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The Ruling and the Mirror

The ICJ's Climate Change Advisory Opinion as Institutional Self-Portrait

Antoine De Spiegeleir

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On July 24, 2025, the International Court of Justice (ICJ) delivered its long-awaited advisory opinion on climate change. Reactions have been swift and enthusiastic. Some of the excitement arguably stems less from the content of the ruling than from the sheer scale of the process itself. The list of individuals who appeared before the Court during the two weeks of hearings back in December reads like a who's who of contemporary international law – an extraordinary assembly of legal minds that signals the global importance of the moment. Paragraph 35 of the opinion, which simply lists those who delivered oral statements before the ICJ, stretches across thirteen pages – a record destined for future ICJ-themed trivia nights.

Much of the commentary that has emerged so far, in this symposium and in seemingly every other corner of the internet, focuses on the legal content of the opinion: the articulation of States' obligations under international law, the rejection of the *lex specialis* argument, and the recognition of the right to a healthy environment, *inter* many *alia*. Yet beyond the legal reasoning and doctrinal outcomes lies something else. The opinion is also an act of identity performance: a way for the ICJ to speak about itself.

This post approaches the ICJ's recent opinion as an act of institutional self-presentation. It argues that the ruling is an instance of what I call the autobiographical function of judicial decision-making: the way courts use rulings to construct and project their identity and their role in the community to which they (seek to) belong. In reading the opinion through this lens, I ask: How does the ICJ portray itself? What kind of actor does it imagine itself to be – arbiter, guardian, global conscience, neutral technocrat? What tools does the ICJ use to project that image to the world? And what can this moment tell us about the strategies international courts use to maintain legitimacy and relevance in times of planetary crisis?

Those are obviously big complicated questions. This brief post aims only to lay the groundwork for such a more extensive analysis by highlighting some of the opinion's most salient autobiographical features and reflecting on the image the ICJ sought to construct, as well as the legacy those efforts may leave behind.

The Autobiographical Function of International Rulings

International rulings are often treated as neutral containers for doctrine. Yet when adjudicating disputes or clarifying the law, as international courts routinely do, they also inevitably reveal something about themselves. The autobiographical function of rulings is neither accidental nor merely ornamental. International courts are institutions embedded in specific professional communities and subject to constraints and incentives that have an immediate bearing on how they perform their judicial duties. In particular, international courts' legitimacy and survival depend not only on technical accuracy but also on the way these courts construct and maintain their own role in relation to other international actors and their various constituencies.

Rulings are one of the few public tools courts have to engage in this kind of identity work (another is the press release, which at the ICJ typically ends with a brief institutional self-portrait). Through voice, structure, silence, storytelling, and other elements that merge form and content, international courts project an image of the kind of authority they exercise, the values they embody, and their place in the world's institutional landscape.

Advisory proceedings are rich sites for this autobiographical function. Unlike contentious cases, they lack a binary outcome and immediate (though often tenuous) enforcement. Their authority flows from clarity, persuasiveness, and institutional posture. The advisory opinion on climate change issued by the ICJ last week is a case in point.

Self-Presentation in the ICJ's Climate Opinion

Self-presentation runs throughout the ICJ's advisory opinion on climate change, shaping both the content of the ruling and its form – the what and the how. The overall portrait the ICJ constructs is of an impartial and cautious interpreter of the law, a stable and sustainable social institution amid global crisis, and a steadfast guardian of the international legal order eager to collaborate with others.

A telling illustration of the ICJ's effort to project this self-image appears in the section addressing jurisdiction and discretion (paras. 37-49). International law experts widely expected the ICJ to confirm its jurisdiction and find no compelling reason to decline to answer the questions posed by the United Nations General Assembly (UNGA). The ICJ's findings are as expected. What makes this section noteworthy is how the ICJ uses this otherwise routine part of the ruling to reinforce its image as a neutral and restrained interpreter of the law, loyal to the international organization it serves. In paragraph 45, for example, the ICJ explicitly affirmed its commitment to "the integrity of [its] judicial function as the principal judicial organ of the United Nations", and emphasized that it is "mindful of the fact that its answer to a request for an advisory opinion 'represents its participation in the activities of the Organization, and, in principle, should not be refused'[.]"

Another example of explicit self-presentation by the ICJ appears in the section addressing the scope and meaning of the UNGA's questions. It is common practice for the ICJ to interpret and sometimes rephrase questions submitted in advisory proceedings. When considering question (a) – in which the UNGA sought a clear and comprehensive catalogue of "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" – the ICJ explicitly emphasized the limits of its own role (paras. 98-100). The ICJ specified that its response must be "limited to identifying the *existing* obligations of States under international law [...], thereby elucidating the content of these obligations, and clarifying the relationship between obligations arising from various sources of international law" (para. 100, emphasis added). This limitation is "inherent in the Court's judicial function" because, in its view, a court of law cannot render judgment *de lege ferenda* or "anticipate the law before the legislator has laid it down" (para. 100). Through this framing, the ICJ presents itself as a restrained interpreter of existing law, underscoring its role as a judicial and not legislative body. This reinforces its image as a principled adjudicator, careful not to overstep its institutional mandate.

