

The Climate Advisory Playbook

Deploying new jurisprudence from the
International Court of Justice and the
Inter-American Court of Human Rights



CENTER for
ECONOMIC and
SOCIAL RIGHTS

The Climate Advisory Playbook

This publication was written by Matthew Forgette and Peninnah Mbabazi Tashobya, with valuable contributions from Maria Ron Balsera and Juan Auz.

Funded by the Rosa-Luxemburg-Stiftung

This publication is the sole responsibility of the publisher. The positions expressed herein do not reflect the views of the funding agency. The publication is distributed free of charge and may not be used for electoral campaigning purposes.



CENTER for
ECONOMIC and
SOCIAL RIGHTS

Contents

1. Introduction: A legal turning point for climate justice	3
2. Understanding the Opinions: Background and context	5
3. Climate finance	7
4. Fossil fuel phaseout	10
5. Human Rights	12
6. Reparations and Loss and Damage	14
7. Conclusion and strategic roadmap for civil society	17
8. Next steps and CESR’s role	18

1. Introduction: A legal turning point for climate justice

The climate crisis has always been a scientific and economic problem. Over the past three years, it has also become unambiguously legal. Three international tribunals have now ruled that the obligations states already carry under existing law require them to prevent climate harm, not merely to aspire to reduce it. This shift, from climate action as political goodwill or charity to climate action as a legal duty, is the foundation on which this playbook is built.

Climate litigation itself is also changing. A decade ago, cases invoking human rights or international law against states or companies for climate harm were the exception, largely confined to domestic courts. The years since have reshaped the terrain of climate governance, with legal clarifications that significantly strengthen the framework guiding global climate action.¹ Scattered domestic litigation has become a body of international jurisprudence that civil society can build strategy around, and this playbook aims to help CESR partners, allies, and advocates do so.

What Advisory Opinions are, and why they matter

Advisory opinions are different from the contentious cases most people associate with international courts. A contentious proceeding is a dispute between named parties that results in a binding judgment. An advisory opinion is something else: a UN organ or specialized agency formally asks a court to clarify what international law requires on a given question, and the court answers in the abstract, without parties, without a binding order, and without enforcement power.

The non-binding status of advisory opinions can seem like a limitation. And it is accurate that no state can be sanctioned for ignoring an advisory opinion, as it could be for defying a contentious judgment. But advisory opinions nevertheless carry substantial persuasive authority. Courts, treaty bodies, and legislatures across jurisdictions treat them as authoritative statements of what the law means and cite them accordingly to shape domestic rulings, inform legislation, and set the terms of political negotiation. One Mexican community has already used the International Court of Justice (ICJ) opinion as leverage in negotiations with its national government over its climate plan.² The opinions don't create new obligations. Instead, they clarify obligations that were arguably always there, which is precisely what gives them force in litigation and advocacy even without an enforcement mechanism behind them.

Why this Playbook centers on the ICJ and IACtHR opinions

Four tribunals have now either already weighed in on states' climate obligations, or are about to. This playbook focuses its legal analysis on two: the International Court of Justice (ICJ) and the Inter-American Court of Human Rights (IACtHR).

The ICJ opinion carries the broadest reach of the four opinions. It is the first time the ICJ, the UN's principal judicial organ, has examined the international legal framework applicable to climate change. All 15 judges on the court unanimously adopted an expansive reading of states' obligations that largely rejected the arguments of major historical and current emitters.³ Its findings on due diligence, harm prevention, and reparations are central to the following thematic sections of this playbook.

The IACtHR opinion (OC-32/25) arguably goes even a step further than the ICJ. It grounds the same environmental obligations in human rights law specifically, establishing an enhanced due diligence standard for states and becoming the first international court

¹ SEVEN, University of Amsterdam, "The ICJ Set the Bar, COP30 Walked Around It," Nov. 2025, <https://seven.uva.nl/en/content/news/2025/november/cop-30-belem.html>

² Climate Change News, "Why the ICJ's advisory opinion on climate change took a backseat at COP30," Dec. 4, 2025, <https://www.climatechangenews.com/2025/12/04/why-the-icjs-advisory-opinion-on-climate-change-took-a-backseat-at-cop30/>

³ House of Commons Library, "Climate Change at the International Court of Justice," <https://commonslibrary.parliament.uk/research-briefings/cbp-10354/>

to declare that the climate crisis has escalated into a “climate emergency”.⁴ It was also shaped by an unusually participatory process, with 263 written submissions from 613 stakeholders, including nine states, Indigenous peoples, and environmental NGOs.⁵ For CESR’s human rights economy framing, and for advocates whose work runs through treaty bodies and rights-based claims rather than general international law, this is the opinion that speaks most directly to our work.

Together, these two opinions give us both breadth (ICJ) and depth on rights (IACtHR). Another opinion, issued by the International Tribunal for the Law of the Sea (ITLOS), was the first of the four and remains useful as precedential context. It established that greenhouse gas emissions constitute marine pollution under the law of the sea, and its reasoning on state obligations helped set the terms both later opinions built on. We reference it where it strengthens a point, but it isn’t a primary source of analysis in this playbook.

It is also important to highlight that a fourth opinion is forthcoming. In May 2025, the Pan-African Lawyers Union and the African Climate Platform petitioned the African Court on Human and Peoples’ Rights to clarify African states’ obligations under the African Charter on Human and Peoples’ Rights in light of the climate crisis; the fourth major international court asked to do so.⁶ Unlike the ICJ and IACtHR opinions, which centered on mitigation, the African petition foregrounds adaptation, just transition, and participatory governance, reflecting a continent that contributes under 4% of global emissions yet is home to many of the world’s most climate-vulnerable states.⁷ The Court closed amicus submissions on March 30, 2026, and a decision is expected soon.

The political gap

If the opinions represent a legal consensus, COP30 in Belém was where that consensus encountered the limits of multilateral politics. The final Belém Mutirão text does not refer to the Advisory Opinion at all, despite pressure from the Alliance of Small Island States and the Least Developed Countries group to reflect the ICJ’s language on accountability and reparations. Observers attributed the omission less to principled opposition from most states than to a lack of coordinated strategy, with each state’s negotiating team operating too separately to make full use of the opinion at the negotiating table.

That gap is precisely why this playbook exists. If the formal UNFCCC process isn’t yet ready to absorb what these courts have said, the work of translating legal clarity into political and material pressure falls to litigation, treaty body advocacy, domestic legislative campaigns, and civil society coalitions working outside the COP text itself. As one legal observer put it, COP is by no means the last word on the ICJ opinion or the duties it confirms.⁸ The opinions will continue to shape litigation, legislation, and diplomacy outside the UNFCCC process.

