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LAW AS PROVOCATION

The ICJ's 2025 Advisory Opinion on the Obligations of States in Respect of Climate Change

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The International Court of Justice's (ICJ) 2025 advisory opinion on climate change marks a significant expansion of international law into the governance of global public goods. By framing climate inaction as a potential violation of international law and human rights, the Court advances a progressive legal agenda that extends beyond existing political consensus and enforcement capacity. This article develops a realist critique of the ruling that avoids both legal romanticism and nihilism. It argues that the opinion cannot compel state compliance in an anarchic system characterized by sovereignty, power asymmetries, and strategic interests, and that excessive judicial ambition may risk undermining institutional credibility.

At the same time, the article contends that, in the context of climate change as an existential risk, normative ambition by international courts can be strategically consequential. The ICJ's climate opinion functions less as enforceable law than as a mechanism for reshaping legitimacy, empowering litigation and civil society, and increasing the political costs of inaction. The ruling thus reveals a central paradox of international law under realism: law cannot govern without power, yet it can still influence power by redefining the terms of political contestation.

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INTRODUCTION: LAW'S AMBITION MEETS POLITICAL REALITY

In July 2025, the ICJ delivered an advisory opinion that many immediately framed as a turning point in the legal governance of climate change. For the first time at this level of judicial authority, the Court articulated climate change not merely as an environmental concern or a matter of discretionary cooperation, but as a domain governed by binding obligations under international law. States, the Court argued, have duties to mitigate greenhouse gas emissions, to protect populations—present and future—from foreseeable climate harms, and to assist vulnerable countries facing disproportionate impacts. In doing so, the ICJ placed climate change squarely at the intersection of environmental law, human rights law, and the foundational principles of state responsibility.

The enthusiasm that followed was understandable. The opinion appeared to close a long-standing gap between scientific certainty and legal accountability, elevating climate action from the realm of political commitment to that of legal obligation. For advocates of global climate justice, the ruling symbolized a long-awaited moral and legal reckoning: a recognition that climate inaction is not neutral policy failure but a form of harm, with identifiable victims and foreseeable consequences. In this reading, the Court did what political negotiations had repeatedly failed to do—it clarified the law in the face of an accelerating planetary emergency.

Yet the criticism was equally swift and, in many respects, equally grounded. Skeptics questioned whether the Court had ventured beyond the proper limits of judicial interpretation, transforming aspirational norms and fragmented treaty commitments into far-reaching obligations without the consent mechanisms that traditionally underpin international law. Others pointed to the structural weakness at the heart of the opinion: the absence of enforcement against major emitters, whose economic and strategic interests remain deeply tied to fossil fuels. From this perspective, the ruling risks exposing the familiar fragility of international law—bold in declaration, constrained in effect—while potentially inviting political backlash against judicial institutions perceived as overstepping their mandate.

Both responses capture essential dimensions of the moment. The ICJ's intervention reflects an enduring dilemma in global governance: law's aspiration to shape behavior in a system defined by sovereign equality, power asymmetries, and the absence of centralized enforcement. A realist reading cautions that international law, particularly on issues as deeply embedded in national development models as energy and industrial policy, cannot compel compliance where core interests are at stake. States remain the primary actors, and their willingness to act is filtered through calculations of power, cost, and strategic advantage.

At the same time, climate change exposes the limits of a purely interest-based realism. Unlike traditional security threats, climate disruption operates cumulatively and transnationally, eroding the very material foundations upon which state power rests: economic stability, social cohesion, territorial integrity, and human capital. In this sense, climate change is not simply another item on the diplomatic agenda but a systemic stressor that challenges the adequacy of existing political and legal frameworks. Normative ambition, even when it outpaces immediate compliance, can play a constitutive role in redefining expectations, reshaping

discourse, and influencing long-term state behavior.

This essay begins from that tension rather than seeking to resolve it. It treats the ICJ's climate opinion neither as a triumph of law over politics nor as a naïve exercise in judicial idealism. Instead, it situates the ruling within the broader struggle to govern global public goods in an anarchic international system. The significance—and the risk—of the Court's intervention lies precisely here: in its attempt to push the boundaries of legal responsibility at a moment when political mechanisms remain deeply inadequate, and when the costs of inaction threaten to overwhelm both realism and law itself.

