strengthen co-operative action on technology development and transfer¹⁰⁹.
- (iii) *Third*, that support, including financial support, *shall* be provided to developing State parties, including for strengthening co-operative action on technology development and transfer at different stages of the technology cycle¹¹⁰.

22. An affirmation of this differentiation of obligations is also found in UNCLOS, which — as ITLOS clarified in its recent advisory opinion — requires State parties to provide “scientific, technical, educational and other assistance to developing States that are particularly vulnerable to the adverse effects of climate change”. As the Tribunal recognized, doing so is “a means of addressing [the] inequitable situation” of climate change¹¹¹.

23. These differential obligations also find expression in the customary obligation of States to prevent transboundary harm where developed and industrialized States have a more stringent due

¹⁰⁷ Kyoto Protocol to the United Nations Framework Convention on Climate Change, adopted on 11 December 1997, entered into force on 16 February 2005 (“Kyoto Protocol”), Articles 10, 11 and 12.

¹⁰⁸ Paris Agreement, 12 December 2015, United Nations, *Treaty Series (UNTS)*, No. 54113 (“Paris Agreement”), Article 9 (1), emphasis added.

¹⁰⁹ Paris Agreement, Article 10 (2), emphasis added.

¹¹⁰ Paris Agreement, Article 10 (6), emphasis added.

¹¹¹ International Tribunal for the Law of the Sea (“ITLOS”), *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Case 31)*, *Advisory Opinion*, 21 May 2024, para. 327.

diligence obligation. Moreover, as recognized by numerous States, these differences in obligations are an expression of the general principles of co-operation and equity¹¹².

24. Mr President, Members of the Court, Albania urges the Court to have this central legal truth at the centre of your advisory opinion: that developed, industrialized States bear the primary responsibility to take meaningful action, as required by law, to address the climate crisis to which they have and are continuing to contribute disproportionately, and that this includes real and tangible support for developing and middle-income countries that bear the brunt of the worst of its devastating impacts.

4. Concluding remarks

25. This advisory opinion will be closely considered and carefully applied in many fora affecting developing and middle-income States' climate actions. In the international investment space, guidance is needed on how States' climate-related obligations should be taken into account. While Albania welcomes and supports responsible investments, climate action must not be compromised by inappropriate arbitral decisions that have not taken proper heed of legal imperatives relating to climate change. Albania urges the Court to affirm that commercial interests should be protected proportionately, ensuring a careful and equitable balance between States' climate obligations and investors' protected interests — an imperative not yet fully realized¹¹³.

26. Mr President, Madam Vice-President, distinguished Members of the Court, this concludes my submissions. May I ask you, Mr President, to invite Ms Blair to the podium? I thank you for your attention.

The PRESIDENT: I thank Mr Skapi. I now give the floor to Ms Cherie Blair. Madam, you have the floor.

¹¹² P. Cullet, *Common but differentiated responsibilities*, Fitzmaurice, Malgosia, Brus, MMTA and Merkouris, Panos (eds.), *Research Handbook on International Environmental Law*, 2nd edition. Cheltenham: Edward Elgar, pp. 209-228; Albania's Written Statement, paras. 81, 90. For other States, see e.g. Written Statement of Tonga, paras. 160-175; Written Statement of the Democratic Republic of Congo, paras. 231-242; Written Statement of the Commission of Small Island States on Climate Change and International Law ("COSIS"), para. 143.

¹¹³ Albania's Written Statement, Section V.A.

Ms BLAIR:

II. HUMAN RIGHTS AND CLIMATE CHANGE

1. Human rights and climate change: inextricable and indivisible

1. Mr President, Madam Vice-President, distinguished Members of the Court, it is a privilege to appear here today before you on behalf of the Republic of Albania.

2. The General Assembly's Request expressly invites you to examine obligations under a number of bell-weather international human rights instruments. These treaties, and customary international law, oblige States actively to protect fundamental human rights, including from adverse effects of climate change¹¹⁴.

3. The Court has the benefit of extensive written submissions on these various obligations. In the time available, I would like to emphasize three key sets of affirmative obligations imposed on States by international human rights law:

- (i) *first*, to prevent significant harms to the climate system and parts of the environment that would foreseeably violate human rights¹¹⁵;
- (ii) *second*, to ensure that the measures taken in response to climate change impacts do not themselves violate human rights¹¹⁶; and
- (iii) *third*, to provide redress for human rights violations, including those resulting from significant harms to the climate system and parts of the environment¹¹⁷.

4. These obligations, as set out in Albania's written submission, may operate extraterritorially, within the limits of a State's jurisdiction or control, where a clear causal link exists between the alleged violation and a State's act or omission, and where this conduct directly and foreseeably impacts on an individual's human rights¹¹⁸.

¹¹⁴ Albania's Written Statement, paras. 98-111.

¹¹⁵ Albania's Written Statement, paras. 100-102.

¹¹⁶ Albania's Written Statement, paras. 103-108.

¹¹⁷ Albania's Written Statement, para. 109.

¹¹⁸ Albania's Written Comments, paras. 38-42.

5. Alongside the majority of States participating in these proceedings¹¹⁹, Albania fundamentally disagrees with the suggestions that climate change should be addressed solely within the framework of instruments focusing expressly on climate change, without regard to the rights and obligations arising under international human rights treaties and relevant and applicable customary international law.

6. International law is not siloed. Agreements specifically addressing climate change do not, by omission, somehow exclude or override other relevant and presumptively applicable rules of international law. To reach such a conclusion would be to take a filleting knife to the holistic application of international law and set it back decades. Albania urges the Court not to adopt the approach urged upon you by a minority of States that would, in their own narrow interests, wish to see this outcome.