⁴ ASIL, “Advisory Opinion 32/25 on the Climate Emergency and Human Rights: The Inter-American Court of Human Rights Meets the Moment,” <https://www.asil.org/insights/volume/29/issue/14>; Earth Law Center, “Inter-American Court of Human Rights Recognizes Rights of Nature for the First Time,” Aug. 2025, <https://www.earthlawcenter.org/blog-entries/2025/8/in-landmark-opinion-inter-american-court-of-human-rights-recognizes-rights-of-nature-for-the-first-time> ⁵ Susana Borràs-Pentinat, “The IACtHR Climate Emergency Advisory Opinion: A Legal Analysis of the State Obligations,” Sage Journals, 2025, <https://journals.sagepub.com/doi/10.1177/18785395251403470>

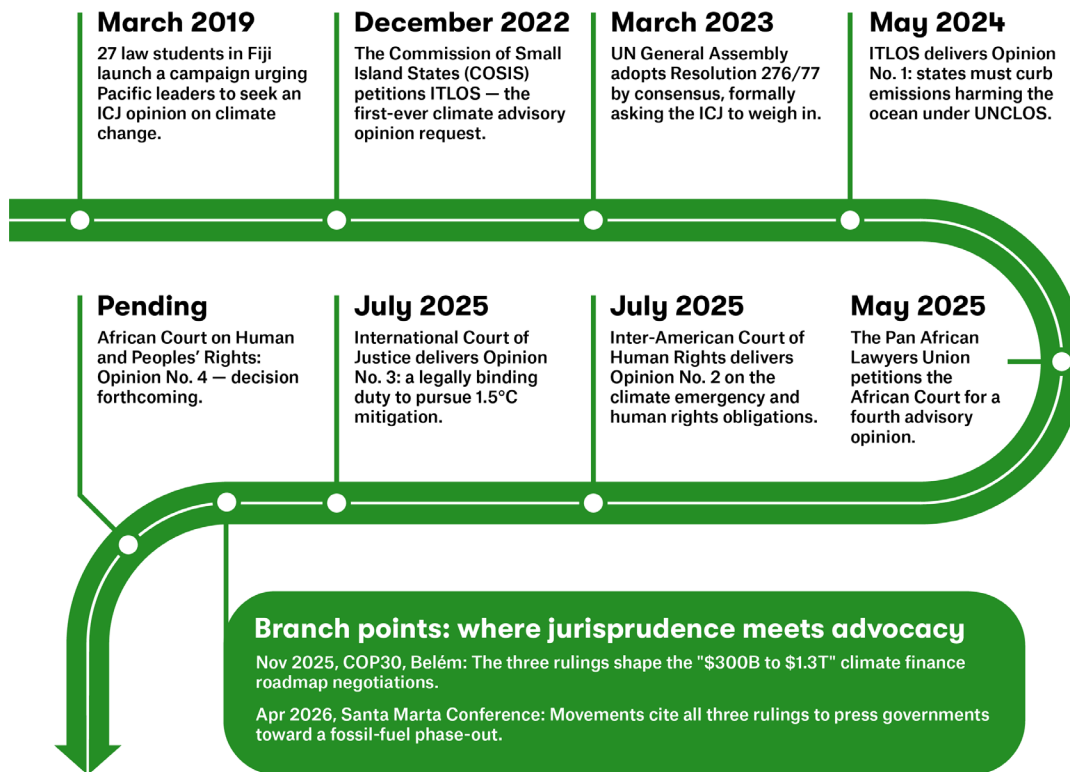
⁶ Human Rights Watch, “African Court Should Protect People Displaced by Climate Change,” Mar. 30, 2026, <https://www.hrw.org/news/2026/03/30/african-court-should-protect-people-displaced-by-climate-change>

⁷ African Law Matters, “Africa’s Climate Advisory Opinion: Framing Rights Through a Decolonial Lens,” Apr. 2026, <https://www.africanlawmatters.com/blog/africas-climate-advisory-opinion-framing-rights-through-a-decolonial-lens>

⁸ The Wave, “Did the ICJ advisory opinion shift the dial at COP30?” Dec. 4, 2025, <https://www.the-wave.net/icj-advisory-opinion-shift-climate-dial-cop30/>

The Path of Four Advisory Opinions

How a 2019 student campaign produced four landmark climate rulings



Sources: PISFCC, ITLOS (21 May 2024), IACtHR (3 Jul 2025), ICJ (23 Jul 2025), PALU/African Court filing. Verified Aug 2026.

How to use this Playbook

This playbook is organized for advocates, litigators, and campaigners working across climate finance, fiscal and debt justice, economic and social rights, and just transition, not just for lawyers alone. Each thematic section – climate finance, fossil fuel phaseout, human rights, and reparations and loss and damage – follows the same structure: what the ICJ opinion says, what the IACtHR opinion says, where they converge, and then, critically, how to apply that convergence to litigation strategy, policy advocacy, and campaigning. A closing section maps a strategic roadmap for civil society coalition-building going forward.

2. Understanding the Opinions: Background and context

The ICJ Advisory Opinion

The push for an ICJ opinion began not in a foreign ministry but in a university classroom. In 2019, 27 law students at the University of the South Pacific in Fiji started campaigning for their governments to bring climate change before the world's highest court.⁹ The Republic of Vanuatu picked up the campaign in 2021 and spent two years building support, publishing a first draft resolution in late 2022 and refining it through months of consultation with UN delegates. The effort paid off beyond what anyone expected: on March 29, 2023, the UN General Assembly adopted Resolution 77/276 by consensus,

⁹ IISD, "Historic International Court of Justice Opinion Confirms States' Climate Obligations," <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-changeposed-two-questions-to-the-Courte>

with Vanuatu's 18-state core group joined by 132 co-sponsors, the broadest coalition ever assembled behind a request for an ICJ advisory opinion.

Resolution 77/276 posed two questions to the Court. First, what obligations do states hold under international law to protect the climate system and the environment from greenhouse gas emissions, for both present and future generations? Second, what legal consequences follow when a state's acts or omissions cause significant climate harm, particularly harm to small island developing states and to the people and future generations affected? That second question is what gave the opinion teeth. It isn't only about what states owe going forward; it's about what follows legally when they've already fallen short.

The Court answered both questions definitively, unanimously affirming that all 15 judges found states carry binding, not merely aspirational, obligations, and rejecting the argument advanced by several major emitters that climate treaties like the Paris Agreement are the only applicable law.¹⁰ It went further than the questions technically required in places: fossil fuel production, licensing, and subsidies were not named in the request, but the Court found that these "may constitute an internationally wrongful act" attributable to a state.¹¹ Even so, the opinion has its limitations. It didn't set binding numerical emissions targets for individual states, and it left compliance mechanisms and remedies for specific breaches to be worked out on a case-by-case basis in domestic and international litigation rather than laying out a reparations framework itself.

The IACtHR Advisory Opinion

The IACtHR opinion, OC-32/25, has a distinct origin from the ICJ opinion, though the two proceedings ran on parallel tracks. On January 9, 2023, the foreign ministers of Chile and Colombia jointly requested an advisory opinion from the IACtHR, building directly on the Santiago Declaration and framing the climate emergency as a human rights crisis rather than a purely environmental one. The request explicitly built on the Court's own 2017 precedent, OC-23/17, which had already recognized a justiciable right to a healthy environment. The Chile-Colombia request asked the Court to extend that reasoning squarely into the climate context.¹²

The proceeding became the most participatory in the Court's history: 263 third-party written interventions from 613 actors, including nine states, and public hearings in Bridgetown, Brasília, and Manaus involving 183 delegations.¹³ Notably, the Court exercised an unusual degree of interpretive freedom, reformulating the 20 broad questions Chile and Colombia originally posed into three focused questions on substantive obligations, procedural obligations, and obligations toward specific vulnerable groups.

