中华人民共和国外交部

Ministry of Foreign Affairs of the People's Republic of China

15 June 2023

Ms Ximena Hinrichs Oyarce
Registrar
International Tribunal for the Law of the Sea

RE: Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law

Dear Ms Oyarce,

I have the honor to refer to Case No. 31, i.e. Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (COSIS), and to the Orders issued by the President of the Tribunal on 16 December 2022 and 15 February 2023. On behalf of the Government of the People's Republic of China, I hereby submit the written statement on this case.

China, as a member of the developing world, has heartfelt compassion for fellow developing countries including small island developing States, least developed countries and African countries confronting our common climate change challenges. China attaches great importance to tackling climate change and has always done its utmost to actively support small island States. China stands ready to work with all parties, under the framework of the United Nations Framework Convention on Climate Change, its Paris Agreement and other instruments, to explore ways to better respond to climate change and protect the planet earth, the common home of mankind.

Sincerely yours,

MA Xinmin
Director-General of the Department of Treaty and Law
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The People's Republic of China

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INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

CASE NO. 31

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

WRITTEN STATEMENT OF THE PEOPLE'S REPUBLIC OF CHINA

15 JUNE 2023

Introduction

1. On 12 December 2022, the Commission of Small Island States on Climate Change and International Law ("the Commission") submitted a request to the International Tribunal for the Law of the Sea ("the Tribunal") for an advisory opinion. The Commission was established pursuant to the Agreement for the Establishment of the Commission of Small Island States on Climate Change and International Law which was originally signed by Antigua and Barbuda and Tuvalu on 31 October 2021, and had six members when the request was submitted: Antigua and Barbuda, Tuvalu, Republic of Palau, Niue, Republic of Vanuatu and Saint Lucia.

2. The Commission requested the Tribunal to render an advisory opinion on the following questions:

> 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?

3. By Order No. 2022/4 of 16 December 2022 and Order No. 2023/1 of 15 February 2023, the President of the Tribunal invited States

Parties to UNCLOS to present written statements on the above-mentioned questions by 16 June 2023. The Government of China accordingly presents this written statement to the Tribunal.

4. The Chinese Government understands the concerns of small island States on the issue of climate change and appreciates their efforts in response to climate change. Climate change is a common challenge for all humankind and needs to be tackled jointly by the international community under multilateral frameworks. China attaches great importance to dealing with climate change, and has always actively supported small island States within its capabilities, and is willing to work with all parties to explore ways to better address the issue of climate change and protect the earth as the common home of humankind.

5. The Chinese Government is of the view that the Commission's request for an advisory opinion from the Tribunal involves important legal principles contained in UNCLOS, and China has significant concerns in this regard. The Commission's request concerns the question of whether the full Tribunal has advisory jurisdiction and the relationship between climate change and oceans. Part I of this written statement will elucidate that the full Tribunal does not have advisory competence, on which the Government of China has already elaborated in its written statement submitted to the Tribunal in the *Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission* case ("Case No. 21"). This Part will further address the issue of the Tribunal's advisory competence in the context of the views of the Tribunal in Case No. 21. Part II will set forth the policies, positions and propositions of the Chinese Government on addressing climate change and related measures to strengthen synergy between climate and ocean governance.

I. The full Tribunal does not have advisory competence

6. The competences of international judicial bodies, including the

Tribunal, are conferred upon them by their respective constituent instruments. In the case of the Tribunal, such authorization is given in UNCLOS, including the Statute of the International Tribunal for the Law of the Sea ("the Statute"), Annex VI to UNCLOS. As article 1 of the Statute provides, "The International Tribunal for the Law of the Sea is constituted and shall function in accordance with the provisions of this Convention and this Statute." A close examination of relevant provisions confirms that UNCLOS, including the Statute, does not confer advisory jurisdiction on the full Tribunal.

(a) Neither article 288 of UNCLOS nor article 21 of the Statute provides the legal basis for advisory competence of the full Tribunal

7. The core provision establishing the jurisdiction of the Tribunal is article 288 of UNCLOS. Article 288(1) provides that, "A court or tribunal referred to in article 287 shall have jurisdiction over any dispute concerning the interpretation or application of this Convention which is submitted to it in accordance with this Part." And article 288(2) states, "A court or tribunal referred to in article 287 shall also have jurisdiction over any dispute concerning the interpretation or application of an international agreement related to the purposes of this Convention, which is submitted to it in accordance with the agreement". These provisions, which are placed in Section 2 "Compulsory Procedures Entailing Binding Decisions", Part XV "Settlement of Disputes" of UNCLOS, relate only to disputes concerning the interpretation or application of UNCLOS and disputes concerning the interpretation or application of an international agreement related to the purposes of UNCLOS. Advisory proceedings are those to provide advisory opinions for certain bodies on legal questions. They do not deal with disputes, nor do they entail binding decisions. It is therefore clear that the jurisdiction provided for in article 288 of UNCLOS does not encompass advisory jurisdiction.