7. That international human rights law does not stand outside the law applicable to climate change necessarily follows from, amongst other considerations, the following:

- (i) *first*, as we have heard, the preamble of the Paris Agreement expressly recognizes the interconnection between the rights and duties that it creates and States' *existing* human rights obligations;
- (ii) *second*, we have more than 15 years of Human Rights Council resolutions¹²⁰, and the Joint Statement on Human Rights and Climate Change issued by five UN human rights treaty bodies in September 2019¹²¹, that similarly affirms the relevance of human rights law and

¹¹⁹ See e.g. Tuvalu's Written Statement, paras. 98-104; Costa Rica's Written Statement, paras. 65-67; COSIS' Written Statement, paras. 129-141; Bolivia's Written Statement, paras. 40-42; Dominican Republic's Written Statement, paras. 4.43-4.48; Timor-Leste's Written Statement, Chapter IX; IUCN's Written Statement, Chapter 8; Kiribati's Written Statement, para. 171; Mauritius' Written Statement, para. 155; Solomon Islands' Written Statement, para. 164; DRC's Written Statement, paras. 145-157; Mauritius' Written Statement, paras. 155-187; EU's Written Statement, paras. 231-257.

¹²⁰ Albania's Written Statement, para. 95; See e.g. UN Human Rights Council, Human rights and climate change, UN doc. A/HRC/RES/7/23, March 2008; UN Human Rights Council, Human rights and climate change, UN doc. A/HRC/RES/50/9, 14 July 2022. See also OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, UN doc. A/HRC/10/61, 15 January 2009; OHCHR, Panel discussion on climate change's negative impact on the full and effective enjoyment of human rights by people in vulnerable situations, UN doc. A/HRC/52/48, 27 Dec 2022.

¹²¹ Albania's Written Statement, para. 95; Joint statement by the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the Committee on the Rights of the Child (CRC), and the Committee on the Rights of Persons with Disabilities, *Statement on human rights and climate change*, UN doc. HRI/2019/1, 14 May 2020.

obligations in the area of climate change. These repeated statements, intended to have normative character, cannot simply be ignored; and

(iii) *third*, national¹²² and regional¹²³ courts, as well as UN human rights treaty bodies¹²⁴, and various soft law instruments¹²⁵, have all recognized that States owe obligations under international human rights law to ensure the protection of the climate system and other parts of the environment from the anthropogenic GHG emissions.

8. Mr President, Members of the Court, yours is the only international court of general competence. As the principal judicial organ of the United Nations, you are uniquely authoritative. These proceedings have presented you with an opportunity to affirm and draw together the rules of international law relevant and applicable to climate change, providing guidance on the mandating and regulation of meaningful conduct by States to address the looming crisis. Albania urges the Court to reject decisively the self-serving contention that key human rights treaties need not be considered. Indeed, that legal framework is manifestly relevant to the current challenges.

2. The imperative to address climate change through an inclusive and intersectional lens

9. Mr President, I come now to an area of law that warrants specific comment, to ensure that it is not overlooked in these proceedings. That is the law relevant to gender equality and non-discrimination.

¹²² Albania's Written Statement, fn. 147; Albania's Written Comments, para. 28; *Urgenda Foundation v. The State of the Netherlands* [2019] ECLI:NL:HR:2019:2006; *Neubauer, et al. v. Germany, Bundesverfassungsgericht* [BVerfG]; and Brussels Court of First Instance, *VZW Klimaatzaak v. Kingdom of Belgium & Others*, 17 November 2021.

¹²³ Inter-American Court of Human Rights, *The Environment and Human Rights - Advisory Opinion*, OC-23/17, 15 November 2017; European Court of Human Rights, *Verein KlimaSeniorinnen Schweiz and others v. Switzerland*, ECtHR Application no. 53600/20, Judgment of the Grand Chamber (9 April 2024); Albania's Written Statement, paras. 94-111; Albania's Written Comments, para. 28.

¹²⁴ Albania's Written Statements, paras. 94-111; Albania's Written Comments, para. 28; UNHRC, General Comment No. 36 on the right to life, UN doc. CCPR/C/GC/36, 3 September 2019, para. 62; UNHRC, *Billy et al. v. Australia*, Communication No. 3624/2019, UN doc. CCPR/C/135/D/3624/2019, 18 September 2023 (views adopted on 21 July 2022); CRC in five cases: *Sacchi et al v. Brazil, Argentina, Türkiye, France, and Germany*.

¹²⁵ Albania's Written Statement, Section IV.B. Albania concurs with the sources set out in the following Written Statements: EU's Written Statement, paras 226-285; African Union's Written Statement, paras. 61-65; Colombia's Written Statement, paras. 3.66-3.72; Ecuador's Written Statement, paras. 3.97-3.118; Bolivia's Written Statement, paras. 13-22; Chile's Written Statement, paras 67-70; Solomon Islands' Written Statement, paras 164-204; Cook Islands' Written Statement, paras. 183-194; Kiribati's Written Statement, paras 155-171; Vanuatu's Written Statement, paras. 217-230. See also IUCN's Written Statement, paras. 467-469.

10. UNFCCC reports have highlighted the important linkages between climate change and gender equality¹²⁶. The relevance of this nexus has also been recognized by the CEDAW Committee, in its Recommendation 37, which underscores the necessity of States integrating a gender perspective into all climate action and ensuring women's active participation in decision-making processes.

11. But, what does this mean in practice? The Court needs only to look at the submissions in these proceedings and the national communications of States to the UNFCCC for compelling examples of what the gendered impact of climate change means to a lived reality of the burdens borne disproportionately by women and girls.

12. In Albania, for example, women are more affected by climate risk owing to a higher engagement in farming, especially in livestock activities, as emphasized in the country's fourth National Communication on Climate Change¹²⁷.

13. Other examples are found in the submissions from others in these proceedings. And I take this opportunity to reference just two.

