
STATE RESPONSIBILITY AND CLIMATE CHANGE: EVALUATING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE IN GLOBAL CLIMATE ACCOUNTABILITY

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ABSTRACT

Climate change has become one of the most urgent issues of concern to the international legal order that puts fundamental questions about whether states are responsible to cause transboundary environmental harm. The implementation of climate commitments by the various global environmental agreements is still incomplete and almost fruitless despite the presence of various international environmental agreements.¹ This essay also looks into the suitability of the doctrine of state responsibility to climate change, and more specifically the changing role of International Court of Justice in global climate responsibility. The paper adopts a prescriptive and theoretical approach and, to assess the scope of its application in climate-related damage, determines the applicability of current principles of international law, specifically the principles proposed by the International Law Commission.² It also examines the groundbreaking 2025 advisory opinion of the International Court of Justice³ on the duty of states regarding the climate change, which made it clear that states have legal obligations under the treaty law and customary international law to mitigate excessive environmental damages, control greenhouse gases and work together to help in dealing with risks posed by climate changes. It is contended in the paper that the conventional concept of state responsibility is especially challenged in the scenario of climate context, especially on the notions of causation, attribution, and shared responsibility,⁴ but the advisory opinion of the ICJ is an essential normative development. Even though not legally binding, it bolsters the status of climate commitments as legal entities and certifies that violations can be the source of international wrongful acts that have legal outcomes, such as termination and compensation. The paper concludes that

¹ United Nations Framework Convention on Climate Change, 1992; Paris Agreement, 2015.

² International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts*, 2001.

³ International Court of Justice, *Advisory Opinion on Climate Change Obligations of States*, 2025.

⁴ Pierre-Marie Dupuy and Jorge Viñuales, *International Environmental Law* (Cambridge University Press, 2018).

the International Court of Justice, in spite of its institutional drawbacks, can be paramount in illuminating a standard of the law and reinforcing the normative infrastructures of worldwide climate responsibility, which could lead to the progressive advancement of international legislation as it tackles the climate crisis.

Introduction

The problem of climate change is one of the most burning issues of modern international legal order, which casts the main doubts on the responsibility of the states concerning transboundary environmental damage. The escalating rate of extreme weather patterns, high sea levels and prolonged ecological degradation has highlighted the necessity of having an effective legal system that can find solutions to the causes and effects of the climate change. The overall response to the issue of global warming is still heavily reliant on voluntary pledges and cooperative arrangements despite the spread of international environmental instruments such as the Paris Agreement⁵. This has created a long-term sense of accountability vacuum, where the states cause harm to climate with no definite or obligatory legal penalties. The core of this gap is the doctrine of state responsibility, one of the groundbreaking principles of the law of states governing the legal outcomes of the internationally wrongful acts. A state becomes responsible when its conduct which can be attributed to it amounts to a breach of an international obligation as formulated in the Articles on State Responsibility as drafted by the International Law Commission.⁶ Though this framework has been effectively adopted in other settings, the issue of its use on climate change is still intricate and disputable. Climate damage is cumulative and transboundary, as it is a result of the joint efforts of various states in the long term. This makes it very hard to create attribution, causation, and what extent an individual state should be liable under the current legal framework. The role of the 'International Court of Justice has been gaining more and more relevance'⁷ in this changing legal environment. The Court is the key judicial body in the United Nations, which is instrumental in the interpretation and elucidation of the international legal requirements. Its advisory and controversial jurisdiction offers a platform that expresses the legal aspects of climate change and influences the formulation of the international environmental law. New trends, especially with regard to the advisory procedures on the responsibilities of states in relation to climate change, are indicative of a dawning awareness of the need to consider climate responsibility in the

⁵ Paris Agreement, 2015.

⁶ International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts*, 2001.

⁷ Statute of the International Court of Justice, 1945.

established legal frameworks. In spite of the fact that the Court does not have the means of enforcement itself, its imprecations possess an important normative power and help to shape and unify customary international law. Within this context, the paper will assess the relevance of the doctrine of state responsibility to climate change and discuss the contribution of the International Court of Justice towards climate accountability in the world. It tries to find out whether the current principles of international law could be used to solve the special challenges of climate change and the Court could play a significant role in sealing the accountability gap. Placing climate change in the context of state responsibility, the research is going to evaluate the constraints of the existing legal structure and the promises of its gradual evolution in the conditions of one of the most burning problems of our epoch.