The Pièce de Résistance: Paragraph 456 of the ICJ's Climate Opinion

By far the most direct form of self-presentation contained in the ICJ's advisory opinion appears in paragraph 456. Its inclusion in the shortened version of the ruling read out by ICJ President Iwasawa Yuji and broadcast live for all to hear (at 1:50:54) signals its symbolic and rhetorical weight. This paragraph must be cited in full:

> *Before concluding, the Court recalls that it has been suggested that these advisory proceedings are unlike any that have previously come before the Court. At the same time, as the Court concluded earlier, the questions put to it by the General Assembly are legal ones (see paragraph 40), and the Court, as a court of law, can do no more than address the questions put to it through and within the limits of its judicial function; this is the Court's assigned role in the international legal order. However, the questions posed by the General Assembly represent more than a legal problem: they concern an existential problem of planetary proportions that imperils all forms of life and the*

> *very health of our planet. International law, whose authority has been invoked by the General Assembly, has an important but ultimately limited role in resolving this problem. A complete solution to this daunting, and self-inflicted, problem requires the contribution of all fields of human knowledge, whether law, science, economics or any other. Above all, a lasting and satisfactory solution requires human will and wisdom — at the individual, social and political levels — to change our habits, comforts and current way of life in order to secure a future for ourselves and those who are yet to come. Through this Opinion, the Court participates in the activities of the United Nations and the international community represented in that body, with the hope that its conclusions will allow the law to inform and guide social and political action to address the ongoing climate crisis.*

What does this paragraph achieve? First, it dramatizes the gravity of the task the ICJ has been given. The language is striking: climate change is not simply a legal issue but "an existential problem of planetary proportions." That rhetorical turn alone marks a departure from the usual formalistic tone used in the Peace Palace, underscoring the ICJ's recognition of the unprecedented nature of the request before it.

Second, this paragraph underscores once more how the ICJ understands the limits of its own role. It reaffirms that "the Court is only a court!", as Judge Tladi recently stressed in another momentous case pending before the ICJ (para. 19) and further emphasized in the declaration he appended to this opinion (paras. 38-39), and that the ICJ's function is circumscribed by legal mandate, not moral vision or political activism. This is not just modesty or, worse, a sign of bounded ambitions. It is a self-conscious assertion of institutional boundaries; a reminder that even the world's highest bench can only do so much. At the very close of its much-awaited opinion, the ICJ thus located itself as one institution among many, and law as one field of human endeavor among others.

Third, and relatedly, paragraph 456 of the opinion signals a form of "epistemic humility." The ICJ acknowledged that resolving the climate crisis will require the combined insights of "all fields of human knowledge." This interlacing of disciplines highlights a broader vision of collective human effort – an appeal to transdisciplinary thinking against the grain of the hermetic insularity of traditional legal reasoning.

Finally, this paragraph reimagines the function of international law, not as coercive or determinative, but as guiding and informing. This is significant. The idea that law "informs and guides" social and political action shifts expectations: from binding command to discursive influence. This softer framing reflects both the non-binding nature of advisory opinions and a deeper awareness of the structural limits of the international legal system itself, including the role of the ICJ within this system – particularly in addressing diffuse, global challenges like climate change. The vocabulary here aligns with scholarly work on the epistemic authority of international courts, which often act less as enforcers and more as interpretive agents whose legitimacy stems from persuasion, not coercion.

In short, paragraph 456 is the most explicit moment of judicial self-fashioning in the ICJ advisory opinion. It is a meditation on the role of law in a time of crisis – an affirmation of relevance tempered by realism. The paragraph carries existential undertones that point to the fragility of the legal systems humans have constructed to organize life on Earth, including courts themselves. As Anaïs Brucher and I argued in another context, the very institutions asked to adjudicate and interpret the crisis may, in time, be overwhelmed by its consequences. That the ICJ addresses this problem at all, however cautiously, is itself remarkable, given how deeply climate change destabilizes the assumptions on which international law rests, thereby straining international institutions' authority and imaginative capacity.

Concluding Remarks

The ICJ's climate change advisory opinion will be remembered for many things: its articulation of states' environmental obligations, its reaffirmation of key legal principles, and its careful navigation of politically charged terrain. It should also be remembered for what it reveals about the ICJ itself.

In this sense, the climate advisory opinion invites comparison with another advisory opinion delivered under similarly high stakes: the 1996 opinion on the Legality of the Threat or Use of Nuclear Weapons. That ruling was famously fractured, legally ambiguous, and marred by an almost painfully visible institutional discomfort. The ICJ could not muster a clear majority on the lawfulness of nuclear weapons use in extreme circumstances of self-defence. What emerged was a deeply compromised text – one that reflected not just legal uncertainty, but a world court divided on how far it could stretch its authority in the face of existential risk.

By contrast, the 2025 climate advisory opinion is stylistically controlled and much more confident in its articulation of legal responsibility, perhaps precisely because of the lessons drawn from 1996. Where the nuclear opinion exposed the ICJ's institutional vulnerability, the climate opinion projects institutional composure. It presents the image of a judicial institution capable of meeting the moment without fracturing under its weight. Whether this is persuasive depends on the audience – but the effort to perform that identity is unmistakable.

How this opinion will influence state behavior, litigation strategies, or treaty negotiations remains to be seen. The ICJ has spoken to guide others and, in doing so, it has defined itself. That definition may sit, years from now, as a marker of how the ICJ imagined its place in the world at a time when international law, international institutions, and the very future of our planet were in open question.

ABOUT THE AUTHOR

Antoine De Spiegeleir

Antoine De Spiegeleir is a PhD researcher at the European University Institute (EUI) and a member of the Sabin Center's Peer Review Network of Climate Litigation.

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