- (i) *First*, the Melanesian Spearhead Group described how women in Yakel, a traditional Vanuatuan village, have been forced to abandon arable land destroyed by Cyclone Pam and travel almost a full day to access suitable land for cultivation. This physical toll has left many women too exhausted to even make the journey, further reducing food availability and increasing food insecurity¹²⁸;
- (ii) *Second*, the Cook Islands highlighted that climate change has disrupted the availability of raw materials for women's handicrafts, threatening their livelihoods and diminishing opportunities for home security, education and participation in community decision-making¹²⁹.

¹²⁶ Secretariat of the UNFCCC, *Implementation of gender-responsive climate policies, plans, strategies and action as reported by Parties in regular reports and communications under the UNFCCC*, FCCC/CP/2024/5, 5 September 2024; Secretariat of the UNFCCC, *Differentiated impacts of climate change on women and men; the integration of gender considerations in climate policies, plans and actions; and progress in enhancing gender balance in climate delegations*, FCCC/SBI/2019/INF.8; Secretariat of the UNFCCC, *Dimensions and examples of the gender-differentiated impacts of climate change, the role of women as agents of change and opportunities for women*, FCCC/SBI/2022/7, 1 June 2022; Secretariat of the UNFCCC, *Implementation of gender-responsive climate policies, plans, strategies and action as reported by Parties in regular reports and communications under the UNFCCC*, FCCC/CP/2024/5, 5 September 2024.

¹²⁷ The Fourth National Communication of Albania on Climate Change, September 2022, p. 202, available at [https://www.undp.org/albania/publications/fourth-national-communication-albania-climate-change#:~:text=Albania's%20Fourth%20National%20Communication%20is,controlled%20by%20the%20Montreal%20Protocol%3B%20\(](https://www.undp.org/albania/publications/fourth-national-communication-albania-climate-change#:~:text=Albania's%20Fourth%20National%20Communication%20is,controlled%20by%20the%20Montreal%20Protocol%3B%20()

¹²⁸ Written Statement of the Melanesian Spearhead Group, p. 16.

¹²⁹ Written Statement of the Cook Islands, p. 56.

14. These examples underscore the importance of carefully incorporating gender perspectives in all climate change mitigation and adaptation planning and action, and the imperative of involving women and their distinctive experiences in climate change decision-making. We will not deliver equitable and effective climate policies without doing so¹³⁰.

15. Climate change functions as a “*threat multiplier*”¹³¹. As Vanuatu noted in its written submissions, the range of implications that flow from the adverse effects of climate change can impair the enjoyment of rights in necessarily “overlapping and layered ways”, amplifying the exposure to harm of women, children, indigenous peoples, persons with disabilities, and those living in extreme poverty¹³². These groups — already facing systemic discrimination and marginalization — are disproportionately burdened by the various impacts of climate change. Too often their struggles are overlooked, their contributions not valued and their voices unheard.

16. In affirming the law relevant to climate change, there is a need to integrate an intersectional approach, ensuring that climate action addresses the *compounded* vulnerabilities of these groups. This approach is consistent with statements made by the United Nations Special Rapporteur on Human Rights and Climate Change¹³³ and with the resolutions of the UN Human Rights Council¹³⁴.

¹³⁰ UN Women, *Explainer: Why women need to be at the heart of climate action*, 1 March 2022, available at <https://www.unwomen.org/en/news-stories/explainer/2022/03/explainer-why-women-need-to-be-at-the-heart-of-climate-action>.

¹³¹ Albania’s Written Statement, para. 3.

¹³² Vanuatu’s Written Statement, para. 342.

¹³³ Albania’s Written Statement, paras. 94-111; Albania’s Written Comments, paras. 31-32; OHCHR, *Scene-Setting Report: Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change*, A/HRC/56/46, 21 June 2024, paras. 19-26; OHCHR, *Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change – Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation*, A/77/26, 26 July 2022, paras. 29, 73-75, 92; OHCHR, *Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change – Initial planning and vision for the mandate*, A/HRC/50/39, 24 June 2022, paras. 11-24; OHCHR, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, A/74/161 (2019), paras. 26 and 68.

¹³⁴ Albania’s Written Statement, paras. 94-111; Albania’s Written Comments, paras. 31-32; UN Human Rights Council, *Human rights and climate change: resolution / adopted by the Human Rights Council on 12 July 2019*, Res A/HRC/RES/41/21, 23 July 2019, para. 2; UN Human Rights Council, *Human rights and climate change: resolution / adopted by the Human Rights Council on 16 July 2020*, Res A/HRC/RES/44/7, 23 July 2020, paras. 2, 12; UN Human Rights Council, *Human rights and climate change: resolution / adopted by the Human Rights Council on 14 July 2021*, Res A/HRC/RES/47/24, 26 July 2021, paras. 4, 6, 7, 8, 10, 14, 16; UN Human Rights Council, *Human rights and climate change: resolution / adopted by the Human Rights Council on 7 July 2022*, Res A/HRC/RES/50/9, 19 July 2023, paras. 9, 10, 19; UN Human Rights Council, *Human rights and climate change: resolution / adopted by the Human Rights Council on 12 July 2023*, Res A/HRC/RES/53/6, 19 July 2023, paras. 9, 11, 18.

It is also urged by the general recommendations of the relevant UN Treaty Bodies¹³⁵, to those whose authoritative interpretation of treaties — in the Court’s own words — you should “ascribe great weight”¹³⁶.

17. Albania calls upon the Court to give this critical dimension of the climate crisis the prominence it deserves, and to provide much needed guidance on the obligations of States to address climate change and related intersecting challenges.

3. International law’s defining moment in the climate crisis

18. Mr President, Members of the Court, over the next two weeks, you will hear it said repeatedly — and rightly so — that this is a defining moment. The gravity of the issues before the Court, and the significance of the task before you, cannot be overstated.

19. We need your advisory opinion to set out how the law holds States to their words and commitments and accountable for their failings. The stakes are too high, the evidence too clear, and the costs of inaction too grave, to rely on voluntarism and hope alone.