I. REALISM AND THE STRUCTURAL LIMITS OF INTERNATIONAL LAW

The Sovereignty Dilemma

At the core of realist theory lies a stark but enduring proposition: the international system is anarchic. As **Kenneth Waltz** famously argued, anarchy does not imply chaos, but the absence of a central authority capable of enforcing rules across sovereign states. In such a system, survival, autonomy, and strategic advantage constitute the primary imperatives of state behavior. International law, from this perspective, is not irrelevant—but it is secondary. It is observed selectively, instrumentalized when useful, and sidelined when it collides with core national interests.

Classical realists such as **Hans Morgenthau** were explicit on this point: moral principles and legal norms cannot override the logic of power and interest. Structural realists like **John Mearsheimer** went further, arguing that institutions and legal regimes largely reflect the distribution of power rather than constrain it. Compliance, in this view, is contingent—not obligatory. States obey rules not because they are rules, but because doing so serves their interests under prevailing power configurations.

It is within this structural reality that the climate advisory opinion of the **ICJ** must be situated. The Court possesses neither police powers nor sanctioning mechanisms. It cannot compel emissions reductions, mandate energy transitions, or penalize non-compliance. Its authority is normative and interpretive, not coercive. Declaring climate inaction a "wrongful act" may clarify legal doctrine, but it does not alter the underlying calculus of states whose economic growth, political stability, or geopolitical influence remains tied to carbon-intensive development. For major emitters, the costs of compliance—real or perceived—continue to outweigh the reputational or legal risks of defiance.

Organized Hypocrisy and Climate Action

This gap between normative affirmation and practical behavior is not accidental; it is structural. **Stephen Krasner** famously described international governance as a system of "organized hypocrisy," in which states routinely endorse universal norms while violating them when expedient. Canadian Prime Minister Carney echoed this dynamic in a particularly well-articulated speech at the Global Economic Forum in Davos on January 20, 2026. Sovereignty itself, Krasner argued, endures precisely because it is flexible—invoked or ignored depending on circumstance. Climate governance exemplifies this pattern with remarkable clarity.

Virtually all states now affirm the urgency of climate action, endorse the language of responsibility,

and submit nationally determined contributions under multilateral frameworks. Yet these rhetorical commitments coexist with policies that deepen carbon dependence. China continues to approve new coal-fired power plants in the name of energy security and industrial resilience. European states, including Germany, have reclassified certain fossil-based technologies as transitional or "clean" to stabilize domestic energy systems. The United States has expanded liquefied natural gas exports to strengthen geopolitical leverage and support allies. Gulf economies publicly champion climate diplomacy while simultaneously reinforcing hydrocarbon-driven growth models.

These contradictions are not policy failures in a realist sense; they are rational adaptations to competing imperatives. States face electorates, industrial lobbies, security establishments, and development pressures that render abrupt decarbonization politically costly and strategically risky. Climate norms are therefore embraced at the level of discourse, while implementation is calibrated to preserve autonomy and advantage. International law, including the ICJ's opinion, enters this landscape as one normative signal among many—rarely decisive on its own.

Strategic, Not Legal, Calculations

From a realist lens, climate action is best understood not as obedience to legal obligation, but as a byproduct of strategic competition. States invest in green technologies, regulate carbon, or impose trade-related climate measures when doing so enhances their relative position in the international system. The European Union's Carbon Border Adjustment Mechanism, for example, is as much about protecting industrial competitiveness and preventing carbon leakage as it is about global emissions reduction. The United States' Inflation Reduction Act reflects a similar industrial policy logic—reshoring supply chains, securing technological leadership, and outcompeting rivals—rather than compliance with international legal doctrine. China's dominance in solar panels, batteries, and critical minerals is driven by long-term strategic planning, not by fear of legal censure.

Seen through this prism, climate governance becomes another arena of power politics and geoeconomics. Law follows strategy, not the reverse. Normative claims are mobilized to legitimize policies already rooted in calculations of interest. Legal language may frame outcomes, but it rarely determines them.

The implication for the ICJ's climate opinion is sobering. While the ruling may elevate climate justice as a principle and provide moral leverage to vulnerable states and civil society, it cannot overturn the fundamental logic of a realist world order. Sovereign states remain the ultimate arbiters of compliance. Interests precede obligations. Power conditions law.

This does not render the Court's intervention meaningless—but it does define its limits. The authority of international law on climate change, as realism reminds us, will rise or fall not with judicial declarations alone, but with shifts in material incentives, strategic alignments, and the evolving costs of inaction itself.