Research Questions

The research questions that will guide this study include:

1. How far are the current principles of state responsibility in international law applicable to harm relating to climate change?
2. What are the legal and practical issues associated with the attribution of individual states responsibility as far as climate change is concerned?
3. How can the International Court of Justice be involved in defining and developing global climate responsibility?

The questions are meant to explore both the adequacy of the state responsibility doctrine and the institutional contribution of international adjudication to the issue of climate-related harm.

Hypothesis

The paper continues under the hypothesis that, despite the fact that the doctrine of state responsibility offers a theoretical basis in the international law, its application to climate change is still inadequate because of the evident issues associated with the nature of causality, attribution and grouping of climate damages. It is also theorized that the changing role of International Court of Justice especially in its advisory jurisdiction can reinforce the normative basis of international law by making state accountable and assisting in the constitution of more consistent system of global climate responsibility.

Literature Review

The issue of the state responsibility in climate change has brought about a lot of academic discussion on the subject of international law especially on whether the current legal frameworks are sufficient to deal with a phenomenon that has attributes of cumulative, transboundary harm. Conventional traditions of the state responsibility codified by the International Law Commission have been commonly adopted as the staple of the accountability of international law.

Nevertheless, researchers are becoming more skeptical about the effectiveness of this approach in addressing the issue of climate change because the emissions are diffuse and defining the cause of harm in relation to single states is often complicated. There is sufficient literature to hold the opinion that the current principles of international law can theoretically respond to climate-related damage. More recent observations of the 2025 advisory opinion of the International Court of Justice underline⁸ the fact that states have a binding responsibility based not only on climate-specific treaties but also on customary international law such as the responsibility to avoid causing serious environmental damage and to collaborate in taking care of the global hazards.

According to scholars, this change increases the relevance of general principles of state responsibility to climate change by confirming that the violations of such duties can amount to internationally wrongful acts⁹ with legal implications, including cessation and reparation. Meanwhile, there is an opposing body of literature on the structural constraints of extrapolating conventional principles of state responsibility to climate change. Specifically, researchers identify endemic contests associated with causation, attribution, and collective climate damage.

The fact that many states have involved themselves over a long period of time makes it difficult to trace a direct causal relationship between particular actions and particular harm, which negates the usefulness of traditional liability theories. Even the International Court of Justice has recognized these complexities as the climate change is said to present unique problems concerning attribution and causation, because it is diffuse and cumulative in nature. It has made certain scholars suggest that we should change certain doctrines in our law, or even conceptualize it, to better deal with climate-related harm. Another topic of research debate is

⁸ Lavanya Rajamani, "The ICJ Advisory Opinion on Climate Change," *EJIL: Talk!* (2025).

⁹ James Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013).

on the changing role of international adjudicatory bodies, especially the International Court of Justice, in the development of climate accountability.

According to recent literature, the 2025 advisory opinion of the Court can be described as a turning point in international law¹⁰ because it assisted in understanding the legal nature of climate obligations and strengthening their binding nature. The fact that the Court has confirmed that climate commitments are not limited to particular treaties but are rooted in other principles of international law has been broadly seen as a reinforcement of the normative structure of climate regulation. In addition, experts emphasize the property of obligations erga omnes and the possibility of all states to demand responsibility, which is also a significant step in the imposition of responsibility collectively. Regardless of these achievements, the practical capability of the International Court of Justice in creating accountability in climate remains a subject of criticism among scholars. Its advisory opinions are not binding, but they also have a lot of normative power, which is subject to voluntary adherence by states.

Moreover, there is still an issue of the narrow scope of the jurisdiction of the Court and the political limitations that can influence its capacity in resolving controversial climate cases. Consequently, other scholars consider the role of the Court to be more normative than enforcement focused and they also aid in progressive evolution of international law without necessarily fixing the accountability gap. Considering these arguments, there is an apparent gap in the literature. Although there has been a lot of focus on the theoretical applicability of the state responsibility and the relevance of the advisory opinion by the ICJ, there has been little analysis on the interaction of these two in practice. Specifically, there has been a lack of further discussion of whether the emerging jurisprudence of the International Court of Justice is able to resolve the doctrinal constraints of the state responsibility in the climate context. The paper aims to fill this gap by critically evaluating both the legal system of state responsibility and the institutional position of the Court in the perspective of evaluating their joint possibility of promoting global climate accountability.

