

Policy Ripple Effect:

How the ICJ Advisory Opinion Could Shape India's Climate Governance

Introduction

In recent years, the climate crisis has accelerated at a frightening pace, laying bare the inadequacies of current policies and prompting urgent calls for stronger global cooperation. In this context, a historic move is underway at the International Court of Justice (ICJ) that could redefine the legal responsibilities of States in the face of climate change. This advisory opinion presents an opportunity in rethinking and reshaping its climate governance.¹ This blog explores three specific opportunities alongside three key challenges: on the one hand, judicial reinforcement, legislative innovation, and institutional coordination; and non-binding legal status, political and economic trade-offs, and implementation limits on the other. It also looks at the wider ripple effects which the ICJ's forthcoming advisory opinion could set in motion: energising youth movements, reshaping diplomacy, and deepening the connection between climate action and law.

For India — a country trying to juggle with both its developmental needs and environmental vulnerabilities — this advisory opinion offers more than legal clarification.

India's Engagement with the ICJ Advisory Opinion

India has adopted an active role in the advisory opinion process. At the hearings in The Hague from 2 to 13 December, 2024, India submitted that the Court² should emphasise equity, historical responsibility, and the principle of common but differentiated responsibility. Although as we know the opinion is non-binding, it might carry a considerable legal and moral authority, potentially influencing future treaty negotiations, domestic legislation and policy, and judicial and quasi-judicial rulings and decisions.

While India's focus is largely on the ICJ opinion, parallel proceedings at the Inter-American Court of Human Rights ([IACtHR](#)) and the International Tribunal for the Law of the Sea ([ITLOS](#)) on climate obligations further strengthen the growing body of climate jurisprudence. These opinions could collectively reinforce global norms around State responsibility and environmental human rights.

India's Climate Governance: Challenges and Opportunities

India's climate governance is currently shaped by a tricky and often fragmented framework involving various ministries and agencies. At the national level, the Ministry of Environment, Forest and Climate Change (MoEFCC) plays a central role, with initiatives like the National Action Plan on Climate Change (NAPCC) which leads the policy direction³. The NAPCC includes eight missions focusing on areas such as solar energy, energy efficiency, sustainable agriculture, and more. At the State level, individual State Action Plans on Climate Change (SAPCCs) are intended to align with the national framework, although the implementation varies widely. India's promises to the international fraternity are quite ambitious, especially

¹ Daniel Bodansky, Jutta Brunnée, and Lavanya Rajamani, *International Climate Change Law* (Oxford: Oxford University Press, 2017).

² Republic of India, *Written Submission to the International Court of Justice on the Climate Change Advisory Opinion*, December 2024.

³ *National Action Plan on Climate Change*, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi, 2008.

under the [Paris Agreement](#); India's nationally determined contributions aim to reduce the emissions intensity of GDP and reach net-zero emissions by 2070.⁴ Yet, despite these efforts, India lacks a comprehensive, centralised climate law that unifies and streamlines its approach.

This section explores six areas in which the ICJ advisory opinion could influence India's climate governance: (1) judicial reinforcement, (2) legislative momentum, (3) institutional coordination, (4) energy transition, (5) civil society mobilisation, and (6) global diplomacy. The six sections below examine both the potential and limitations in each area.

Judicial Reinforcement:

The ICJ's advisory opinion could become a catalyst for change. This advisory opinion can have the potential to provide a strong international basis for enhancing India's domestic legal framework by reinforcing the legal obligations of States. There are high chances that the courts in India, which have historically been proactive in environmental matters, might look to the advisory opinion to support constitutional interpretations of the right to a clean and healthy environment under Article 21. This could lead to more positive judicial interventions on issues ranging from air pollution to industrial emissions. For example, considering the [MC Mehta series of judgments](#), the Indian Supreme Court invoked constitutional rights to mandate environmental safeguards.⁵ The ICJ opinion can become an extra pillar for such rulings, which can expand the doctrinal scope of climate justice in India.