II. ADVISORY OPINIONS AND JUDICIAL OVERREACH

Advisory opinions occupy an ambiguous space in international law. They are formally non-binding, yet symbolically powerful; legally authoritative, yet politically contingent. Over time, the ICJ has used this instrument to articulate normative principles on some of the most sensitive issues in global politics. The record, however, reveals a recurring pattern: ambitious legal clarification followed by limited or selective political uptake. From a realist standpoint, this pattern is not accidental but structural.

A Recurrent Pattern of Normative Ambition

The Court's 1996 advisory opinion on the Legality of the Threat or Use of Nuclear Weapons is often cited as an early illustration. While the **ICJ** stopped short of an absolute prohibition, it declared that the use of nuclear weapons would generally be contrary to international humanitarian law. The opinion was widely hailed by disarmament advocates, yet nuclear-armed states promptly dismissed its practical relevance. Deterrence doctrines remained intact, arsenals were modernized, and strategic stability considerations prevailed. As commentators such as **Christopher Joyner** noted at the time, the ruling clarified norms without altering underlying power realities.

A similar fate befell the 2004 advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. The Court found that the wall violated international law and affirmed the rights of the Palestinian people. Normatively, the opinion reinforced the applicability of humanitarian and human rights law to prolonged occupation. Politically, however, the judgment collided with entrenched security narratives and geopolitical alignments. Israel rejected the opinion, key allies shielded it from meaningful consequences, and the facts on the ground continued to evolve independently of the Court's reasoning.

The 2019 advisory opinion on the Chagos Archipelago followed a similar trajectory. The ICJ concluded that the United Kingdom's continued administration of the territory was unlawful and that decolonization had not been properly completed. While the ruling galvanized international opinion and strengthened Mauritius's diplomatic position, strategic considerations—most notably the military value of Diego Garcia—delayed compliance. The **United Kingdom** eventually entered negotiations, but only after years of resistance and under sustained political pressure rather than immediate legal obligation.

The Climate Opinion in Context

The 2025 climate advisory opinion fits squarely within this lineage. Like its predecessors, it is legally innovative and normatively expansive, translating diffuse treaty commitments and scientific consensus into articulated duties of conduct and prevention. It provides a vocabulary of responsibility—harm, foreseeability, due diligence—that activists, vulnerable states, and domestic courts can mobilize. Yet, as realism would predict, it does not alter the strategic calculus of major emitters overnight. There is no enforcement mechanism, no sanction for non-compliance, and no guarantee that powerful states will internalize the Court's interpretation when it conflicts with economic or geopolitical priorities.

From a strictly realist perspective, such bold judicial moves risk exposing the limits—and even the fragility—of international law. When courts pronounce obligations that remain systematically unmet, they invite accusations of irrelevance or judicial overreach. Repeated dissonance between law and behavior can erode credibility, reinforcing the view that international law is aspirational rhetoric rather than a meaningful constraint on power.

Updates and Emerging Effects

Yet stopping the analysis here would be incomplete. Recent developments suggest that advisory opinions, even when ignored at the intergovernmental level, can generate indirect and delayed effects. National courts, unlike the ICJ, operate within enforceable legal systems and may use the advisory opinion as interpretive guidance. While formally non-binding, the ICJ's climate advisory opinion can begin to shape domestic adjudication, as national courts draw on it as interpretive authority within enforceable legal systems.

This dynamic mirrors earlier climate jurisprudence in which international law has been used to crystallize domestic duties. In **Germany**, the **Federal Constitutional Court of Germany** held in *Neubauer et al. v. Germany* (2021) that insufficient climate action violated intergenerational constitutional rights, explicitly relying on international climate commitments to define the scope of state obligations. In the **Netherlands**, the Supreme Court in *Urgenda Foundation v. State of the Netherlands* (2019) treated international climate norms and human rights law as legally relevant benchmarks for assessing the state's duty of care. In **France**, the **Conseil d'État** ordered the government in *Commune de Grande-Synthe* (2021) and subsequent rulings to align policy with emissions targets derived from international and European commitments.

In **Colombia**, the Supreme Court of Columbia's *Future Generations v. Ministry of the Environment* (2018) framed climate harm as a constitutional rights issue, invoking international environmental principles as interpretive support. In **South Africa**, the High Court of South Africa in cases such as *Earthlife Africa Johannesburg v. Minister of Environmental Affairs* (2017) linked climate impacts to constitutional rights to health and dignity, explicitly drawing on international environmental law.

