

**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**



**YEAR 2022**

16 December 2022

**REQUEST FOR AN ADVISORY OPINION  
SUBMITTED BY THE COMMISSION OF SMALL ISLAND STATES  
ON CLIMATE CHANGE AND INTERNATIONAL LAW**

**(REQUEST FOR ADVISORY OPINION  
SUBMITTED TO THE TRIBUNAL)**

**ORDER**

The President of the International Tribunal for the Law of the Sea,

Having regard to articles 21 and 27 of the Statute of the Tribunal,

Having regard to articles 130, 131, 133 and 138 of the Rules of the Tribunal,

*Makes the following Order:*

Whereas the Commission of Small Island States on Climate Change and International Law (hereinafter “the Commission”) adopted a decision at its third meeting on 26 August 2022, by which it decided to request an advisory opinion from the Tribunal, in accordance with article 2, paragraph 2, of the Agreement for the establishment of the Commission of Small Island States on Climate Change and International Law of 31 October 2021, on the following:

What are the specific obligations of State Parties to the United Nations Convention on the Law of the Sea (‘UNCLOS’), including under Part XII:

- (a) to prevent, reduce and control pollution of the marine environment in relation to the deleterious effects that result or are likely to result from climate change, including through

ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas emissions into the atmosphere?

- (b) to protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?

Whereas the Co-Chairs of the Commission transmitted the request for an advisory opinion to the Tribunal by letter dated 12 December 2022 and it was received by the Registry on the same day;

Whereas the request for an advisory opinion was entered into the List of cases as Case No. 31;

Whereas, in addition to the letter dated 12 December 2022, the Co-Chairs of the Commission transmitted to the Tribunal documents likely to throw light upon the questions contained in the request for an advisory opinion, pursuant to article 131 of the Rules of the Tribunal;

Whereas, by a note verbale dated 13 December 2022, pursuant to article 133, paragraph 1, of the Rules of the Tribunal, the Registrar gave notice of the request for an advisory opinion to the States Parties to the United Nations Convention on the Law of the Sea (hereinafter “the Convention”);

*Decides*, in accordance with article 133, paragraph 2, of the Rules of the Tribunal, that the intergovernmental organizations listed in the annex to the present order are considered likely to be able to furnish information on the questions submitted to the Tribunal for an advisory opinion;

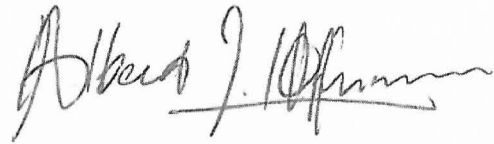
*Invites*, in accordance with article 133, paragraph 3, of the Rules of the Tribunal, the States Parties to the Convention, the Commission and the other organizations referred to above to present written statements on the questions submitted to the Tribunal for an advisory opinion;

*Fixes*, in accordance with article 133, paragraph 3, of the Rules of the Tribunal, 16 May 2023 as the time limit within which written statements may be presented to the Tribunal;

*Decides*, in accordance with article 133, paragraph 4, of the Rules of the Tribunal, that oral proceedings shall be held;

*Reserves* the subsequent procedure for further decision.

Done in English and in French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this sixteenth day of December, two thousand and twenty-two.



ALBERT J. HOFFMANN  
President



XIMENA HINRICHS OYARCE  
Registrar

Annex

**Annex to Order 2022/4 of the President  
of the International Tribunal for the Law of the Sea**

- United Nations  
United Nations  
United Nations Environment Programme (UNEP)  
United Nations Framework Convention on Climate Change (UNFCCC)
- Food and Agriculture Organization of the United Nations (FAO)
- Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO)
- International Maritime Organization (IMO)
- International Union for Conservation of Nature (IUCN)
- World Meteorological Organization (WMO)