



GREEN LAW GLOBAL INITIATIVE

International High-Level Moot Court Competition

Climate Change, Circular Economy, and Transboundary Apparel Harm

(ICJ Advisory Opinion–Centered Moot Proposition)

United Nations General Assembly Resolution A/RES/80/215 (2026)
Request for an Advisory Opinion of the International Court of Justice on State
Obligations Relating to Circular Economy Regulation, Transboundary Textile
Waste, and Climate Change

PREPARED BY

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PART I: INTRODUCTION AND JURISPRUDENTIAL CONTEXT

In 2025, the **International Court of Justice (ICJ)** delivered its **Advisory Opinion on the Obligations of States in Respect of Climate Change**, pursuant to a request by the United Nations General Assembly. The Opinion affirmed that climate change is not merely a political or economic challenge, but a matter governed by **binding principles of international law**, including human rights law, environmental law, and the law of State responsibility.

The Court clarified that States have **positive obligations of due diligence** to prevent climate harm, including harm arising from **private actors, global value chains, transboundary waste, and patterns of consumption and production**. It further emphasized that failure to regulate activities contributing to climate change may constitute an internationally wrongful act, particularly where such activities disproportionately burden vulnerable populations and future generations.

Against this jurisprudential backdrop, the present dispute arises.

PART II: STATEMENT OF FACTS

A. The Republic of Azania

The **Republic of Azania** is a lower-middle-income coastal State in Sub-Saharan Africa, with a population of approximately 48 million people. Azania has historically contributed negligibly to global greenhouse gas emissions but is acutely vulnerable to climate impacts, including coastal erosion, flooding, marine pollution, and public health crises.

Over the past three decades, Azania has become one of the world's largest importers of **second-hand apparel**, primarily from industrialized States in the Global North. The sector employs approximately **2.5 million people**, mostly women and youth, and constitutes a cornerstone of Azania's informal urban economy.

B. Apparel Imports, Waste, and Climate Harm

Government-commissioned environmental audits reveal that **between 35% and 45%** of imported second-hand garments are **unsellable upon arrival** due to poor quality, contamination, or over-saturation of the market. These garments are disposed of in open dumpsites, informal landfills, river systems, and coastal zones, or burned without regulation.

Scientific studies submitted to Parliament demonstrate that:

- Textile waste contributes significantly to **microplastic pollution** in Azania's marine environment;
- Informal burning of apparel waste releases **black carbon and toxic emissions**;
- Waste accumulation exacerbates flooding and waterborne disease in informal settlements.

These impacts disproportionately affect **children, coastal communities, and future generations**.

C. Legislative Response and Reliance on the ICJ Advisory Opinion

In 2026, following the ICJ Advisory Opinion, Azania enacted the **Textile Waste Control and Circular Economy Act (TWCCEA)**. Parliamentary debates explicitly cited the ICJ Opinion as authoritative guidance on the State's **international legal obligations**.

The TWCCEA introduced:

1. **Extended Producer Responsibility (EPR)** for apparel importers;
2. **Digital traceability and grading requirements** for second-hand clothing imports;
3. **Minimum quality thresholds** prohibiting the importation of unsellable garments;
4. Formal recognition of **certified circular social enterprises** as ecosystem partners;
5. Mandatory environmental and social impact reporting.

The Act framed second-hand apparel not merely as a trade commodity, but as a **potential vector of transboundary climate and environmental harm**.

PART III: THE DISPUTE

A. Challenges to the TWCCEA

Following the enactment of the Textile Waste Control and Circular Economy Act (TWCCEA), the Coalition for Ethical Circular Apparel (CECA) raised several challenges:

1. **Market Access and Economic Rights:** CECA argued that certain provisions of the TWCCEA restrict the legitimate operations of second-hand apparel businesses, particularly by imposing strict licensing, import, and sorting requirements that limit market participation.
2. **Digital Traceability Requirements:** CECA contended that the law's mandatory digital tracking of apparel flows disadvantages smaller operators, increases operational costs, and may undermine the livelihoods of businesses contributing to circular economy practices.
3. **Balance between Climate Obligations and Economic Activity:** CECA emphasized that while environmental protection is crucial, the law fails to adequately balance climate objectives with protection of economic and human rights, potentially harming businesses actively engaged in sustainable reuse and circularity.