Against this background, the ICJ opinion does not introduce a novel judicial logic, but rather consolidates an emerging practice in which domestic courts use international climate law to legitimize closer scrutiny of national mitigation and adaptation policies—without formally displacing legislative or executive authority. Development banks, export credit agencies, and institutional investors are also increasingly attentive to legal risk narratives associated with climate harm, even if states themselves remain cautious.

Moreover, advisory opinions can reshape the terms of political debate. They narrow the space for legitimate denial, reframe climate inaction as a legal wrong rather than a policy choice, and strengthen the rhetorical position of vulnerable states in diplomatic forums. In this sense, the Court's role is not to compel compliance directly but to recalibrate expectations and redefine what counts as responsible state behavior over time.

Between Overreach and Agenda-Setting

The realist caution, therefore, is well taken but not dispositive. Judicial ambition does carry risks, particularly when it outpaces political consensus. However, history also shows that advisory opinions can function as agenda-setting devices rather than enforcement tools. They "plant seeds," as it were—normative reference points that may lie dormant before influencing law, policy, and practice through indirect channels.

The climate advisory opinion thus sits uneasily between overreach and necessity. It exposes the structural limits of international adjudication in an anarchic system, yet it also reflects a conscious choice by the Court to engage with an existential global challenge rather than retreat into legal minimalism. The balance is delicate: too much ambition risks undermining credibility; too little risks irrelevance. It is precisely within this tension that the significance of the ICJ's climate intervention must be assessed.

III. AMBITION IN THE FACE OF EXISTENTIAL THREATS

Why Overreach Can Be Necessary

Climate change differs fundamentally from the issues addressed in the ICJ's earlier advisory opinions. Nuclear weapons, territorial disputes, and decolonization, however consequential, involved identifiable actors, bounded interests, and relatively discrete arenas of contestation. Climate change, by contrast, constitutes a global public good problem of unprecedented scale. Its causes are diffuse, its impacts transboundary, and its consequences cumulative and irreversible. No state can fully insulate itself from climate disruption, and no unilateral strategy can provide durable security. In this context, the traditional realist reliance on incrementalism and voluntary coordination begins to fray.

It is precisely here that the climate advisory opinion of the **International Court of Justice** acquires a different significance. Even if the ruling stretches existing doctrine, its ambition reflects the gravity of the threat it addresses. Political processes—COP negotiations, national pledges, and market-led transitions—have proven persistently inadequate to the scale and urgency of the problem. Emissions continue to rise, adaptation gaps widen, and vulnerable states bear costs they did little to create. Against this backdrop, judicial restraint risks amounting to complicity through silence.

As **Daniel Bodansky** has argued, international environmental law derives much of its influence not from coercion but from its symbolic, communicative, and mobilizing functions. Legal pronouncements shape narratives of responsibility, legitimize claims, and structure political contestation. By framing climate inaction as unlawful rather than unfortunate, the ICJ alters the moral and legal vocabulary available to activists, litigators, and affected communities. The ruling strengthens strategic climate litigation in domestic courts, bolsters civil society advocacy, and increases reputational costs for persistent laggards. In this sense, what realists might label "overreach" can function as a catalyst—injecting urgency into systems otherwise paralyzed by short-term interests.

Norms as Precursors to Power

A longer historical view further tempers realist skepticism. Many of the norms now regarded as foundational to international order emerged not from immediate power consensus but from sustained normative pressure that initially appeared detached from political reality. The abolition of slavery, the delegitimization of colonial rule, and the global rejection of apartheid were once dismissed as utopian or destabilizing to existing economic and strategic arrangements. Yet over time, legal condemnation reshaped political incentives, altered reputational hierarchies, and eventually converged with shifts in material power.

Climate governance may follow a similarly nonlinear trajectory. The ICJ's ruling does not compel immediate compliance, but it contributes to the gradual construction of expectations about what constitutes lawful and responsible state behavior. It strengthens the position of climate-vulnerable states in diplomatic negotiations, reinforces demands for loss-and-damage mechanisms, and provides a normative anchor for future treaty development. Norms, in this reading, do not replace power; they precede and channel it. They define the direction in which power can move without incurring legitimacy costs.