Specifically, the Court was asked to clarify the scope of state obligations under the American Convention on Human Rights in the climate context; the specific rights of children, Indigenous peoples, and persons in situations of vulnerability; and the extraterritorial reach of those obligations, whether a state's duties extend to harm caused by its emissions beyond its own borders. The Court answered all three affirmatively and went further than most observers expected. It declared a "climate emergency" outright, the first international court to use that language in a binding legal sense, and, in a 4-3 decision that split the bench, recognized Nature itself as a subject of rights.¹⁴

¹⁰ House of Commons Library, "Climate Change at the International Court of Justice," <https://commonslibrary.parliament.uk/research-briefings/cbp-10354/>;

¹¹ Carbon Brief, "ICJ: What the world court's landmark opinion means for climate change," <https://www.carbonbrief.org/icj-what-the-world-courts-landmark-opinion-meant-to-the-same-extent-as-the-icj-opinion-s-broader-authority-for-climate-change-to-the-same-extent-as-the-icj-se>

¹² Climate Law Blog, "A Request for an Advisory Opinion at the Inter-American Court of Human Rights: Initial Reactions," <https://blogs.law.columbia.edu/climatechange/2023/02/17/a-request-for-an-advisory-opinion-at-the-inter-american-court-of-human-rights-initial-reactions/>

¹³ Juan Auz, "The Inter-American Court of Human Rights' Advisory Opinion on the Climate Emergency: A Global South Contribution to Climate Governance," EJIL: Talk!, <https://www.ejiltalk.org/the-inter-american-court-of-human-rights-advisory-opinion-on-the-climate-emergency-a-global-south-contribution-to-climate-governance/>

¹⁴ Sage Journals, Borràs-Pentinat, "The IACtHR Climate Emergency Advisory Opinion," <https://journals.sagepub.com/doi/10.1177/1878539525140347to-the-same-extent-that-the-icj-opinion-s-broader-authority-does>

Of course, the IACtHR opinion also has its limits. The opinion’s jurisdictional reach is limited to the 20 OAS member states that have accepted the Court’s jurisdiction, so it doesn’t bind non-signatories to the same extent as the ICJ’s broader authority. And like the ICJ, it stopped short of binding specifics: it didn’t set numerical emissions targets or establish a binding reparations framework, leaving those questions to domestic courts and future litigation. Its only enforcement mechanism is political pressure and the leverage it gives to the Inter-American Commission on Human Rights in contentious cases and reports, and to litigants in domestic proceedings; there’s no compliance body that can compel an OAS state to act on it.

The legal weight of Advisory Opinions

Neither opinion is binding, and neither creates an enforcement mechanism where none existed. But “non-binding” has never meant “inconsequential” in international law. The clearest precedent is the ICJ’s 2004 opinion on the Wall in the Occupied Palestinian Territory, which found Israel’s construction of the separation barrier unlawful. This opinion, though non-binding as a matter of form, reshaped how UN bodies, national governments, and international law scholarship discussed the occupation for two decades afterward, and continues to be cited in litigation and diplomacy today. The Inter-American Court’s own OC-23/17 (2017) is another analog case. That opinion first recognized the autonomous right to a healthy environment, and within three years the Court was applying it directly in a contentious case, *Indigenous Communities of the Lhaka Honhat v. Argentina*, demonstrating how an advisory finding can migrate from persuasive guidance into binding precedent within a single legal system.¹⁵ OC-32/25 explicitly builds on that same trajectory, and legal commentators expect a similar path: courts and treaty bodies citing it first as interpretive authority, then domestic courts applying it in contentious cases, then eventually harder law crystallizing around it. That migration, from advisory to authoritative, is the mechanism this playbook’s later sections are built to help you accelerate.

3. Climate finance

What does the ICJ Opinion say?

The ICJ’s opinion doesn’t treat finance as a side issue to mitigation. Instead, it builds financial obligation directly into the due diligence framework that runs through the whole opinion. The Court found that both customary international law and the climate treaties impose binding obligations on states to carry out adaptation, “in line with the best available science,” and specified that developed countries carry “the additional responsibility of helping developing countries meet the costs of adaptation.”¹⁶ Additionally, adaptation finance from wealthy states to developing ones is characterized as a legal duty attached to their broader due diligence obligations, not a matter of discretionary generosity.

The opinion’s analysis of reparations extends the same logic to loss and damage. The Court confirmed that states breaching their climate obligations owe full reparation, through restitution (ecosystem restoration, rebuilding climate-resilient infrastructure), compensation for financially quantifiable loss, or satisfaction (public acknowledgment, apology).¹⁷ It stopped short of assigning blame to individual states or quantifying compensation figures, but it was explicit that such determinations are legally permissible and must proceed case by case, based on “a sufficiently direct and certain causal nexus” between a wrongful act and the harm suffered.¹⁸ That’s a lower bar than it might sound. The Court didn’t say reparations claims are too speculative to succeed, only that they require the ordinary evidentiary work any legal claim requires.

¹⁵ Cambridge ICLQ, “The Right to a Healthy Environment Before the Inter-American Court of Human Rights,” <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/right-to-a-healthy-environment-before-the-interamerican-court-of-human-rights/60E0E0A94677AC54DFBE272C358032FC>.

¹⁶ IISD, “Historic International Court of Justice Opinion Confirms States’ Climate Obligations,” <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>

¹⁷ Id.

¹⁸ Id.

The opinion also has direct implications for where climate finance goes and what protects it. By finding that fossil fuel production, licensing, and subsidies “may constitute an internationally wrongful act,”¹⁹ the Court effectively put a legal price tag on continued fossil finance. And on the investment side, the opinion undercuts the investor-state dispute settlement (ISDS) claims fossil fuel companies have used to challenge climate regulation. Because states have a legal duty, not mere policy discretion, to adopt ambitious climate measures, investors can no longer credibly claim a “legitimate expectation” that a host state would keep issuing fossil fuel licenses indefinitely.²⁰ That reasoning gives finance and fiscal justice advocates a legal hook to push for ISDS reform as part of the climate finance agenda, rather than as a separate trade-law fight.

What does the IACtHR Opinion say?

Where the ICJ builds financial obligation into due diligence, the IACtHR builds it into the duty to cooperate, and is considerably more explicit about what that duty requires. The Court held that the obligation to cooperate under the American Convention includes, specifically, “financial and economic assistance to the least developed countries to contribute to just transition,” alongside technical and scientific cooperation and support for mitigation, adaptation, and remediation efforts that benefit other states.²¹ Unlike the ICJ, which frames finance mainly through the adaptation lens, the IACtHR names ‘just transition finance’ directly as a component of the cooperation obligation.

The opinion also requires that finance decisions themselves be participatory: states must ensure “meaningful, broad and non-discriminatory participation” in decision-making that touches financing, mitigation strategy, and redress for damages, extending that participatory requirement to regional and international forums as well as domestic ones.²² That’s a distinctly rights-based addition the ICJ opinion doesn’t make in the same terms. It’s not just about how much finance flows, but who gets a say in how it’s designed and distributed.