20. We also urge that your advisory opinion be guided by science. Arguments challenging or undermining the unequivocal science of climate change persist — an unfortunate hallmark of our time. Albania supports the Court’s close attention to the expert evidence of the IPCC and calls on the Court to resist those who dispute the science or would otherwise diminish its importance to the Court’s task.

21. Finally, in Albania’s view, the climate crisis presents a challenge to the credibility of the international legal system itself. It is testing whether international law can rise to address humanity’s most serious existential threat — or whether it will falter under the weight of unfulfilled promises and inaction, political expediency and short-termism, and the superficial attraction of simple solutions to complex problems.

¹³⁵ Albania’s Written Statement, paras. 94-111; Albania’s Written Comments, paras. 31-32; UNHRC, CEDAW Committee, General Recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, UN doc. CEDAW/C/GC/37, 13 March 2018, UN Human Rights Committee, General Comment 36 on the right to life, 30 October 2018.

¹³⁶ *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment, I.C.J. Reports 2010 (II), p. 664, para. 66.

22. As has been aptly observed, international law has a strategic purpose — not merely to regulate, but to shape the society in which we live and aspire to live¹³⁷. It should act as “a beacon, especially in the darkest days when we struggle to see through the gloom”¹³⁸, offering stability, predictability, and the impetus for transformative change.

23. This beacon must shine brightly now. The world requires from the Court guidance that is *bold, direct and clear* with respect to what the law requires. The guidance you deliver must enable tangible, real-world application and impact — informed by the lived realities of those most affected by climate change. We heard some of their voices today, and you will have read even more, and we urge you to heed these lived experiences. By prioritizing equity, equality, and non-discrimination in climate justice, you can strengthen the foundations of our international legal system, enabling everyone to contribute to protecting the rights and lives of both present and future generations.

24. Mr President, Madam Vice-President, distinguished Members of the Court, this brings my remarks and Albania’s submission to a close. Thank you for your kind attention.

The PRESIDENT: I thank the representatives of Albania for their presentation. I now invite the delegation of Germany to address the Court and I call Ms Rückert to the podium.

Ms RÜCKERT:

Monsieur le président, Mesdames et Messieurs les Membres de la Cour, c’est pour moi un véritable honneur de m’adresser à vous au nom de mon pays, l’Allemagne.

I. INTRODUCTION

1. Le réchauffement et le dérèglement climatiques constituent une des plus grandes menaces du XXI^e siècle pour l’être humain et la biodiversité. Ils compromettent l’existence même des groupes les plus vulnérables ainsi que l’avenir des générations actuelles et futures. Il est donc impératif que la communauté internationale agisse rapidement et dans le respect du droit international.

¹³⁷ D. Bethlehem, ‘Project 2100: Looking Back, Looking Forward. A 2020s Perspective on the International Legal Order’ (2024) 13(1) Cambridge International Law Journal 154, 172, at 154.

¹³⁸ D. Bethlehem, ‘Project 2100: Looking Back, Looking Forward. A 2020s Perspective on the International Legal Order’ (2024) 13(1) Cambridge International Law Journal 154, 172, at 154.

2. Mr President, Members of the Court: through its advisory opinion, the Court will, be able to provide States with a holistic guidance on the applicable rules of international law with regard to global warming and climate change.

3. How the international community responds to global warming and climate change is of utmost importance to Germany. Germany is a party to all relevant international agreements concerning climate protection. It was a member of the core group of States that, led by Vanuatu, drafted the resolution requesting this advisory opinion. Germany ambitiously supports all multilateral mechanisms that aim at mitigating climate change.

4. We therefore much appreciate this opportunity to present our views on international law aspects of it.

5. Our statement will be set in two parts. In this first part, I will focus on four issues:

- (a) the distinction between legally binding obligations and voluntary political commitments;
- (b) the central role of the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC);
- (c) the crucial role of nationally determined contributions to the global response to climate change; and
- (d) aspects of customary international law.

The second part of Germany's statement will then be presented by Professor Zimmermann. He will focus on the relationship of human rights law with climate change-related international law.

II. DISTINCTION BETWEEN LEGAL OBLIGATIONS AND VOLUNTARY MEASURES

6. Mr President, distinguished Members of the Court. At the outset, let me underline that the Court will greatly assist States by maintaining a clear distinction between legally binding obligations on the one hand and non-binding voluntary commitments on the other.

7. Clarity with regard to this key distinction is crucial. Such distinction constitutes an indispensable precondition, a true *condicio sine qua non*, for States to be able to continue to consent to both: on the one hand voluntary, political commitments and, on the other, further legal obligations. Otherwise, the willingness of States to engage in the political processes that are paving the way forward for the necessary ambitious steps to fight climate change could be seriously endangered.

8. In this context, it must be recalled that binding treaties can, by the same token, include provisions of a non-binding character. To provide but one example, a treaty can contain permissive terms such as “may”. Such terms are used to stress the freedom of parties to act in a certain way without obliging them to do so.

9. It is this very issue that I will now turn to as far as the international legal framework regarding climate change, and notably the Paris Agreement, is concerned.

III. PARIS AGREEMENT AND UNFCCC AS CENTRAL DOCUMENTS

10. Germany submits that the Paris Agreement and the UNFCCC on which it builds are *the* decisive treaties when it comes to determining the legal obligations of States under international law in the context of global warming and climate change.

11. At its core, Article 2, paragraph 1 (*a*), of the Paris Agreement sets out the goal “*to limit the temperature increase to 1.5°C above pre-industrial levels*, recognizing that this would significantly reduce the risks and impacts of climate change”¹³⁹.

12. This goal lies at the core of all obligations of the Agreement which refer explicitly to Article 2. It therefore sets a binding goal that the parties are obliged to achieve jointly.