Legislative Momentum:

The opinion of the ICJ can also inspire legislative action. While India has various environmental laws, including the Environment Protection Act, they often address pollution control and conservation in bits. The ICJ opinion could give rise to the discussions on implementing a national climate law which incorporates principles like intergenerational equity, environmental justice, and carbon budgeting which India currently lacks; such legislations can also try to institutionalise climate responsibility across sectors and help establish clear accountability mechanisms. By looking into the cases of countries like Kenya and the UK ([Kenya's Climate Change Act 2016](#) and the [UK's Climate Change Act 2008](#)), it can be seen that they have already developed dedicated climate legislation. India could act by looking into these models for guidance while tailoring them to the country's unique social and developmental context.⁶

Institutional Coordination:

Institutionally, India's climate plan could benefit from greater clarity. Ministries often operate in isolation, which leads to duplication or conflict in climate policies. The ICJ may stress the importance of effective governance and inter-agency coordination in meeting international obligations. This could prompt India to try and consider setting up a high-level climate authority, where it can act by overseeing the policy design, implementation, and monitoring across ministries and levels of government. Such an entity could function under the Prime Minister's Office, ensuring visibility, coordination, and policy continuity.

⁴ *India's Updated Nationally Determined Contribution under the Paris Agreement*, Ministry of Environment, Forest & Climate Change, Government of India, submitted to UNFCCC, 3 August 2022.

⁵ *MC Mehta v. Union of India*, AIR 1987 SC 965 (Supreme Court of India).

⁶ Climate Change Act 2008, United Kingdom, legislation.gov.uk; Climate Change Act 2016, Republic of Kenya, kenyalaw.org.

Energy Transition and Just Transition:

Another area where the advisory opinion could make an impact is in India's energy transition. As we know, India continues to rely heavily on coal for energy, even as it makes long steps in renewable capacity.⁷ If the ICJ highlights the principle of due diligence and precaution in State conduct, it could lend support to policies that phase out fossil fuels more decisively. This policy can in turn justify stronger incentives for clean energy, accelerating the timelines for decarbonisation, and strategising support for affected communities and workers through just transition frameworks. The coal-dependent regions in India which are Jharkhand, Chhattisgarh, and Odisha could become the areas for testing State-supported green transitions. The advisory opinion may encourage India to incorporate just transition as a legal and policy priority, aligned with international labour and climate standards.⁸

Civil Society and Youth Mobilisation:

It is to be noted that there is a possibility of the ripple effects of the ICJ influencing civil society actors, especially youth. The advisory opinion campaign was directed by the World's Youth for Climate Justice (WY4CJ)⁹, amongst other civil society organisations, reflecting growing youth engagement in legal and political climate advocacy. In India, a country with one of the highest youth populations, where these people are already at the forefront of environmental campaigns — from Fridays for Future to the Save Aarey movement — the opinion could serve as a tool to pressure the government for more ambitious climate action, greater transparency, and inclusive decision-making processes. Law schools, student unions, and community groups could use the opinion as an instruction and advocacy tool which can also localise international legal norms into everyday discourse.¹⁰

Diplomatic Leverage on Climate Equity:

On the other hand, in the international stage, the opinion may boost India's long-standing diplomatic position which is rooted in climate justice and equity. India has consistently argued for a common but differentiated responsibilities and respective capabilities, advocating for the fact that the developed countries must bear the historical burden of emissions¹¹ and provide financial and technological assistance to the Global South. A well-reasoned ICJ opinion could give legal standing to these claims and help India negotiate more effectively in forums like the UNFCCC.¹² It could also offer legal weight to initiatives that attempt to universalise emission cuts without acknowledging past responsibilities or capabilities by other States. Yet, significant challenges remain, including resistance from developed nations, the non-binding nature of

⁷ Shreya Ghosh, "India's Energy Transition: Policy Gaps and Institutional Barriers," *Economic & Political Weekly* 56, no. 22 (2021).