Research Methodology

In this paper, the doctrinal research methodology of law is used, whereby emphasis has been made to the systematic study of the primary sources of international law. These are treaties,

¹⁰ Benoit Mayer, *The International Law on Climate Change* (Cambridge University Press, 2018).

customary international law, judicial decision-making and authoritative legal texts. Specifically, the study will also be based on major legal tools, including the Articles on State Responsibility that were created by the International Law Commissions¹¹, and such international environmental treaties, as the Paris Agreement¹². Another primary source of international legal obligations interpretation and explanation is judicial pronouncement and advisory opinions of the International Court of Justice. Besides the analysis of the doctrine, the study will utilize a critical approach to the analytical method of the effectiveness and weaknesses of the existing legal frameworks to deal with climate change. This will mean evaluating the major issues of attribution, causation, and the collective character of climate damage and whether the existing principles of law are extensible to address such ambiguities. The analysis is supported and put into context by using secondary sources such as scholarly articles, reports, and scholarly commentary. The study is qualitative focused and does not entail collection of empirical data. Rather, it attempts to offer a calm and analytical jurisprudence of the shifting association between government duty and climate change, and specifically the interpretative and normative part of the International Court of Justice.

Legal Framework of State Responsibility

State responsibility doctrine is one of the pillars of the public international law since it offers the legal foundation of holding states liable to internationally wrongful acts. The modern version has the most to do with the Articles of the Responsibility of States towards Internationally Wrongful Acts¹³ that have been adopted by the International Law Commission, though not in the form of a treaty, are generally widely considered indicative of customary international law¹⁴. These Articles determine that a state is responsible in case two conditions are met, first, that the conduct in question can be identified on the international law, and second, that it is a breach of an international obligation of a state. The Articles define the term attribution as all acts and omissions of state organs and entities that have the authority to exercise governmental power and in some cases, behavior guided or controlled by the state. This creates complicated issues in the context of climate change where the emission of greenhouse gases is usually a mixture of the state policy and private actions.

¹¹ International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts*, 2001.

¹² Paris Agreement, 2015.

¹³ International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts*, 2001.

¹⁴ James Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013).

Although the emissions of state-controlled sectors can be directly attributed, the emissions produced by privates make the attribution analysis more challenging especially in situations where regulation is low or less uniform. The second is the presence of the violation of an international obligation, which demands the discovery of a binding legal responsibility. Such obligations are traditionally based on treaties or the customary international law. Under the environmental context, the duties to avoid transboundary harm¹⁵ and the duty of due diligence in protection of the environment have been identified as customary international law. Nonetheless, these obligations cannot be applied to climate change in a simple way. Compared to the localized environmental damage, climate change encompasses a collection of global emissions over time, and it is challenging to determine the time and the manner in which a violation has been committed. Along with attribution and breach, the doctrine of state responsibility demands the existence of a causal relationship between the tortious act and harm caused. This is one of the most major challenges in the context of climate. Due to the diffuse and collective character of the greenhouse gas emissions, it is challenging to trace a direct causal interrelation between the actions of a particular state and particular cases of environmental damage. Consequently, conventional understandings of causation might not serve the purpose of dealing with the issues of climate change, which requires a more adaptable or reconfigured process in the field of international law. The obligations of cessation, non-repetition and reparation¹⁶ are legal consequences of an internationally wrongful act as provided by the International Law Commission. Reparation can be restitution, compensation or satisfaction depending on the type of the injury. Although these remedies are solidly laid out in principle, their implementation to the climate change is still unclear. Climate harm is so large and global in nature that it is hard to measure the damage, assign any responsibility and then see what kind of reparation is fair.

In general, although the current system of state responsibility can give a systematic legal framework of responding to the malpractice, this approach to climate change can be significantly limited by the doctrines. The issues of attribution, breach and causation point to the necessity of a more subtle and flexible strategy especially in the context of the multidimensional and shared character of the damages related to climate-related impacts. These restrictions indicate the need to study how the international institutions, especially the International Court of Justice, can help in interpreting and formulating the law in this emerging

¹⁵ *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, ICJ Reports 2010.

¹⁶ International Law Commission, *Articles on Responsibility of States*, 2001.

field.