The Court’s treatment of common but differentiated responsibilities (CBDR) is more constrained than advocates might want. Because the American Convention binds Organisation of American States (OAS) member states, most of which are Global South countries, the Court had limited room to use CBDR to impose heavier burdens on non-party wealthy states in the way advocates argue for globally. Commentary on the opinion notes the Court treated CBDR less as a license to dilute obligations among unequal parties and more as “a criterion for calibrating cooperation, progressive realization, and the means of implementation” within the region.²³ That’s a real limitation for finance advocacy that leans on this opinion specifically; its jurisdictional reach caps how far it can go in binding the historically largest emitters, most of whom sit entirely outside the OAS system.

How we apply this

The ICJ’s finding that fossil fuel subsidies and licensing “may constitute an internationally wrongful act” gives litigators a textual hook to challenge continued public financing of fossil fuel expansion, not just its private financing. The ISDS reasoning in both opinions supports interventions in ongoing investor-state disputes where a state’s climate regulation is being challenged. The opinions can be cited to argue that investors’ expectations of continued access to fossil fuels were never “legitimate” in the first place. And the reparations causal-nexus standard, “sufficiently direct and certain,” is a workable pleading standard advocates can start building evidentiary records against now, ahead of eventual test cases.

¹⁹ Id.

²⁰ Id.

²¹ IACtHR, “Climate Litigation Brief #3/2025: Inter-American Court of Human Rights Advisory Opinion on climate emergency and human rights (OC-32/25),” <https://www.lexxion.eu/en/cclr-blog/climate-litigation-brief-3-2025-inter-american-court-of-human-rights-advisory-opinion-on-climate-emergency-and-human-rights-oc-32-25-of-29-may-2025>

²² Id.

²³ Opinio Juris, “Symposium on Advisory Opinion AO-32/25: The Principle of Common but Differentiated Responsibilities,” <https://opiniojuris.org/2025/10/01/symposium-on-advisory-opinion-ao-32-25-on-the-climate-emergency-and-human-rights-the-principle-of-common-but-differentiated-responsibilities/>

Both opinions supply language to reframe finance negotiations as compliance exercises rather than pledging exercises. CESR has already made this argument directly, writing that developed countries “have a legal duty to provide” mitigation, adaptation, and loss-and-damage finance, not “out of charity.”²⁴ That reframing is useful anywhere climate finance gets negotiated as a favor: replenishment campaigns for the Fund for Responding to Loss and Damage, multilateral development bank (MDB) reform advocacy, and domestic budget fights over international climate commitments can all borrow the “legal duty” framing rather than the “burden-sharing” framing donor governments prefer.

The opinions arrived just as COP29’s New Collective Quantified Goal (NCQG) landed at \$300 billion per year by 2035, widely criticized as inadequate against the \$1.3 trillion developing countries had sought, and just before the Baku to Belém Roadmap to 1.3T was released at COP30 without binding accountability mechanisms for developed-country public finance. That gap between the courts’ legal framing and the UNFCCC’s political outcome is precisely the gap Section 1 of this playbook described. The opinions give advocates grounds to argue that the NCQG’s \$300 billion figure and the voluntary nature of the Roadmap fall short not only of need but also of legal obligation under Article 9.1 of the Paris Agreement, a point reinforced by the ICJ opinion.

Still just a drop in the bucket



New climate finance goal falls far short of what’s actually needed

US \$2.7 trillion

Independent experts’ estimate of developing countries’ real annual climate-investment need by 2030.

US \$1.3 trillion

Full NCQG goal: all-source climate finance target for developing countries by 2035.

US \$300 billion

NCQG floor: the minimum developed countries pledged to deliver annually by 2035.

This intersects with

Debt justice, tax justice, and fiscal space. Climate finance obligations mean little if disbursed through debt-creating instruments that deepen the fiscal crises climate-vulnerable states already face. CESR’s *Decoding Debt Injustice* guide traces how unsustainable debt compounds the climate crisis and sets out policy alternatives, concessional finance, grants, and debt cancellation, aligned with these same climate justice demands, and CESR has co-sponsored briefings translating those debt demands directly into the NCQG process.²⁵

Gender. Of the two opinions, the IACtHR goes considerably further on gender, and

²⁴ CIEL, “The Verdict Is In: To Comply with the Law, COP30 Must Deliver,” <https://www.ciel.org/cop30-climate-justice-legal-obligations/>

²⁵ CESR, “Key Concepts: Climate Finance, Reparations, and Human Rights,” https://cesr.org/sites/default/files/2024/Key_Concepts_-_Climate_Finance_Reparations_and_Human_Rights.pdf

it's worth citing directly rather than waiting on other tribunals. Chile and Colombia's request explicitly built a gender lens into the questions themselves, asking what measures states must adopt to protect environmental and territorial defenders "as well as women, Indigenous Peoples and Afro-descendant communities" from climate harm. This represents a framing rarely seen in international climate litigation, where gender has typically been treated as background context rather than a basis for rights and remedies.²⁶ The IACtHR's answer names women specifically among groups requiring differentiated protection, ties meaningful participation of women and Indigenous authorities directly into its procedural obligations on climate decision-making, and connects gendered climate vulnerability to its broader intersectionality framework

CESR's Decoding Climate Finance guide. This section only scratches the surface of what CESR has already built out in full. *Decoding Climate Finance*, co-produced with La Ruta del Clima, equips advocates to interrogate the systems and power relations shaping global climate finance, illuminate injustices with data and community knowledge, and push for reparations- and rights-centered alternatives. Everything in this section is meant to be read alongside that guide, not instead of it — this playbook supplies the legal hook; *Decoding Climate Finance* supplies the analytical and campaigning toolkit to use it.²⁷

4. Fossil fuel phaseout

What does the ICJ Opinion say?

The ICJ opinion's most consequential move on fossil fuels is a scope decision that could easily have gone the other way. The questions the UN General Assembly put to the Court were framed around greenhouse gas emissions, not fossil fuels specifically, but the Court held that the "relevant conduct" it needed to assess wasn't limited to direct emissions. It found that legal obligations extend to "all actions or omissions of States" that adversely affect the climate system, and that this encompasses "the full range of human activities," including both consumption and production.²⁸ Legal scholars have called this deliberate: the Court "chose to single out fossil fuels" even though it wasn't required to by the terms of the request, which one expert called "very telling."²⁹

Having expanded the frame, the Court then made its central finding explicit: "a state's failure to take appropriate action to protect the climate system from GHG emissions — including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licenses or the provision of fossil fuel subsidies — may constitute an internationally wrongful act."³⁰ That sentence does a lot of work. It means continued licensing, new exploration approvals, and subsidy regimes aren't just bad climate policy; they're potential breaches of international law, with all the legal consequences (cessation, reparation, guarantees of non-repetition) that follow from any other wrongful act. Two judges, Bhandari and Cleveland, went further in a joint declaration. Because no new fossil fuel extraction projects are compatible with 1.5°C, they wrote that environmental impact assessments for extraction projects must account for downstream combustion emissions, and that new NDCs must address fossil fuel production, licensing, and subsidies consistent with the 1.5°C pathway.³¹

²⁶ Maria Antonia Tigre, Dina Lupin, and Natalia Urzola Gutiérrez, "A Nod, Not a Leap: Gender and Climate in the IACtHR's AO-32/25," Climate Law Blog / Verfassungsblog, July 17, 2025, <https://blogs.law.columbia.edu/climatechange/2025/07/17/a-nod-not-a-leap-gender-and-climate-in-the-iacthrs-ao-32-25/>

²⁷ CESR, "New guide: Decoding Climate Finance," <https://www.cesr.org/decoding-climate-finance/>

²⁸ IISD, "Historic International Court of Justice Opinion Confirms States' Climate Obligations," <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>

²⁹ IUCN, "The ICJ Climate Change Advisory Opinion" (WCEL Webinar reflections), <https://iucn.org/sites/default/files/2025-11/blog-post-11-reflections-icj-advisory-opinion-22-august-2025-wcel-webinar.pdf>

³⁰ IISD. op cit 28.