13. The Paris Agreement sets out also other goals for the international community that are important for achieving this common long-term mitigation goal. In particular, in Article 4, paragraph 1, it sets out the goal to reach global peaking of greenhouse gas emissions as soon as possible.

14. Let me also emphasize that the parties to the Paris Agreement have struck a careful balance between legally binding clauses and non-binding political commitments. When the parties construed this careful balance, they also avoided any static dichotomy between developed and developing States, while recognizing different national circumstances.

IV. THE CRUCIAL ROLE OF NDCs AND CBDR-RC

15. That brings me to my third point, the crucial role of nationally determined contributions.

¹³⁹ This was most recently reaffirmed and specified in paras. 3-6 of decision 1/CMA.5; emphasis added.

16. Members of the Court, the Paris Agreement allows parties to set their own nationally determined contributions to the global response to climate change in the light of different national circumstances. Most importantly, according to Article 3 of the Paris Agreement, “*all Parties are to undertake and communicate ambitious efforts . . . with the view to achieving the purpose of this Agreement as set out in Article 2*”. According to Article 3, second sentence, these joint “efforts of all Parties will [then] represent a progression over time”.

17. Article 4, paragraph 2, of the Paris Agreement, building on its Article 3, then specifies that “[e]ach Party *shall* prepare, communicate and maintain successive *nationally determined contributions* that it intends to achieve”¹⁴⁰.

18. All parties to the Paris Agreement are thus under a legal obligation to prepare, communicate and maintain successive NDCs. Article 4, paragraph 3, of the Paris Agreement obliges all of its parties that each such NDC reflects each party’s highest-possible level of ambition.

19. This obligation to act with the “highest possible level of ambition” is not limited to a specific category of States; rather it applies to all parties to the Agreement. What exactly constitutes the highest possible level of ambition will differ in the light of national circumstances. However, Article 4, paragraph 3, clearly states that “[e]ach Party’s successive *nationally determined contribution* will represent *a progression* beyond the Party’s then current nationally determined contribution and reflect its *highest possible ambition*”.

20. Let me also point out the central role of scientific consensus as to adverse effects of greenhouse gas emissions, as emphasized in Article 13, paragraph 7 (*a*), of the Paris Agreement.

21. As you can see, this provision requires parties to regularly provide “a national inventory report of anthropogenic emissions . . . prepared using good practice methodologies *accepted by the Intergovernmental Panel on Climate Change*”¹⁴¹.

22. The parties to the Paris Agreement accept the IPCC as a player, as it is the IPCC’s reports that reflect the global consensus of the scientific community and the state of knowledge of the international community regarding climate change.

¹⁴⁰ Paris Agreement, Art. 4, emphasis added.

¹⁴¹ Paris Agreement, Art. 11, para. 7, emphasis added.

23. The IPCC's reports are therefore of paramount importance when assessing the respective NDCs of parties. This entails that the obligations that parties to the Paris Agreement have undertaken must be viewed in the light of the respective state of science.

24. Members of the Court, this now brings me to the concept of common but differentiated responsibilities and respective capabilities (CBDR-RC), as used in, and modified by, the Paris Agreement.

25. The parties to the Paris Agreement deliberately added the aspect of "different national circumstances" to the CBDR-RC concept. This addition constitutes a significant, and particularly relevant, development when compared to the UNFCCC, and it applies to all parties.

26. This addition enables the development, as was said today already, of a nuanced spectrum of commitments depending on the individual capabilities and circumstances of each party. At the same time, it does *not* allow any party to circumvent its own mitigation obligation¹⁴². Instead, the Paris Agreement takes into account current economic and technological capabilities of the Parties to enhance mitigation efforts. This is reflected in Article 4, paragraph 11, as it states that a party: "may at any time adjust its existing nationally determined contribution with a view to *enhancing its level of ambition*". The interplay between Article 4, paragraph 3, and Article 4, paragraph 11, of the Paris Agreement is future-oriented. It establishes a dynamic standard which will gradually enhance each party's climate mitigation efforts.

27. As regards the nature of the CBDR-RC concept, Germany fully agrees with those States¹⁴³ that have taken the position that it does not possess a normative status of its own independently of the Paris Agreement. This is evidenced and confirmed, if ever there was need, by the practice of the General Assembly, which refers to this concept exclusively in conjunction with Article 2, paragraph 2, of the Paris Agreement¹⁴⁴.

28. Members of the Court, let us now move to matters of financial assistance and compensation. It has been stated by the UNFCCC's COP when it adopted the Paris Agreement that Article 8 of the Paris Agreement does not involve or provide a basis for any liability or

¹⁴² Written Comments of COSIS, paragraph 68f.

¹⁴³ Written Comments of the USA, paragraph 4.9, 4.15; Written Comments of Australia, paragraph 2.8 (f); Written Comments of the United Kingdom, paragraphs 37 and 38.

¹⁴⁴ Cf. e.g. UNGA res. 77/165, 21 December 2021 and relevant previous UNGA resolutions.

compensation¹⁴⁵. This has also been recalled in decisions by the COP — and by the COP serving as the meeting of the Parties to the Paris Agreement (CMA) — on the funding arrangements for responding to loss and damage associated with the adverse effects of climate change. These decisions also explicitly provide that contributions by parties, whether developed or developing, are voluntary¹⁴⁶.

29. Therefore, the Paris Agreement does not contain a legal obligation to provide compensation for climate change-related loss and damage. Further, the separation and distinction between Article 8 and the financial provisions in Article 9 show that the obligations regarding financial support and climate finance do not comprise loss and damage. Having said that, let me underline that Germany considers political and financial commitments to financial channels — such as the Green Climate Fund, the Adaptation Fund and funding arrangements including the Fund for responding to Loss and Damage — to be important means for assisting particularly vulnerable countries.