Climate Change and International Obligations

The global justice system regulating the issue of climate change is largely influenced by the set of multilateral environmental agreements the most significant of which are the United Nations Framework Convention on Climate Change¹⁷ and the Paris Agreement. These tools define the core responsibilities of states to deal with climate change with international cooperation, sustainable development, and environmental harm prevention among other principles being highlighted. Nevertheless, their quality and enforceability are still matters of a significant legal controversy.

The United Nations Framework Convention on climate change (UNFCCC) establishes a general call upon the states to stabilize the amount of greenhouse gases at a point that would not adversely affect the climate system through dangerous anthropogenic intervention. It also embraces common but differentiated responsibilities principle where the states are known to have different responsibility levels depending on their past contributions and capabilities. Although this principle implies taking the equity into account, it makes the application of the uniform legal standards more complicated as the obligations vary in their extent and strength, depending on the states.

The Paris Agreement¹⁸ expands on this framework by adding nationally determined contributions (NDCs), according to which states make promises of certain climate goals. These obligations are predominantly self-determined as opposed to being enforced by a traditional treaty obligation and are based on transparency and reporting mechanisms as opposed to being enforced. In as much as the Agreement creates procedural requirements to prepare, communicate and keep NDCs, substantive contents of these commitments are open to flexibilities. This has made scholars describe the Paris Agreement as a hybrid tool that incorporates both the features of binding and non-binding obligations hence limiting the effectiveness of the tool as an enforcing means of state responsibility. In addition to the treaty law, the customary international law also forms international obligations associated with climate change.

¹⁷ United Nations Framework Convention on Climate Change, 1992.

¹⁸ Paris Agreement, 2015.

Specifically, the responsibility to eliminate transboundary serious harm and the requirement to observe due diligence in environmental safeguarding are the principles that are well-known. The requirements under these obligations are reasonable measures by states to make sure that the activities within the state jurisdiction will not create environmental damage to other states and beyond national jurisdiction. This would mean that in the climate context, it would have a responsibility to control the emission levels and implement mitigation policies in line with scientific understanding and global obligations. Although these legal frameworks exist, there is still a low level of implementation of climate obligations.

This lack of clarity in the binding nature of emission reduction requirements, and the assurance of voluntary compliance, has established a breach between the commitments by law and the actions of states. Moreover, climate change is collective, which further makes it difficult to define the individual responsible, as the harm is caused through the combined efforts of many states as opposed to any specific source that it can be traced to. In the recent past, there have been efforts to overcome these shortcomings by focusing on the legal nature of climate obligations.

In its advice proceedings regarding the issues of climatic change, the International Court of Justice has confirmed that states have binding responsibilities¹⁹ under the treaty and customary international law to avoid causing environmental damage and to collaborate in dealing with global climatic risk. This acknowledgement supports the thesis that a failure to abide by climate obligations can be treated as a violation of international law and, thus, the doctrine of state responsibility is applicable.

However there still lie serious obstacles in transferring these commitments into the legal implications that are enforceable. Flexibility of treaty mechanisms, varied responsibilities as well as lack of centralized enforcement mechanisms are the factors limiting the effectiveness of the existing legal regime. Consequently, although international law offers a normative structure to deal with the problem of climate change, it is not sufficient to establish a strong system of responsibility to deal with the magnitude and imminence of the climate crisis.

Challenges in Attributing Responsibility for Climate Change

The very limitations on the extent to which the doctrine of state responsibility can be applied

¹⁹ International Court of Justice, *Advisory Opinion on Climate Change*, 2025.direct.cnn

to climate change are fairly limited by the fact that it is rather challenging to assign the responsibility of climate-related damage. Climate change is cumulative and diffuse as compared to the traditional examples of internationally wrongful acts where the conduct and the result of such wrongful act tend to be identifiable and immediate.²⁰

These characteristics make it difficult to apply principles of the existing law, especially in the context of causation, attribution and the distribution of the responsibility among several states. The main issue is that it is hard to find a causal relationship between the behavior of a certain state and certain cases of environmental damage. Climate change is caused by the cumulative emission of green house gases by many states over a long period of time hence it is hard to isolate the contribution of a certain actor.