³¹ Id.

What does the IACtHR Opinion say?

The IACtHR reaches a similar destination by a different, and in some ways more forceful, legal route. Rather than reasoning through state responsibility doctrine, the Court elevated the prohibition on causing irreversible climate harm to the status of *jus cogens* – a peremptory norm of international law that cannot be displaced by treaty, and that binds all states regardless of consent.³² Building on that foundation, the Court identified fossil fuel production and use as the conduct States are duty-bound to phase out, explicitly naming fossil fuels as the principal driver of the crisis and calling on states to prioritize “the progressive reduction of GHG emissions” from the sector, including the rapid elimination of methane and other short-lived climate pollutants tied to oil and gas operations.³³

The opinion goes further than the ICJ’s in a few specific ways relevant to phaseout strategy. It requires climate impact assessments at every stage of a fossil fuel project, not just at approval.³⁴ It ties corporate obligations to a polluter-pays framework, requiring that companies with larger GHG footprints bear stricter regulatory burdens, higher tax contributions, and greater responsibility for just transition financing, language squarely aimed at fossil fuel majors, most of which are headquartered in the Global North. Finally, it explicitly targets the industry’s information environment, finding that states must combat climate disinformation and greenwashing and ensure corporate climate claims are subject to scrutiny.

How we apply this

The first International Conference on Transitioning Away from Fossil Fuels was convened in Santa Marta, Colombia, in April 2026, co-hosted by Colombia and the Netherlands outside the UNFCCC process, with 57 countries building national roadmaps, tools for tracking harmful subsidies, and a Science Panel for the Global Energy Transition.³⁵ It grew directly out of COP30’s failure to secure a fossil fuel roadmap in the formal cover text: the Belém Declaration, endorsed by dozens of countries at COP30, explicitly named Santa Marta as the venue to carry that work forward outside the consensus-bound UNFCCC process. Both advisory opinions provide the legal basis for this track. Santa Marta framed itself around delivering the “how” of a transition that the courts have already established is legally required, not merely scientifically advisable.

COP30 did produce one concrete outcome: the Belém Action Mechanism, a body created to coordinate international cooperation on just transition, worker protections, community protections, and energy transition support for the most vulnerable populations. It came with no dedicated funding attached, which is precisely where the ICJ and IACtHR financial obligations from Section 3 become relevant: advocates can argue that a just transition mechanism without financing doesn’t meet the cooperation and due diligence standards both courts have already set.

This intersects with

Trade law and investment treaties. As covered in Section 3, the ICJ’s finding that states have a legal duty to restrict fossil fuel activity directly undercuts investor-state dispute settlement (ISDS) claims that climate regulation constitutes unfair or arbitrary treatment of fossil fuel investments. That reasoning applies with particular force to phaseout policy specifically: license revocations, extraction bans, and subsidy removals are exactly the kind of state action ISDS has historically been used to punish, and the opinion gives

³² CIEL, “What a Historic Inter-American Court Ruling Means for Global Climate Justice,” <https://www.ciel.org/unpacking-the-inter-american-court-ao/>

³³ IACtHR, “Climate Litigation Brief #3/2025: Inter-American Court of Human Rights Advisory Opinion on climate emergency and human rights (OC-32/25),” <https://www.lexxion.eu/en/cclr-blog/climate-litigation-brief-3-2025-inter-american-court-of-human-rights-advisory-opinion-on-climate-emergency-and-human-rights-oc-32-25-of-29-may-2025/>

³⁴ CIEL, *op cit* 32

³⁵ Geneva Environment Network, “Climate Action from Geneva to Santa Marta,” <https://www.genevaenvironmentnetwork.org/resources/updates/climate-action-from-geneva-to-santa-marta-first-conference-on-transitioning-away-from-fossil-fuels/>

states a defensive legal basis for exactly that conduct.

The IACtHR opinion opens an even more aggressive line of argument. Having grounded the prohibition on irreversible climate harm in *jus cogens*, commentators argue this could trigger Articles 53 and 64 of the Vienna Convention on the Law of Treaties, which void treaties conflicting with a peremptory norm, meaning investment agreements protecting fossil fuel production could be void in whole or part, with no compensation owed to investors for phaseout measures.³⁶ This theory is untested and would undoubtedly face fierce resistance from arbitral panels, but it gives treaty-reform advocates a considerably stronger opening position.

Critical minerals and energy. The IACtHR opinion's finding that states must avoid discriminatory climate measures explicitly extends to the context of energy transition minerals. UN experts flagged this as a distinct concern alongside the ruling, given the mining pressures a rapid renewables buildout places on Indigenous and frontline communities, many in the same states pushing hardest for fossil fuel phaseout.³⁷ A phaseout strategy that doesn't account for this risks reproducing the same extractive harms it's meant to end.

Stranded assets and just transition. Both opinions strengthen the legal case that continuing to permit new fossil fuel infrastructure creates stranded-asset risk that states will eventually have to answer for, whether through investor claims, human rights litigation, or reparations exposure, once infrastructure becomes economically or legally unviable. That makes early, funded transition planning a risk-management strategy for governments, not just a justice demand from advocates. This is framing worth deploying in finance ministry and central bank-facing advocacy, not only in human rights spaces.

5. Human Rights

What does the ICJ Opinion say?