⁸ International Labour Organization, *Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All* (Geneva: ILO, 2015), https://www.ilo.org/global/topics/green-jobs/publications/WCMS_432859/lang--en/index.htm.

⁹ World's Youth for Climate Justice, "Global Campaign Summary," 2024, <https://youth4climatejustice.org>.

¹⁰ Columbia Law Blog, "ICJ's Advisory Opinion on Climate Change: Youth Engagement," *Columbia University Climate Law Blog*, December 2024, <https://blogs.law.columbia.edu/climatechange>.

¹¹ Anil Agarwal and Sunita Narain, "Global Warming in an Unequal World: A Case of Environmental Colonialism" (New Delhi: Centre for Science and Environment, 1991).

¹² UNFCCC, "Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC)," United Nations Framework Convention on Climate Change, accessed June 8, 2025, <https://unfccc.int/topics/mitigation/the-big-picture/what-is-mitigation>.

advisory opinions, and the difficulty of translating moral or legal recognition into concrete financial or technological commitments.

Limitations and Challenges Ahead

The non-binding nature of the advisory opinion means it lacks direct enforceability.¹³ Its influence will mostly vary depending on how actively civil society, courts, and policymakers in India choose to engage with its findings. Moreover, India's economic development priorities and institutional limitations may complicate the incorporation of international legal expectations into national reforms. Climate action also requires significant investments in infrastructure, human capacity, and governance mechanisms, all of which poses fiscal and political challenges. There is also the matter of political buy-in; climate reforms often involve short-term costs for long-term gains. This can be a difficult proposition in a highly politicised and economically stratified country like India.

Despite these limitations, we must consider the potential of the advisory opinion to shape narratives and standards which should not be underestimated. International law often evolves gradually, and the ICJ opinion could mark a turning point in how environmental obligations are understood. For India, this can be in the way that the opinion can act as an invitation to take the lead in climate governance through law, policy, and principle. By aligning its national strategies with globally accepted legal norms, India can enhance its international standing while securing a liveable future for its own citizens.

To make the most of this opportunity, India can consider drafting a robust climate framework law that enshrines the principles of justice, equity, and sustainability. This should be accompanied by the creation of an empowered climate commission who can coordinate policy, monitor progress, and hold actors accountable. India should also put efforts into building climate literacy across sectors, mainstream climate resilience into development planning, and ensure that the transition away from fossil fuels is equitable and inclusive. Partnerships between academia, think tanks, NGOs, and government bodies will be crucial in building the institutional architecture needed to implement these changes.

Finally, we must not forget the cultural dimension to climate governance. India's diverse spiritual traditions often emphasise harmony with nature, interdependence, and stewardship. These cultural values can serve as soft powers which can accelerate domestic climate education and international climate diplomacy. The ICJ opinion could act as a moment of alignment, where constitutional rights, international norms, and civilizational ethos converge into a shared narrative of ecological justice.

Conclusion

As the world awaits the ICJ's opinion, India stands at an intersection. It can continue with gradual reforms or seize this moment to undertake bold, transformative climate action in both constitutional mandates and international obligations. Whether this ripple becomes a wave will depend on what India chooses to do.

In the meantime, academic institutions, legal researchers, and civil society groups in India can try to start preparing for the opinion's release by convening discussions, publishing commentaries, and crafting actionable policy recommendations. These proactive steps will ensure that the advisory opinion does not remain a symbolic gesture but is used for a meaningful change. By doing so, India can reaffirm its global commitment while enhancing its domestic institutions and communities to become the true leaders of a just and resilient future.

¹³ Statute of the International Court of Justice, art. 65, June 26, 1945, 59 Stat. 1055, T.S. No. 993.

The significance of this moment goes beyond law or diplomacy — it is also about vision. Climate governance is no longer a luxury of wealthy societies; it is a survival tool for all. If India rises, the ICJ advisory opinion could not only reshape national policies but also inspire a generation of lawmakers, scholars, and citizens to view climate responsibility as an integral part of democratic governance and ethical leadership.

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