Customary legal systems necessitate a fairly direct relationship between the harmful conduct and the damage encountered, but in the climate situation the damage is the result of complicated interactions within the global climatic system. This casts basic doubts of whether the traditional criteria of causation suffices or whether a more liberal methodology as proportional or collective responsibility should be applied. The problem of attribution is closely connected with the problem of causation. Although the Articles on State Responsibility acknowledge that an act or omission can be attributed to a state where it is committed by its organs or entities acting under the governmental authority, most of the greenhouse gas emissions are caused by the onslaught of individual persons, corporations, and others.²¹

States can also be liable in cases where they fail to control such activities, but there is still no clear cut case on how to depend on the party of the state and individual emissions. Due diligence duty applies to states to make reasonable efforts to curb environmental damage, but the definition of reasonable action differs according to capacity and resources and other national conditions, further adding ambiguity. The other important issue is the issue of time as far as climate change is concerned.

Past emissions, especially those of the industrialized states, are the key contributors to the present day climate effects. Nonetheless, the law has changed with time and it cannot be easily established how far it is possible to evaluate the past actions by the current law. This brings questions of intergenerational equity and makes the of retroactive application of state

²⁰ James Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013).

²¹ *Urgenda Foundation v. State of the Netherlands*, Supreme Court of the Netherlands, 2019.

responsibility difficult.

Additionally, the concept of common but differentiated responsibilities, which is enshrined in international climate agreements, recognises the differences in the past contributions and the capabilities of countries, but it fails to offer a solid legal understanding of the ways in which the responsibility can be allocated. Climate damage is also collective and this makes it more difficult to assign blame. As compared to the conventional conflict where both parties suffer a two-sided injury, climate change impacts the entire world including future generations and regions beyond their national boundaries. This throws up some concerns about the definition of the injured states and the standing to assert responsibility.

Although the international law has already identified duties *erga omnes*, which are duties to the international community collectively, the measures of enforcing the said duties have been limited and insufficiently developed. These complexities have also gained recognition in recent developments when the International Court of Justice noted them in the consideration of climate-related issues and these issues highlight that climate change pose special difficulties in the aspect of causation and attribution. These challenges as observed by the Court highlight the necessity to embrace a more flexible and context-driven application of the doctrine of the state responsibility.

Meanwhile, it indicates that the development of international law can be required to respond to the unique features of climate harm. Considering these difficulties, it is clear that the classical model of state responsibility though conceptually viable does not give it full capability to absorb the realities of climate change. The imperfection of causation, attribution and collective responsibility reveal the necessity of novel legal methods and the increased involvement of the international institutions in the process of clarifying and formulating the law. These problems prepare the ground to analyse how the International Court of Justice can play its part in developing a more efficient system of global climate responsibility.

Role of the International Court of Justice in Global Climate Accountability

The international court of Justice (ICJ), which is the main judicial organ of the United Nations, holds a central role in the interpretation and development of international law. Quite despite the fact that it does not have direct enforcement authority, its judgments and advisory opinions bear certain legal force and help to clarify, as well as to develop the legal norms of the

international law normally. The role of the ICJ has been taking a higher profile in the context of climate change especially after the recent advisory proceedings on the obligations of states in relation to climate change.

The jurisdiction of the ICJ covers disputable cases²² between states and advisory opinions of mandate of authorized bodies of the United Nations. Whereas contentious jurisdiction is constrained by the need of state consent, advisory jurisdiction offers a higher point of ingress into the answer of global legal issues. Advisory proceedings, in the climate setting, have become an important mechanism to formulate the legal duties of states without the procedural limitations that come with controversial litigation. This is most so because of the group aspect of climate damage and the political muttiness involved in assigning responsibility.

The interaction of the ICJ in the area of environment is not completely new. In previous cases, the Court has confirmed broad principles of the international environmental law²³ such as the responsibility of states to make sure that activities in their jurisdiction have no significant transboundary impacts. These ideals have prepared the foundation of dealing with environmental controversies in the wider context of international law. Nonetheless, climate change presents a qualitatively different problem, which entails the Court to resolve complicated problems of causation, attribution, and collective responsibility. The recent advisory proceedings on climate change can be taken as an important step of this kind.

The ICJ has done its part in clarifying the normative framework of climate action by answering the legal duties of states subject to both the customary international law and the treaty law. Specifically, the Court has made it clear that states have a duty to avoid environmental damage, to control greenhouse gas emissions, as well as to collaborate in dealing with global climate risks. This expression confirms the legal nature of climate commitments and helps prove that the inability to do it might result in a violation of international law, thus involving the doctrine of state responsibility.