Human rights weren't the ICJ's starting point. The request was framed in the language of general international law. However, the Court devoted a substantial part of its reasoning to them, and the analysis is unambiguous. The Court held that "the protection of the environment is a precondition for the enjoyment of human rights,"³⁸ grounding that finding in the interdependence between environmental protection and the human rights treaties to which nearly every UN member state is a party. From there, the Court walked through specific rights climate change threatens to impair: the right to life, the obligation of non-refoulement where climate harm poses a real risk to life, the right to health, the right to an adequate standard of living including food, water, and housing, and the right to privacy, family, and home.³⁹

The opinion goes further still on the right to a healthy environment specifically. Citing the near-universal recognition of the right, the Court found that a clean, healthy, and sustainable environment is "a precondition for the enjoyment of many human rights" and is "therefore inherent in the enjoyment of other human rights."⁴⁰ This recognition represented a critical legal move. It treats environmental protection not as a freestanding, lesser-tier interest but as structurally necessary to rights the international system already treats as binding. The Court stopped short of definitively declaring this a standalone customary right, although several judges wrote separately noting the bench was not unified on that narrower question. However, the functional holding that the enjoyment of rights depends on environmental protection stands regardless. The Court also gave particular attention to children, women, and Indigenous peoples as groups facing

³⁶ Verfassungsblog, "A Jus Cogens Right to Climate Action: Countering ISDS-Driven Climate Obstruction," <https://verfassungsblog.de/a-jus-cogens-right-to-climate-action/>

³⁷ OHCHR, "UN experts hail landmark Inter-American Court opinion on States' extensive duties to protect the climate," <https://www.ohchr.org/en/press-releases/2025/07/un-experts-hail-landmark-inter-american-court-opinion-states-extensive>

³⁸ ICJ Opinion

³⁹ Id.

⁴⁰ Id.

heightened climate vulnerability, creating additional protections for these communities.

What does the IACtHR Opinion say?

The IACtHR's human rights findings are even more forceful than the ICJ's. Its interpretative authority applies to all 34 OAS member states, including the United States and Canada, and it grounds the obligation to prevent climate harm in the same *jus cogens* reasoning covered in Section 4, a peremptory norm requiring states to ban activities "that irreversibly threaten the vital balance of interdependent ecosystems that enable the survival of present and future generations on a habitable planet."⁴¹ That reach is broader on paper than in binding practice, though: as the caveat below on jurisdiction makes clear, formal extension to all OAS members is not the same as binding force on all of them. Nevertheless, the opinion is explicit that this protection extends to Indigenous peoples, Afro-descendant communities, rural communities, and children, all of whom the Court says must be protected "under a high degree of care."⁴²

The Court grounded these findings in a doctrinal innovation it calls "reinforced due diligence", departing from conventional transboundary-harm prevention standards by requiring States to account for the specific risk to a threatened right and the vulnerability of the rights-holder in question.⁴³ It also endorsed a "fair shares framework" for assessing state responsibility, explicitly grounded in CBDR-RC and accounting for both historical emissions and current capacity to act — giving equity a doctrinal foothold the ICJ opinion doesn't develop as explicitly.⁴⁴

Beyond naming affected groups, the opinion sets out procedural obligations with real teeth. The judges ruled that states must adopt concrete, science-based measures to progressively reduce emissions from fossil fuels, hold polluters accountable, and ensure that individuals and communities disproportionately affected by climate change can meaningfully participate in shaping the policies that govern them.⁴⁵ On displacement specifically, the Court held that planned relocation in the face of sea-level rise and other climate impacts must be a measure of last resort, undertaken "in accordance with international and regional human rights standards," and must avoid reproducing cycles of dispossession communities have already experienced.⁴⁶ Thus, the opinion explicitly instructs states not to treat climate relocation as a clean slate, but as continuous with histories of displacement many of these same communities have already lived through.

How we apply this

Both opinions give UN human rights mechanisms language they've already begun using. In March 2026, a coalition of UN Special Rapporteurs and Working Groups issued a joint statement urging states to support a UN General Assembly resolution operationalizing the ICJ opinion, warning of "a disturbing pattern of growing obstruction across UN processes against explicit references to fossil fuels and the ICJ Advisory Opinion."⁴⁷ That statement is worth citing directly in any submission to a UN treaty body or special procedure. It demonstrates the human rights machinery is already treating the ICJ opinion as a floor for state conduct, not an aspirational ceiling, and it names the specific obligations, such as legislating fossil fuel phaseout, removing subsidies, documenting harm, and responding to reparations claims, that treaty body submissions can hold states to directly.

Neither the ICJ nor the IACtHR opinion developed an extensive gender-specific framework

⁴¹ IACtHR opinion OC-32/25

⁴² *Id.*

⁴³ Juan Auz, "The Inter-American Court of Human Rights' Advisory Opinion on the Climate Emergency: A Global South Contribution to Climate Governance," EJIL: Talk!, <https://www.ejiltalk.org/the-inter-american-court-of-human-rights-advisory-opinion-on-the-climate-emergency-a-global-south-contribution-to-climate-governance/>

⁴⁴ IACtHR opinion OC-32/25

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ OHCHR, "UN experts urge states to support General Assembly resolution operationalising ICJ Advisory Opinion on climate obligations," <https://www.ohchr.org/en/press-releases/2026/03/un-experts-urge-states-support-general-assembly-resolution-operationalising>

on its own terms, though both name women among groups facing disproportionate climate vulnerability. The gap is being filled elsewhere. The African Court’s pending opinion, discussed in Section 1, has drawn amicus submissions arguing for enforceable positive obligations on gender-responsive adaptation and mitigation policy grounded in CEDAW and the Maputo Protocol.⁴⁸ Advocates can use the ICJ and IACtHR’s general vulnerability findings now while tracking the African opinion for a more fully developed gender framework to cite alongside them.

This intersects with

Right to a clean, healthy, sustainable environment and right to energy. Both opinions substantially strengthen the 2022 UN General Assembly recognition of the right to a healthy environment by grounding it in binding legal reasoning rather than resolution language alone. A right to energy hasn’t been recognized with the same specificity by either court, but the IACtHR’s language on facilitating “the transition of polluting sectors” (Section 4) and both courts’ adaptation findings (Section 3) point toward an emerging argument that access to clean, reliable energy is itself a component of the standard of living and health rights both opinions protect.

ESCR law. These opinions sit naturally alongside the economic, social, and cultural rights framework CESR has worked within for three decades. The ICJ’s adequate-standard-of-living finding and the IACtHR’s health, water, and housing findings are, in substance, ESCR claims reached through a climate lens, which means the existing ESCR toolkit (progressive realization, maximum available resources, non-retrogression) applies directly to climate obligations without needing to be reinvented.

Building on a decade of work promoting a Rights-Based Economy, CESR and its allies has developed a shared vision for a Human Rights Economy (HRE) and contributed to the OHCHR’s vision for a HRE: an economic model that anchors fiscal, monetary, and investment decisions in human rights obligations states have already agreed to, using those obligations to guide budget decisions and resource allocation. These advisory opinions supply exactly the kind of binding legal grounding that framework depends upon. They confirm that climate and environmental protection aren’t peripheral to human rights economy arguments but central to them, since the opinions establish that the enjoyment of rights depends on environmental stability.

6. Reparations and Loss and Damage

What does the ICJ Opinion say?

The ICJ’s most significant contribution to reparations is the foundational legal architecture it builds underneath any future reparations claim. The Court confirmed that states’ individual contributions to global emissions, both historical and current, are “scientifically traceable,” and that international law can handle harm involving multiple responsible and multiple injured states at once.⁴⁹ It rejected arguments that the diffuse and cumulative nature of climate harm makes attribution too complicated for legal responsibility to attach, and confirmed that each state’s responsibility can be individually invoked.