30. To support such mechanisms, like Germany does, corresponds to the fact that both the Paris Agreement and the UNFCCC urge their parties to act in their best ability to combat climate change.

V. CUSTOMARY INTERNATIONAL LAW AND THE PARIS AGREEMENT

31. Mr President, the issue of co-operation leads me to my fourth and final point, namely how the Paris Agreement interacts with customary international law.

32. Germany is, like others¹⁴⁷, of the view that the Paris Agreement is being complemented by applicable rules of customary international law.

33. This is particularly relevant if a party decided to leave the Paris Agreement. Such a party would then continue to be bound by obligations stemming from customary international law.

¹⁴⁵ Decision 1/CP.21 para. 51 as contained in the report of the Conference of the Parties on its twenty-first session, FCCC/CP/2016/10/Add.1, 29 January 2016.

¹⁴⁶ Decision 1/CP.27 as contained in the report of the Conference of the Parties on its twenty-seventh session, FCCC/CP/2022/10/Add.1, 6 November 2022.

¹⁴⁷ Written Comments of Albania, paragraph 5; Written Comments of the African Union, paragraph 22; Written Comments of COSIS, paragraph 71; Written Comments of the Netherlands, paragraph 2.2f.

34. One of the major principles of customary international law relevant for climate change is the duty to co-operate. Germany is guided by this principle in all of its efforts to protect the environment, as well as the climate system.

35. In the context of customary international law, the question of intertemporality is central.

36. It goes almost without saying ever since the famous statement by Max Huber in the *Island of Palmas* arbitration that a “judicial fact must be appreciated in the light of the law contemporary with it”¹⁴⁸. Hence, the legality of past emissions can only be assessed according to the States’ legal obligations that were applicable at the time. This means that for the assessment only those rules and standards are relevant on which uniform State practice, as well as *opinio iuris*, can be identified at that point in time.

37. I recall in this context that the IPCC published its first report in 1990 on how CO₂ emissions impact the climate and what the risks of climate change are¹⁴⁹. With respect to anthropogenic greenhouse gas emissions, any State practice and *opinio iuris* can conceivably only have emerged after scientific knowledge about the adverse effects of greenhouse gas emissions had become established.

38. Mr President, Members of the Court, to summarize: a carefully balanced distinction has to be drawn between binding norms and voluntary measures which strengthen our common climate-related mitigation efforts.

39. Nationally determined contributions, reflecting common, but differentiated, responsibilities and respective capabilities, in the light of national circumstances, allow a nuanced spectrum of commitments.

40. The Paris Agreement and UNFCCC constitute the central legal documents outlining the obligations of States parties. They are complemented by applicable rules of customary international law.

¹⁴⁸ *Island of Palmas (Netherlands v. United States)*, 4 April 1928, *UNRIIA* II, p. 829 et seq. (845).

¹⁴⁹ Climate Change – The IPCC Impacts Assessment, Report prepared for IPCC by Working Group II; IPCC; Australian Government Publishing Service; Commonwealth of Australia, 1990.

41. The second part of Germany's statement, by Professor Zimmermann, will now focus on human rights obligations of States relevant to the protection of the climate system. I kindly request that you invite him to the floor. Thank you.

The PRESIDENT: I thank Ms Rückert. I now give the floor to Professor Zimmermann. Professor, you have the floor.

Mr ZIMMERMANN:

I. INTRODUCTION

1. Mr President, Members of the Court, let me start by, once again, expressing my honour to appear before you. I will now address as mentioned the issue of human rights obligations of States as far as climate change is concerned.

II. HUMAN RIGHTS OBLIGATIONS OF STATES RELEVANT TO THE PROTECTION OF THE CLIMATE SYSTEM

2. In doing so, it should be noted at the outset that the protection of human rights and the international climate protection régime constitute two parallel treaty régimes. However, human rights obligations related to climate change nevertheless do not exist in splendid isolation. As noted in the Paris Agreement, States should, “when taking action to address climate change, respect, promote and consider their respective obligations on human rights”¹⁵⁰.

3. The obligations States have under international climate protection law, and notably under the Paris Agreement, should therefore be informed by human rights obligations States have undertaken¹⁵¹.

4. Vice versa, human rights treaties ought to also be interpreted in line with obligations States have undertaken under treaties that *specifically* address climate issues, and that notably address climate change.

5. This was brought out by the Human Rights Committee in its 2019 *Portillo Cáceres v. Paraguay* decision. There, the Human Rights Committee found a violation of the right to life under

¹⁵⁰ Cf. Preamble of the Paris Agreement, para. 11.

¹⁵¹ *Ibid.*

Article 6 ICCPR due to the use of certain pesticides¹⁵². In doing so, the Human Rights Committee stressed that Paraguay had been obliged not to allow the use of those pesticides due to the specific fact that they had already been outlawed by the Stockholm Convention on Persistent Organic Pollutants to which treaty Paraguay was a party¹⁵³.

6. The violation of this environmental treaty governing the specific activity in question was thus considered by the Human Rights Committee a crucial factor before finding a violation of the ICCPR — *mutatis mutandis* — the very same considerations might then apply when it comes to climate change, human rights obligations and obligations under the Paris Agreement.

7. This is further confirmed by the Human Rights Committee's General Comment 36: after citing notably *the Paris Agreement*, the Human Rights Committee stated that “[o]bligations of States parties under international environmental law should . . . inform the contents of article 6 of the [ICCPR]”¹⁵⁴.

8. This approach is also reflected in the 2021 ILC “Guidelines on the protection of the atmosphere”. There, the ILC confirmed that

“[t]he rules of international law relating to the protection of the atmosphere . . . and international human rights law, should, to the extent possible, be identified, interpreted and applied in order to give rise to a single set of compatible obligations, in line with the principles of harmonization and systemic integration”¹⁵⁵.