In response, Azania defended the TWCCEA, asserting that the law is proportionate, necessary, and aligned with international climate obligations, and that the regulatory measures ensure environmental protection without unlawfully restricting legitimate business activity.

B. Proceedings before Regional and International Bodies

The Supreme Court of the Republic of Azania faced a series of constitutional questions concerning the Textile Waste Control and Circular Economy Act (TWCCEA), a law regulating the import, sorting, and reuse of second-hand apparel to mitigate environmental and climate impacts. The Act was challenged domestically by businesses and organizations operating in the second-hand apparel sector, who claimed that the law unfairly restricted market access, disrupted livelihoods, and failed to recognize the role of circular business actors.

The Supreme Court referred interpretive human rights questions to the **African Court on Human and Peoples' Rights (AfCHPR)**. After review, the AfCHPR upheld Azania's position, confirming that TWCCEA is consistent with African human rights law and climate-related obligations.

The matter subsequently gained broader international attention. In light of growing global concern over transboundary textile waste flows, circular economy governance, and climate obligations, the **United Nations General Assembly (UNGA)** adopted a resolution requesting an **Advisory Opinion from the International Court of Justice (ICJ)**.

The UNGA request seeks clarification on the scope of **State obligations under international law when regulating second-hand apparel, textile waste, and circular economy practices**, particularly in developing countries balancing environmental protection with economic development. The situation in Azania is cited in the background materials before the Court as an illustrative example of the legal tensions involved.

CECA, along with other stakeholders, submitted written statements to the ICJ as part of the advisory proceedings, arguing that while States may regulate environmental and climate impacts, they must also protect legitimate business interests and livelihoods of entities contributing to circularity. CECA frames the issue as a balancing of climate duties with economic and social rights.

Parties in the Advisory Opinion Proceedings

State Primarily Concerned

Republic of Azania

- ✓ Position: Defends the TWCCEA as lawful, necessary, and consistent with international obligations under climate change law. Azania asserts that the law is proportionate, addresses environmental harms, and aligns with evolving principles reflected in the ICJ Advisory Opinion on Climate Change (2025).

Mooter Role: Mooters representing Azania will argue that national regulation for climate protection is legitimate, proportionate, and does not violate international law, even if it imposes limits on certain business activities.

Interested Stakeholder (Written Statement Participant)

Coalition for Ethical Circular Apparel (CECA)

A coalition of businesses, NGOs, and organizations actively engaged in the second-hand apparel and circular economy sector in Azania and the broader East African region.

- ✓ Position: In its written statement to the ICJ, CECA argues that States must:
 - o Ensure proportional regulation that does not unduly harm legitimate market actors;
 - o Recognize and support circular economy initiatives contributing to sustainability;
 - o Protect human rights and economic rights in parallel with environmental duties.

Mooter Role: Mooters representing CECA's perspective will argue for a balanced interpretation of international law, integrating climate responsibility with economic protection for circular apparel actors.

ICJ Advisory Opinion Context

The **United Nations General Assembly** has requested the ICJ to clarify the scope and content of international obligations when regulating circular economy practices and second-hand apparel, particularly:

1. State duty to prevent transboundary environmental harm while respecting legitimate economic activity.
2. Integration of circular economy practices into climate law obligations.
3. Balancing environmental protection with protection of livelihoods and economic rights in emerging economies.

The Advisory Opinion is non-binding, but it provides authoritative guidance on international legal standards for climate, circular economy, and economic rights, influencing Azania, African states, and potentially global regulatory frameworks.

Key Takeaways for Mooters

CECA Perspective: Argue for international law recognition of legitimate circular economy actors, and the need for proportionate regulatory approaches that respect both climate obligations and economic rights.

Azania Perspective: Defend the TWCCEA as necessary and proportionate, consistent with evolving international climate obligations, and properly designed to mitigate transboundary apparel waste.