On the nature of the obligations themselves, the Court drew an important distinction: obligations under the UNFCCC and Paris Agreement are owed only among the states that are party to those treaties, but the customary duty to prevent significant transboundary environmental harm is *erga omnes*, owed to the international community as a whole.⁵⁰ That means, for at least some climate obligations, any state can invoke responsibility for a breach, not only states that were directly harmed, reinforcing a genuinely collective

⁴⁸ ISLA, “Press Release: Advisory Opinion on Climate Change and Human Rights,” <https://www.the-isla.org/press-release-advisory-opinion-on-climate-change-and-human-rights/>

⁴⁹ IISD, “Historic International Court of Justice Opinion Confirms States’ Climate Obligations,” <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>

⁵⁰ *Id.*

approach to accountability rather than one confined to bilateral disputes.

Where the Court's opinion is most useful is in its "panoply of legal consequences" language.⁵¹ It confirmed that breaching states face the full standard menu of state responsibility remedies: cessation (including, potentially, repealing laws or permits that enable the wrongful conduct), guarantees of non-repetition, and full reparation through restitution, compensation, or satisfaction. On causation, the Court set the same "sufficiently direct and certain causal nexus" standard covered in Section 3, and it left the door open for equitable considerations and aggregate estimates where precise quantification of climate damage isn't possible, which lowers the evidentiary bar that has stalled climate reparations claims in the past. What the Court did not do is specify a method for quantifying compensation, assign blame to particular states, or build out a concrete reparations framework. Although several judges, including Vice-President Sebutinde and Judge Bhandari, wrote separately to argue the majority could have gone further, proposing global lump-sum awards, UN-backed claims commissions, and remedies tied explicitly to CBDR-RC.⁵² Those separate opinions aren't binding, but they're a normative roadmap advocates can cite when pushing courts and negotiators toward more concrete remedies.

What does the IACtHR Opinion say?

The IACtHR goes further than the ICJ in naming what reparations must actually look like, even as it leaves its own gaps. Grounded in the *jus cogens* right to a healthy climate established in Section 4, the opinion holds that any violation, individual or collective, triggers the state's obligation to provide full reparation. It lays out four specific categories: restitution (ecosystem restoration, increased mitigation), rehabilitation (health impacts addressed through culturally appropriate care), compensation (grounded in sound, climate-specific methodologies), and guarantees of non-repetition (reducing structural vulnerability, strengthening resilience).⁵³ Critically, the Court also recognizes reparation owed to Nature itself, independent of any human harm, a direct extension of its rights-of-nature findings, meaning ecosystem restoration can be pursued as reparation for the ecosystem's own sake, not only as compensation to affected people.

The opinion is also explicit that reparations obligations run through both international and domestic channels, and that private business operators, while not directly bound by the American Convention the way states are, can be held liable for climate harm in domestic courts. In this way, The IACtHR builds directly on the polluter-pays principle, holding that companies with greater and more historically significant emissions bear stricter regulatory and financial obligations.⁵⁴ This argument is essential given how cumbersome direct access to supranational tribunals is for individual victims.⁵⁵ On non-economic harm, the opinion names losses that monetary compensation alone can't capture: cultural identity, displacement, and disproportionate impacts on Indigenous and Afro-descendant peoples are treated as central to the human rights dimension of climate reparations.⁵⁶

Where the opinion pulls back is loss and damage specifically. The Court acknowledges the UNFCCC's Loss and Damage Fund and notes that fulfilling its mandate will require "extraordinarily high resources," but it explicitly clarifies that the Fund's design is not intended to ensure full reparation for state violations, nor to allocate climate-related financial responsibility according to CBDR.

⁵¹ Climate Law Blog, "A Panoply of Consequences? Remedies and Reparations in the ICJ's Climate Opinion," <https://blogs.law.columbia.edu/climatechange/2025/08/13/a-panoply-of-consequences-remedies-and-reparations-in-the-icjs-climate-opinion/>

⁵² ICJ opinion

⁵³ IACtHR opinion

⁵⁴ Juan Auz, "The Legal Consequences of Climate Harm: Complementarity Between the Advisory Opinions of the International Court of Justice and the Inter-American Court of Human Rights," (2026)

⁵⁵ *Id.*

⁵⁶ *Id.*

How we apply this

In the United States, Vermont and New York have already enacted “climate superfund” laws requiring large fossil fuel producers to help cover the costs of climate adaptation, built explicitly on a polluter-pays model.⁵⁷ Both laws are under sustained legal attack from the American Petroleum Institute, the U.S. Chamber of Commerce, a coalition of Republican-led states, and the Trump administration itself, with litigation ongoing in the Second Circuit as of this writing.⁵⁸ The ICJ and IACtHR opinions supply international legal backing for exactly this model. Both establish that continued fossil fuel production and consumption can constitute wrongful conduct triggering reparations obligations, which gives defenders of these state laws an international law argument to layer on top of the domestic constitutional defenses already in play, even though U.S. courts won’t treat the advisory opinions as binding.

The ICJ’s willingness to accept aggregate and equitable estimates where precise damage quantification is impossible, and the IACtHR’s explicit reparations categories and evidentiary flexibility, together give litigators workable frameworks to bring to domestic courts, regional bodies, and eventually contentious international proceedings. The IACtHR’s finding that private business operators can be held liable domestically, and its reversed-burden-of-proof approach, are the more immediately actionable tools for corporate-facing litigation strategies.

Since the IACtHR opinion explicitly separates the Fund from full legal reparation, and the March 2026 OHCHR expert statement noted the Fund “remains severely underfunded and in need of reform,” advocates have a clean argument: continued underfunding of the Loss and Damage Fund is not just a policy failure, it’s a state falling short of legal obligations the opinions establish independently.⁵⁹ That argument can be used in Fund replenishment campaigns to push past the current voluntary pledging model toward the kind of legally-grounded contribution framework Section 3 describes for climate finance generally.

This intersects with

CBDR-RC. Common but differentiated responsibilities and respective capabilities runs through both opinions’ reparations reasoning. Though neither Court built it into a binding allocation formula, Vice-President Sebutinde’s separate ICJ opinion explicitly proposed situating reparations within CBDR-RC, a route the majority didn’t take. That gap is itself a campaigning opportunity. CBDR remains the natural principle for allocating reparations responsibility, and its absence from the operative text of either opinion is a specific ask for future proceedings and General Assembly resolutions to fill.

Fossil fuel corporate liability. The IACtHR’s finding that private operators can be held liable domestically, paired with the ICJ’s finding that states are accountable for failing to regulate private actors’ emissions, together support a two-track corporate accountability strategy: direct suits against companies in domestic courts, and suits or advocacy against states for failing to regulate those companies in the first place.

Other applications of reparations. The IACtHR’s willingness to treat reparation to Nature as independent of human harm, and its attention to cultural and non-economic loss, both point toward reparations frameworks. Debt cancellation, technology transfer, and capacity-building were all raised by states during the ICJ proceedings as legitimate forms of compensation beyond cash payment. This lines up directly with the debt justice intersections raised in Section 3.