9. It is obvious that as far as climate change is concerned, it is the Paris Agreement that is the relevant treaty. What is more is that *each and every* of the State parties of *all* of the universal human rights treaties are simultaneously parties of the Paris Agreement.

10. Besides, the Paris Agreement was adopted in December 2015 and thus well *after* the major universal human rights treaties had entered into force. It thus simply cannot be assumed that States had thereby wanted to depart from, or undercut, their previously incurred human rights obligations. Rather to the contrary, States fulfilling the Paris Agreement thereby simultaneously fulfil their human rights obligations.

¹⁵² *Portillo Cáceres et al. v. Paraguay*, UN doc. CCPR/C/126/D/2751/2016, 20 September 2019.

¹⁵³ *Ibid.*, para. 7.3.

¹⁵⁴ CCPR, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN doc. CCPR/C/GC/36, 30 October 2018, para. 62.

¹⁵⁵ 2021 ILC Draft “Guidelines on the protection of the atmosphere”, Guideline 9.1.

11. Finding otherwise would lead to the result that States that are fully implementing their specific obligations under the Paris Agreement could nevertheless possibly be considered to violate pre-existing obligations under human rights treaties.

12. Finding otherwise would also provide a counter-incentive for States to fulfil their obligations under the Paris Agreement since, despite doing so, they could still be considered to be in breach of international human rights law.

13. Mr President, Germany is *not* submitting that the Paris Agreement constitutes a *lex specialis* vis-à-vis the various human rights treaties, or that the Paris Agreement has superseded the latter.

14. Instead, what Germany *is* submitting is that the specific obligations arising under human rights treaties as far as greenhouse gas emissions are concerned must be interpreted in line with the Paris Agreement. It is only such an approach that would also be in line with the Court's 1996 nuclear weapons' Advisory Opinion. There, as you will recall, you similarly interpreted Article 6 ICCPR in line with relevant norms of international humanitarian law.

15. This now brings me to the scope of application *ratione personae* and *ratione loci* of relevant human rights treaties.

III. THE ISSUE OF EXTRATERRITORIAL APPLICABILITY OF HUMAN RIGHTS TREATIES AND THE NOTION OF "JURISDICTION"

16. Members of the Court, in the days to come you will certainly hear arguments as to why domestic policies related to emissions which might have an impact on the situation of a person living abroad could by themselves establish jurisdiction of such territorial State over that person — and thereby allegedly triggering the applicability of human rights obligations vis-à-vis persons living throughout the world.

17. Any such proposition is however unsuitable to address the issue of the extraterritorial applicability of human rights treaties. As the Court itself has stated, albeit in a somewhat different context, in one of its previous Judgments, such proposition "stretches too far, almost to breaking

point, the connection which must exist between the conduct of a State's organs and its international responsibility"¹⁵⁶.

18. As the European Court of Human Rights, as well as the Inter-American Court of Human Rights, have both confirmed¹⁵⁷, the existence of jurisdiction constitutes an *essential* threshold criterion for the applicability of human rights obligations which must be determined *prior to* any assessment of the existence or non-existence of substantive human rights obligations¹⁵⁸.

19. It is also important to note that no particular link exists between a specific State, from the territory of which certain emissions emanate, and a given individual or group of individuals, or even whole populations living abroad. As a matter of fact, it is the international community at large and not one or more individual States that bear responsibility for emissions causing climate change.

20. Applying a broad concept of extraterritorial jurisdiction would entail, as the European Court of Human Rights has set out, and as you see, in its jurisprudence, an "unlimited expansion of States' extraterritorial jurisdiction" and "responsibilities towards people practically anywhere in the world". Such approach would thus, in effect, turn human rights treaties into "global climate-change treaties"¹⁵⁹, treaties they were never meant to be.

21. There would neither be a risk of a vacuum in the protection of human rights when rejecting an overbroad concept of extraterritorial jurisdiction since the Paris Agreement entails, as shown, legally binding obligations for States to address the causes and consequences of climate change.

¹⁵⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007 (I), p. 210, para. 406.

¹⁵⁷ See, *inter alia*, ECHR, *Ilașcu and Others v. Moldavia and Russia* [GC], No. 48787/99. Judgment of July 8, 2004, para. 311; ECHR, *Al-Skeini and Others v. The United Kingdom* [GS], No. 55721/07. Judgment of July 7, 2011, para. 130, and ECHR, *Chiragov and Others v. Armenia* [GC], No. 13216/05, Judgment of June 16, 2015, para. 168; Duarte Agosthino and others against Portugal and 32 others [GC], No. 39371/20, Judgment of April 9, 2024, para. 97; as well as Inter-American Court of Human Rights, Advisory Opinion OC-23/17 of November 15, 2017 Requested by the Republic of Colombia: The Environment and Human Rights, para. 72.

¹⁵⁸ See, *inter alia*, ECHR, *Ilașcu and Others v. Moldavia and Russia* [GS], No. 48787/99. Judgment of July 8, 2004, para. 311; ECHR, *Al-Skeini and Others v. The United Kingdom* [GS], No. 55721/07. Judgment of July 7, 2011, para. 130, and ECHR, *Chiragov and Others v. Armenia* [GS], No. 13216/05, Judgment of June 16, 2015, para. 168, as well as Inter-American Court of Human Rights, Advisory Opinion OC-23/17 of November 15, 2017 Requested by the Republic of Colombia: The Environment and Human Rights, para. 72.

¹⁵⁹ European Court of Human Rights, *Duarte Agosthino and others against Portugal and 32 others* [GC], No. 39371/20, Judgment of April 9, 2024, para. 208; see also European Court of Human Rights, *Verein KlimaSeniorinnen Schweiz and Others against Switzerland* [GC], No. 53600/20, Judgment of April 9, 2024, para. 402.

22. On the whole therefore, as was stressed by the Inter-American Court of Human Rights, “it cannot be concluded that special environmental protection regimes . . . extend by themselves the jurisdiction of the States Parties”¹⁶⁰ of human rights treaties.