The Value of Judicial Provocation

This dynamic underscores the strategic value of what might be termed judicial provocation. Martti Koskenniemi famously warned against international law drifting into utopia—losing credibility by articulating ideals detached from political reality. That caution remains valid. Yet climate change presents a paradox: the greater danger may lie not in excessive ambition but in legal timidity that normalizes inertia in the face of systemic collapse.

In climate governance, utopia has instrumental value. It raises the discursive and political costs of inaction, creates legal reference points for future adjudication, and empowers actors—particularly small island states and developing countries—whose voices are otherwise marginalized in power-based negotiations. Judicial ambition can expose contradictions between states' rhetorical commitments and their material practices, thereby narrowing the space for organized hypocrisy.

Ultimately, ambition does not negate realism; it complements it under exceptional conditions. Power still matters. Interests still dominate. But existential threats alter the strategic environment in which interests are defined. By pushing the boundaries of law, the ICJ does not claim to substitute legal authority for political power. Rather, it seeks to redirect power—incrementally, unevenly, and over time—toward the preservation of a global public good upon which all state interests ultimately depend.

IV. CLIMATE REPARATIONS AND NORTH–SOUTH REALITIES

Finance Gaps and Broken Promises

One of the most politically sensitive dimensions of the ICJ's climate advisory opinion lies in its implicit linkage between responsibility and finance. By affirming that states have obligations not only to mitigate harm but also to assist those disproportionately affected, the ICJ echoed—without fully endorsing—the long-running debate over loss and damage. For many developing countries, this was the most consequential aspect of the ruling: a juridical acknowledgment that climate harm entails material responsibility, not merely moral concern.

Yet realism immediately intrudes. The historical record of climate finance is one of chronic underdelivery and strategic ambiguity. Advanced economies pledged to mobilize $100 billion annually by 2020 to support mitigation and adaptation in developing countries—a commitment that has been repeatedly delayed, redefined, and only partially fulfilled. As recent assessments by the World Bank make clear, actual flows remain fragmented, heavily loan-based, and often misaligned with the needs of the most vulnerable states. Meanwhile, projections cited by the International Monetary Fund estimate that adaptation costs alone in developing economies could reach $300 billion annually by 2030, far exceeding existing commitments.

From a realist perspective, this gap is not a technical failure but a political one. Binding reparations or legally enforceable compensation mechanisms would impose fiscal and political costs on wealthy states that domestic constituencies are unwilling to bear. Climate finance competes with defense spending, industrial subsidies, and social programs, particularly in an era marked by geopolitical rivalry, inflationary pressures, and electoral volatility. Under such conditions, affluent states predictably resist any legal framing that transforms climate solidarity into obligation.

The Development Imperative

The North–South divide is further deepened by sharply divergent development trajectories, nowhere more evident than in the Middle East and North Africa. In much of the region, fossil fuels are not simply an energy input but a central pillar of state capacity, employment, and macroeconomic stability. Hydrocarbon-dependent economies such as Algeria, Iraq, and Libya rely heavily on oil and gas revenues to finance public wages, subsidies, and basic services, while also managing chronic balance-of-payments constraints. In the Gulf, countries such as Saudi Arabia, United Arab Emirates, and Kuwait have leveraged hydrocarbon rents to underpin social contracts, political stability, and ambitious diversification strategies, even as they invest selectively in renewables and low-carbon technologies. Meanwhile, energy-importing states such as Egypt and Jordan face a different but equally binding constraint: expanding energy access and sustaining growth amid fiscal fragility, high unemployment, and rising social pressures.

Against this backdrop, a purely legalistic decarbonization mandate—detached from these structural realities—risks appearing not only inequitable but destabilizing. Rapid fossil fuel phase-outs without credible financial transfers, technological alternatives, and transitional buffers could undermine public finances, weaken state legitimacy, and exacerbate social unrest, particularly in rent-dependent or politically fragile MENA states. Such outcomes would not merely generate

resistance to climate policies; they would actively erode the institutional capacity required to implement them. From a realist perspective, development imperatives and regime stability shape state behavior as powerfully as environmental concern. Any climate regime that fails to accommodate these political–economic constraints is therefore likely to encounter selective compliance, strategic delay, or outright rejection—dynamics that would ultimately undermine the very climate objectives it seeks to advance.