PART IV: ISSUES FOR DETERMINATION

(ICJ-Centered)

Participants must address, *inter alia*, the following issues:

1. **Whether the ICJ Advisory Opinion affirms a positive obligation on States to regulate transboundary value chains, including the second-hand apparel trade that contribute to climate change and environmental degradation.**
2. **Whether Azania's failure, prior to the TWCCEA, to regulate second-hand apparel imports constituted a breach of the due diligence obligation under international law.**
3. **Whether measures adopted pursuant to the ICJ Advisory Opinion may justify limitations on international trade under environmental and human rights exceptions.**

4. Whether digital traceability and EPR requirements constitute lawful regulatory measures or unlawful discrimination against informal economic actors.
5. Whether the continued exposure of children and coastal communities to apparel-related pollution violates international human rights obligations, including intergenerational equity as articulated by the ICJ.
6. Whether social enterprises operating within circular economy models may function as legitimate governance actors in fulfilling State climate obligations.

PART V: APPLICABLE LAW

Participants may rely upon, inter alia:

- The **ICJ Advisory Opinion on Climate Change (2025)**
- African Charter on Human and Peoples' Rights
- African Charter on the Rights and Welfare of the Child
- UNFCCC and Paris Agreement
- WTO Agreements (GATT, TBT)
- Principles of International Environmental Law
- Law of State Responsibility
- Comparative constitutional jurisprudence

PART VI: RELIEFS SOUGHT

Perspective Reflected in Written Statements: Coalition for Ethical Circular Apparel (CECA)

The perspective presented by CECA in the advisory proceedings respectfully invites the Court to clarify that:

1. States have binding obligations under international law to regulate climate-harmful value chains, including transboundary apparel and textile flows, but such regulation

must be proportionate and non-discriminatory, and must not unduly impair legitimate circular economy actors;

2. Second-hand apparel and textile waste may constitute transboundary environmental harm where mismanagement contributes to pollution, public health risks, or climate impacts, thereby triggering due diligence obligations;
3. International climate law, as articulated in the ICJ Advisory Opinion on Climate Change, requires States to balance environmental protection with economic, social, and livelihood rights, particularly in emerging economies where circular apparel markets sustain millions of people;
4. Circular economy actors engaged in reuse, repair, and resale form part of the climate solution, and international law obliges States to recognize, support, and integrate such actors rather than regulate them out of existence.

Position of the State Primarily Concerned: Republic of Azania

The Republic of Azania respectfully seeks clarification that:

1. States enjoy sovereign regulatory discretion to design and implement environmental and climate legislation, including circular economy laws such as the Textile Waste Control and Circular Economy Act (TWCCEA), in pursuit of legitimate public interests;
2. The ICJ Advisory Opinion on Climate Change, while authoritative and persuasive, is non-binding, and leaves States with flexibility in determining appropriate regulatory measures suited to national circumstances;
3. The TWCCEA constitutes a lawful, necessary, and proportionate response to climate change, environmental degradation, and transboundary textile waste, consistent with international climate, environmental, and human rights obligations;
4. Effective climate action requires coordinated international cooperation, but the absence of comprehensive global regulation does not preclude States from adopting robust domestic measures to meet their international obligations.

For Mooters

CECA Perspective: Argue for a nuanced interpretation of international climate law that protects circular apparel businesses, emphasizes proportionality, and integrates climate obligations with economic and social rights.

Azania Perspective: Defend the TWCCEA as a good-faith implementation of international climate law, grounded in State sovereignty, precaution, and the duty to prevent transboundary environmental harm.

PART VII: SIGNIFICANCE OF THE PROBLEM

This Moot Problem situates **sustainable apparel and circular economy law at the heart of global climate jurisprudence**, reflecting the evolving interpretation of international law following the ICJ Advisory Opinion. It challenges participants to grapple with **unfinished questions of responsibility, legitimacy, and justice** in a warming world.

Closing Note

The Green Law Global Initiative Moot Court Competition challenges participants to grapple with one of the defining sustainability dilemmas of our time: how to reconcile global consumption, environmental protection, and social justice in an unequal world.



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