Notably, the advisory capacity of the ICJ is not limited to the elucidation of the current law, but also the shaping of customary international law. The statements of the Court, though officially unattached, are very convincing and tend to affect the state practice and opinion juris.

²² Statute of the International Court of Justice, Article 36.

²³ *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, ICJ Reports 2015.

This normative effect is especially important in the climate context, where it can be used to bring together new norms of law, and offer advice to the states, international organizations, and domestic courts. Greater emphasis is placed on the potential to enforce climate-related norms collectively due to the acknowledgment of the obligations towards the international community as a whole²⁴. In spite of such contributions, the efficacy of the ICJ in making climate accountable is still subject to significant restriction.

The Court does not have coercive enforcement tools and the decision followed by the states is eventually based on willingness of states. In addition, political aspects of climate change can influence the level of readiness of states to interact or accept the jurisdiction of the Court in controversial cases. Consequently, this makes the role of the ICJ to be more of a normative one than enforcement-based. However, one cannot underestimate this normative role.

The ICJ can be instrumental in influencing the formation of the legal climate of international law by clarifying legal obligations, defining the principles of responsibility, and taking part in the process of formulating the sphere of international law. Its advisory opinions especially give authoritative explanation of international law that can impact on policy making, justify judicial reasoning as well as assist the submissions of the vulnerable states who would have wished to see more accountability.

In this regard, the ICJ becomes an important institutional tool in eliminating the gap between the theoretical construct of state responsibility and its practice with regard to climate change. Although it might not offer a direct enforcement effect, its role in the gradual evolution of international law will be a considerable move towards the creation of a more coordinated and efficient system of international climate responsibilities.

Critical Evaluation and Way Forward

The international court of Justice (ICJ), which is the main judicial organ of the United Nations, holds a central role in the interpretation and development of international law. Quite despite the fact that it does not have direct enforcement authority, its judgments and advisory opinions bear certain legal force and help to clarify, as well as to develop the legal norms of the international law normally.

²⁴ *Barcelona Traction, Light and Power Company Ltd. (Belgium v. Spain)*, ICJ Reports 1970.

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This expression confirms the legal nature of climate commitments and helps prove that the inability to do it might result in a violation of international law, thus involving the doctrine of state responsibility. Notably, the advisory capacity of the ICJ is not limited to the elucidation of the current law, but also the shaping of customary international law. The statements of the Court, though officially unattached, are very convincing and tend to affect the state practice and opinion juris. This normative effect is especially important in the climate context, where it can be used to bring together new norms of law, and offer advice to the states, international organizations, and domestic courts. Greater emphasis is placed on the potential to enforce climate-related norms collectively due to the acknowledgment of the obligations towards the

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Conclusion

As discussed in this paper, the doctrine of state responsibility is applicable to climate change and the capacity of the International Court of Justice to promote global climate accountability. It has proved that even with the current structure of state responsibility, which gives a legal presence on the approach to deal with internationally wrongful acts, its use regarding climate change is severely limited by issues associated with causality, attribution, and the collective aspect of environmental damages.

These institutional constraints frustrate the successful transfer of rule of law principles into effective principles of accountability. The analysis also indicates that international climate obligations, which are embodied in treaty and customary law, formulate significant normative standards but they do not have effective enforcement provisions.

The flexibility of voluntary compliance and varied roles have led to the problem of accountability gap, which made the states avoid the real legal repercussions of climate inaction. The role of the International Court of Justice comes into specific importance in this case. The Court, by virtue of its limitation with the problems of jurisdiction and the enforcement, plays a significant role in clarification and development of international law.

By exercising their advisory and interpretative roles, the ICJ has strengthened the legal nature of climate obligations and the applicability of general rules of international law to the issue of environmental damage. Its dicta are full of a normative force, which shapes the practice of states and helps in the establishment of customary international law. Finally, the paper asserts that the international Court of Justice, with all its institutional limitations, is very instrumental in informing the legal discourse of climate accountability. Although it does not, per se, eliminate the structural flaws of the prevailing system, it offers a significant platform where legal standards can be stated, and the development of the international law can be directed. It will take more than the further evolution of legal frameworks to address the situation with climate crisis and need more political willingness and international collaboration. In this respect, the ICJ is one of the central institutions of filling the gap between the principle of law and practical responsibility in the international response to climate change.