⁵⁷ Pillsbury Law, “New York’s ‘Climate Superfund’ Bill becomes Law, Part of a Trend,” <https://www.pillsburylaw.com/en/news-and-insights/climate-superfund-new-york.html>

⁵⁸ NRDC, “Climate Superfund Laws Defense Cases,” <https://www.nrdc.org/court-battles/climate-superfund-laws-defense-cases>; Georgetown Environmental Law Review, “The Pending Fate of Climate Superfund Statutes,” <https://www.law.georgetown.edu/environmental-law-review/blog/the-pending-fate-of-climate-superfund-statutes/>

⁵⁹ OHCHR, “UN experts urge states to support General Assembly resolution operationalising ICJ Advisory Opinion on climate obligations,” <https://www.ohchr.org/en/press-releases/2026/03/un-experts-urge-states-support-general-assembly-resolution-operationalising>

7. Conclusion and strategic roadmap for civil society

Building coalitions across movements

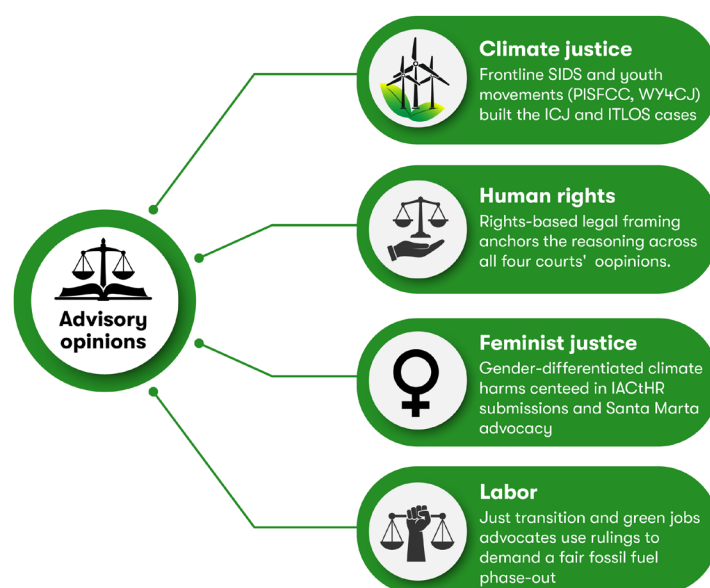
The six sections above make one thing clear: no single movement can carry these advisory opinions to their full potential alone. A climate finance lawyer citing the ICJ’s adaptation-finance findings, a labor organizer building the Belém Action Mechanism into a real just transition fund, a feminist advocate pushing the IACtHR’s intersectionality framework into domestic policy, and a human rights defender bringing treaty body submissions all need the same legal foundation, which means the strongest advocacy will come from these movements working the opinions together, not in parallel.

The Belém Action Mechanism itself is a case study in why this matters. It was created without dedicated financing, and the coalitions best positioned to fix that gap are the ones that already understand both sides of the transition: worker- and community-led just transition networks have spent over a decade building the argument that a transition away from fossil fuels must be designed by, not merely for, frontline workers and fenceline communities.⁶⁰ Feminist climate networks, meanwhile, are already working to ensure the Belém Gender Action Plan doesn’t get “retrofitted later, or abandoned entirely,” in the words of one coalition tracking the process through the Bonn intersessional talks.⁶¹

For CESR specifically, this means treating the playbook’s four thematic sections as entry points into existing coalitions rather than as CESR-only campaigns. The finance section connects naturally to the debt and tax justice coalitions CESR already works within; the fossil fuel section to just transition and labor networks; the human rights section to feminist and Indigenous rights movements; and the reparations section to the broader reparations and CBDR advocacy already underway in Loss and Damage Fund campaigns. The opinions give these movements a shared legal vocabulary, due diligence, *jus cogens*, reparations, cooperation, that wasn’t widely recognized with much authority before their existence.

Four movements, one legal strategy

How global justice movements converge around the advisory opinions



Each pillar contributed evidence, expertise or political pressure to the advisory opinion campaigns, and each now uses the resulting jurisprudence to advance its own agenda.

⁶⁰ Just Transition Alliance, “What We Do,” <https://jtalliance.org/about-us/>; Climate Justice Alliance, “Just Transition,” <https://climatejusticealliance.org/just-transition/>

⁶¹ WEDO, “Where Feminist Voices Are Showing Up for the Just Transition (May-June 2026),” <https://wedo.org/resources/where-feminist-voices-are-showing-up-for-just-transition-may-june-2026/>

The role of Global South leadership

Every legal development this playbook covers traces back to Global South leadership. Fijian and broader Pacific Islander law students started the campaign for the ICJ opinion in 2019; Vanuatu carried it to the UN General Assembly and built a 132-state coalition behind it. Chile and Colombia jointly requested the IACtHR opinion, framing climate change explicitly as a hemispheric human rights emergency. Colombia and the Netherlands co-hosted the Santa Marta conference that picked up where COP30's formal text left off. And the African Court's forthcoming opinion, discussed in Section 1, was petitioned by the Pan-African Lawyers Union and the African Climate Platform, explicitly foregrounding adaptation and just transition rather than the mitigation framing that dominated the earlier opinions.

This pattern should shape how CESR and its partners engage going forward. Global South governments and civil society aren't simply the intended beneficiaries of these legal developments. Instead, they are the primary authors of the legal strategy. Solidarity from Global North partners is most useful when it follows that leadership rather than substituting for it: amplifying Global South-led litigation and advocacy, resourcing Global South legal teams and civil society coalitions directly, and using Global North platforms and access to advance strategies set by the states and movements bringing these claims, rather than setting parallel priorities from outside.

8. Next steps and CESR's role

What comes next: Learning, organizing and defending the gains

The advisory opinions are not an endpoint. Their significance will depend on how governments, courts, international institutions, communities and movements interpret and use them in the years ahead. New court decisions, treaty body findings, domestic litigation, climate policies and international negotiations will continue to test their meaning and reach. Continued learning and collective monitoring can help civil society identify emerging opportunities, expose gaps in implementation, and share lessons across movements and jurisdictions.

The forthcoming African Court opinion will be an important development to watch, particularly for what it may add on reparations, adaptation and just transition. But it is only one part of a broader process. Researchers, lawyers, activists and civil society organizations can help translate emerging jurisprudence into tools for litigation, advocacy and organizing, while connecting it to struggles for debt justice, tax justice, climate finance, reparations and a just transition.

At the same time, the progress reflected in these opinions should not be taken for granted. The failure of COP30 to formally incorporate these developments into its outcome text illustrates that legal recognition does not automatically translate into political action. The gains represented by the opinions may face resistance, attempts to narrow their interpretation, or efforts to ignore them altogether. Monitoring these responses, documenting implementation gaps, and challenging efforts to weaken these standards will therefore be as important as using the opinions to advance new claims.

The task now is not simply to “implement” the advisory opinions, **but to keep learning from them, put them to work, and organize collectively to defend and build on the standards they establish.** The opinions provide a shared legal vocabulary around cooperation, due diligence, equality, *jus cogens*, reparations and differentiated responsibilities. By bringing this vocabulary into various movements and struggles, civil society, academia, legal practitioners, and affected communities can help ensure that these legal breakthroughs serve as a foundation for sustained advocacy and accountability.

The challenge—and the opportunity—is to bring legal clarity and organized political action together, so that the advances achieved through these opinions are not only preserved, but continually expanded.