In this light, skepticism toward climate reparations is not simply moral indifference; it reflects deeply embedded asymmetries in capacity, responsibility, and vulnerability. States that industrialized early accumulated wealth through carbon-intensive growth. States that are still industrializing view constraints on that pathway as a threat to sovereignty and social cohesion. Law alone cannot resolve these asymmetries.

Toward a Balanced Approach

This is precisely where ambition must temper realism rather than confront it head-on. International law is unlikely to force reparations in the classical sense—binding transfers imposed through adjudication. But it can reframe expectations and shift the burden of justification. By recognizing climate harm as legally relevant, the ICJ strengthens the normative foundation for expanded climate finance, differentiated responsibilities, and innovative burden-sharing mechanisms.

Such mechanisms already point toward a more pragmatic synthesis: debt-for-climate swaps that ease fiscal pressure while funding adaptation; concessional finance and guarantees that crowd in private capital; reformed carbon markets that deliver predictable revenues to vulnerable states; and development-bank instruments that align climate goals with growth strategies. None of these tools is compelled by the ICJ's ruling—but all are legitimized by it.

The Court's intervention thus operates less as a trigger for reparations than as a recalibration of justice claims. It reinforces the argument that climate finance is not charity but obligation-informed solidarity. For vulnerable nations, this legal framing strengthens negotiating leverage in multilateral forums and development finance institutions. For wealthy states, it raises the reputational and political costs of continued underdelivery.

In realist terms, the ICJ ruling does not resolve the North–South climate bargain. Power asymmetries remain. Interests still dominate. But the ruling subtly shifts the terrain on which those interests are contested. It makes climate justice harder to dismiss, more costly to ignore, and increasingly central to the legitimacy of global leadership. Reparations may remain elusive—but the case for equity, responsibility, and meaningful support has been juridically reinforced.

V. FRAGMENTATION OR MOBILIZATION?

The Risk of Fragmentation

From a realist standpoint, the ICJ's climate advisory opinion risks accelerating an already visible trend in global climate governance: fragmentation. Faced with sweeping and potentially open-ended obligations, major powers may seek to insulate themselves from universal legal exposure by retreating into smaller, interest-aligned arrangements. Rather than strengthening multilateralism, ambitious legal pronouncements can incentivize selective cooperation among like-minded states—what **David Victor** famously described as "climate clubs."

This logic is already evident. The European Union's Carbon Border Adjustment Mechanism is not a universal climate instrument but a defensive trade tool designed to protect European industry and prevent carbon leakage. U.S.–EU negotiations on green steel and clean industrial supply chains similarly prioritize competitiveness and strategic alignment over inclusivity. China's efforts to "green" segments of its Belt and Road Initiative reflect a parallel logic: selective environmental upgrading that preserves geopolitical reach while avoiding binding external constraints. These plurilateral initiatives coexist uneasily with universal climate frameworks, and the ICJ's articulation of broad, undifferentiated obligations may reinforce incentives to operate outside them.

As **Robert Falkner** has argued, fragmented climate governance is often the rational response of states seeking flexibility, control, and insulation from legal risk. Universal regimes raise expectations and liabilities; clubs lower transaction costs and allow states to calibrate commitments to interest. From this perspective, the ICJ's ruling could unintentionally hasten the hollowing out of universalism, encouraging great powers to channel climate action into arenas they dominate rather than those governed by shared legal principles.

The Mobilizing Potential

Yet fragmentation is not synonymous with failure. A more nuanced reading suggests that decentralized governance may be an adaptive response to complexity rather than a retreat from responsibility. Smaller coalitions can experiment with policy instruments, accelerate technological diffusion, and generate momentum that eventually spills over into broader frameworks. Historically, many global norms have emerged not from universal consensus but from partial coalitions that gradually expanded their reach.

In this context, the ICJ's ruling can play a complementary role. Rather than preventing fragmentation, it can help discipline it—by establishing a normative floor beneath which even club-based arrangements cannot easily fall. By articulating shared obligations grounded in international law, the Court provides a common reference point that fragmented initiatives must at least rhetorically acknowledge. Clubs may vary in ambition and scope, but they operate within a broader legal and moral ecosystem shaped by the Court's interpretation.

This dynamic resonates with **Amitav Acharya**'s concept of a "multiplex world," in which global governance is no longer centralized or hierarchical but dispersed across multiple sites, actors, and levels. In such a world, coherence does not arise from uniformity but from overlapping norms and shared reference points. Law, even when weakly enforced, can supply that connective tissue—linking diverse initiatives into a loose but intelligible whole.