23. Indeed, human rights treaties protect *individuals* from human rights violations, who find themselves subject to the jurisdiction of a given State. It is thus the *individuals* concerned that must find themselves subject to the effective control of the State concerned. At the same time, it is irrelevant that the *activities* in question, i.e. the emissions, are subject to a State’s jurisdiction and effective control. In that vein, the European Court of Human Rights has held in the *Duarte* case that jurisdiction cannot be established merely on the basis of the argument that a State is capable of taking a decision or action impacting the applicant’s situation abroad¹⁶¹.

24. Finally, creating by way of judicial interpretation a novel ground for extraterritorial jurisdiction not based on the very well-established notion of “jurisdiction” would also overstretch the judicial function of international courts.

25. That brings me to the issue of human rights obligations vis-à-vis members of future, but not yet existing, generations.

IV. SCOPE OF HUMAN RIGHTS OBLIGATIONS *RATIONE PERSONAE*

26. Members of the Court, the goal of human rights treaties is to protect the actual victims of concrete human rights violations, not merely to protect abstract persons from abstract risks.

27. Hence, possible, but not yet existing, merely eventual *future* acts or omissions cannot constitute violations of applicable human rights treaties. Any finding by this Court therefore requires, apart from making a finding on jurisdiction, that a currently living given group of persons is *currently* affected in the exercise of such right. Notwithstanding, in order to maintain their compliance with international human rights law, States must continuously evaluate and adapt their mitigation and adaptation efforts in light of changing circumstances. This is required, in particular, to prevent the

¹⁶⁰ *Ibid.*, para. 92.

¹⁶¹ European Court of Human Rights, *Duarte Agosthino and others against Portugal and 32 others* [GC], No. 39371/20, Judgment of April 9, 2024, para. 208; see also European Court of Human Rights, *Verein KlimaSeniorinnen Schweiz and Others against Switzerland* [GC], No. 53600/20, Judgment of April 9, 2024, para. 402.

infringement on human rights of a *jus cogens* character, and notably the right to life, as well as the right of peoples of self-determination.

28. Let me now move on to the issue of an individual right to a clean, healthy and sustainable environment.

V. RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

29. Let me start by stating the obvious, namely that an *individual* self-standing right to a clean, healthy and sustainable environment does not yet form part and parcel of current customary international law. The right to a healthy environment has been recognized politically by a General Assembly resolution in 2022, and I note in passing that Germany was an active supporter of this very resolution.

30. The said 2022 General Assembly resolution on the right to a clean, healthy and sustainable environment recognizes that this right “is related to other rights and existing international law”¹⁶².

31. Put otherwise, such right was perceived in this legally non-binding instrument as constituting a specific manifestation of other previously established human rights. The right was understood as deriving from, and inherent in, already existing international human rights obligations.

32. What is more — and as you can also see — the resolution recognizes what I already had alluded to earlier, namely the need to interpret environment-related human rights obligations in line with general international environmental law. It affirmed, as you see, “that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements”.

VI. CLIMATE CHANGE AND THE RIGHT TO LIFE

33. Members of the Court, as the Human Rights Committee has stated in its General Comment 36, “[e]nvironmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to . . . the right to life”¹⁶³.

¹⁶² A/RES/76/300, operative para. 2.

¹⁶³ CCPR, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN doc. CCPR/C/GC/36, 30 October 2018, para. 62.

34. The Human Rights Committee has so far, however, not yet found any violation of Article 6 of the ICCPR to have been caused by climate change. It was of the view that, without robust national and international efforts, the effects of climate change may *in the future* expose individuals to a violation of their rights under Article 6 or 7 of the ICCPR or other human rights treaties. There exists a need, however, to carefully assess any such *possible future* breaches of protected human rights individually and on a case-by-case basis, and provided anyhow that the persons concerned are indeed subject to the jurisdiction of the State party in question.

VII. CLIMATE CHANGE AND THE HUMAN RIGHTS OF SPECIFIC VULNERABLE GROUPS

35. Members of the Court, when adopting its 2021 “Guidelines on the protection of the atmosphere”, the ILC underlined that “special consideration should be given to persons and groups particularly vulnerable to atmospheric pollution”¹⁶⁴.

36. Such groups are exposed to an increased risk of being particularly affected by the consequences of climate change given that they are less able, and often lack the necessary means and opportunities, to protect themselves adequately against the hazards resulting from climate change.

37. Subject to the issue of whether a certain person finds him or herself subject to the jurisdiction of a treaty protecting women, children or people with disabilities, States parties of such treaties must take appropriate steps to specifically safeguard and to protect the rights of such groups.

38. The same considerations apply *mutatis mutandis* as far as the rights of minorities and indigenous populations are concerned. Notably, indigenous peoples, given the habitats they are living in and depend on, rely particularly on a healthy environment. Accordingly, their rights under Article 27 may be affected if, and to the extent, their traditional activities are endangered by environmental degradation.

VIII. CONCLUDING REMARKS

39. Members of the Court, that brings me to the end of Germany’s presentation. This advisory opinion might indeed be one of, if not *the* most consequential opinion the Court has ever been requested to render. Germany trusts that the Court will provide the international community with its

¹⁶⁴ 2021 ILC Draft “Guidelines on the protection of the atmosphere”, Guideline 9.3.

legal guidance based on international law as it has developed over time — and taken international law as a whole.

40. Thank you very much for your kind attention.

The PRESIDENT: I thank the representatives of Germany for their presentation. This concludes this morning's sitting. The oral proceedings will resume this afternoon, at 3 p.m., in order for Antigua and Barbuda, Saudi Arabia, Australia, the Bahamas, Bangladesh and Barbados to be heard on the questions submitted to the Court. The sitting is closed.

The Court rose at 1 p.m.