VI. A REALIST-AMBITION SYNTHESIS

Law as a Supplement

The ICJ's climate opinion underscores a core insight of realism: international law cannot substitute for politics. Courts do not command armies, control budgets, or determine energy mixes. Expecting judicial declarations to compel compliance from powerful states would be naïve. Yet realism does not require dismissing law altogether. Law can supplement politics by amplifying marginalized voices, legitimizing claims that would otherwise be dismissed, and structuring expectations about appropriate conduct.

Advisory opinions, in particular, operate through indirect channels. They inform domestic litigation, guide regulatory interpretation, shape diplomatic narratives, and influence the behavior of non-state actors—from investors to development banks. In these domains, legal authority can matter even when coercion is absent.

Ambition as a Necessary Counterweight

If realism explains why the ICJ's ruling may not be enforced, ambition explains why it matters nonetheless. Climate change presents a temporal asymmetry that conventional politics struggles to manage: the costs of action are immediate, while the benefits are diffuse and long-term. Legal ambition helps counter this bias by elevating future harm into present responsibility. It reframes climate action not as discretionary policy but as a matter of obligation and justice.

In this sense, ambition is not the enemy of realism but its corrective under exceptional circumstances. It injects urgency into a system predisposed to delay and helps build the moral and legal architecture upon which future agreements can rest. In vital global commons such as climate stability, law's reach may need to exceed its immediate grasp to remain relevant at all.

Navigating Between Prudence and Necessity

The challenge, then, is not to choose between realism and ambition but to navigate between them. Prudence demands recognition of sovereignty, interest, and power asymmetries. Necessity demands acknowledgment that incrementalism has failed to avert escalating harm. Climate governance requires both: pragmatic clubs, incentives, and industrial strategies on the one hand; and bold legal declarations that keep collective responsibility visible on the other.

The ICJ's intervention occupies this uneasy middle ground. It neither dissolves power politics nor ignores them. Instead, it seeks to orient them—imperfectly, indirectly, and over time—toward the preservation of a global public good upon which all state interests ultimately depend.

CONCLUSION: BETWEEN REALISM AND UTOPIA

The ICJ's climate advisory opinion stands at the intersection of realism and ambition. Realism warns that states will resist, sovereignty will prevail, and law will often be ignored. Ambition insists that humanity cannot afford paralysis, and that law must provoke, inspire, and, at times, shame—even when it cannot enforce.

This duality reflects the deeper complexity of governing global public goods in a fractured international system. Climate change is not only a technical or environmental challenge; it is a test of whether international law can extend beyond power without collapsing into irrelevance. The ICJ may not compel compliance, but it has reshaped the terms of debate—empowering vulnerable voices, clarifying responsibility, and underscoring the urgency of action.

In the end, the ruling may be remembered neither as judicial overreach nor as transformative law, but as a necessary attempt to bridge the widening gap between what realism permits and what ambition demands. In that tension lies both the fragility and the promise of climate governance in the twenty-first century.

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Before taking up his Mashreq assignment, Mr. Belhaj served as World Bank Director for the Pacific Department (2009-2012), where he developed a regional strategy that scaled up Bank engagement in small and fragile states, and tripled lending operations of the International Development Agency, one of the five institutions under the umbrella of the World Bank Group that provides interest-free loans and grants for Low-Income Countries. From 2007 to 2010, Mr. Belhaj was the World Bank's Special Representative to the United Nations (UN) in New York, where he engaged with various UN agencies on a range of programs, mainly climate change, the Millennium Development Goals, fragile and post-conflict states and the global financial and food crises.

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The Policy Center for the New South (PCNS) is a Moroccan think tank aiming to contribute to the improvement of economic and social public policies that challenge Morocco and the rest of Africa as integral parts of the global South.

The PCNS pleads for an open, accountable, and enterprising "new South" that defines its own narratives and mental maps around the Mediterranean and South Atlantic basins, as part of a forward-looking relationship with the rest of the world. Through its analytical endeavours, the think tank aims to support the development of public policies in Africa and to give the floor to experts from the South. This stance is focused on dialogue and partnership and aims to cultivate African expertise and excellence needed for the accurate analysis of African and global challenges and the suggestion of appropriate solutions.

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