8. Article 21 of the Statute is another important legal basis for the jurisdiction of the Tribunal. It provides that "The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal." In Case No. 21, on the basis of an expansive reading of the term "matters", the Tribunal found that, "Article 21 and the 'other agreement' conferring jurisdiction on the Tribunal are interconnected and constitute the substantive legal basis of the advisory jurisdiction of the Tribunal."[1]

9. In fact, the term "matters" in article 21 of the Statute does not "include advisory opinions", and thus cannot be the legal basis for the advisory jurisdiction of the full Tribunal; nor can the combination of "other agreement" and article 21 serve as the basis for any advisory competence. The interpretation of the Tribunal is hardly persuasive.

(i) The term "matters" does not "include advisory opinions"

10. Article 21 of the Statute does not confer advisory competence on the full Tribunal. Indeed, the Tribunal clarified in Case No. 21 that "'all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal' does not by itself establish the advisory jurisdiction of the Tribunal."[2] Yet, the Tribunal held on another occasion that, "The words all 'matters' ('toutes les fois que cela' in French) should not be interpreted as covering only 'disputes', for, if that were to be the case, article 21 of the Statute would simply have used the word 'disputes'. Consequently, it must mean something more than only 'disputes'. That something more must include advisory opinions, if specifically provided for in 'any other agreement which confers

[1] *Request for Advisory Opinion submitted by the Sub-Regional Fisheries Commission*, Advisory Opinion, 2 April 2015, ITLOS Reports 2015, para.58.
[2] *Ibid.*

jurisdiction on the Tribunal' ."[3] The Tribunal hereby interpreted the term "matters" as "includ[ing] advisory opinions". In so doing, the Tribunal created for itself an advisory competence in general and jurisdiction over the specific request in that proceeding.

11. The Tribunal's aforementioned reasoning is inconsistent with the rules of treaty interpretation. Article 31(1) of the 1969 Vienna Convention on the Law of Treaties ("VCLT"), which reflects customary international law rules of interpretation, provides, "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." Article 32 of the VCLT states, "Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning …" These rules shall be followed in interpreting the term "matters".

12. In terms of ordinary meaning, the term "matters" does not "include advisory opinions". With respect to the functions of international judicial bodies, the term "matters" commonly refers to the objects of the jurisdiction *ratione materiae*, rather than competence or the types thereof, and cannot be interpreted as "includ[ing] advisory opinions".

13. Article 36(1) of Statute of the International Court of Justice ("ICJ") provides, "The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force." "[A]ll cases" and "all matters" in this provision are generally considered as referring to "objects of the Court's jurisdiction *ratione materiae*." The *Virginia Commentary to UNCLOS* observes that article 21 of the Statute, "reflecting the approach of Article 36, paragraph 1, of the Statute of the International Court of Justice, sets out in broad terms the jurisdiction of

[3] *Ibid.*, para.56.

the Tribunal *ratione materiae.*"[4]

14. An examination of the French version of the authentic texts of the Statute shows that it is not possible for the term "matters" in article 21 to "include advisory opinions". According to article 33(3) of the VCLT, the terms of the treaty are presumed to have the same meaning in each authentic text. The French version, as one of the authentic texts, does not use "matières" in its article 21. The phrase ("toutes les fois que cela" in French) used there refers back to "all disputes and applications" in the first half of the article. Obviously, the French version of article 21 does not "include advisory opinions". Thus, the French text also confirms that the term "matters" in article 21 of the English text does not "include advisory opinions".

15. The context of article 21 of the Statute also makes it clear that, the terms "matters" refers to the objects of the jurisdiction *ratione materiae*, rather than "includ[ing] advisory opinions". UNCLOS constitutes the context for interpreting article 21 of the Statute, as the Statute forms an integral part of UNCLOS. The term "matters" should be given the same meaning in article 21 of the Statute as in other places in UNCLOS. UNCLOS mentions the term "matters" multiple times, almost all of which refer to the objects of the jurisdiction *ratione materiae*, and none supports the Tribunal's reading in Case No. 21 that the term "matters" "must include advisory opinions". For example, article 288(3) of UNCLOS provides that relevant judicial body shall have jurisdiction in any "matter" which is submitted to it; article 298(1)(a)(i) of UNCLOS provides that, "a state … shall … at the request of any party to the dispute, accept submission of the 'matter' to conciliation under Annex V, section 2". The term "matter" in these instances all refer to the objects of the jurisdiction *ratione materiae*, rather than competence or the types thereof.

16. In terms of *travaux préparatoires* of UNCLOS, some States

[4] Myron H. Nordquist (general ed.), Shabtai Rosenne and Louis B. Sohn (vol. eds.), *United Nations Convention on the Law of the Sea 1982: A Commentary*, Vol. V, Martinus Nijhoff Publishers, 1989, p. 378.

made proposals to confer advisory competence on the full Tribunal, but these proposals were not accepted. Therefore, the term “matters” in the final text of UNCLOS should not "include advisory opinions". During the Third United Nations Conference on the Law of the Sea, nine States, including the United States, submitted a working paper in 1974 regarding the settlement of the law of the sea disputes, which proposed that the Tribunal be given advisory function.[5] The representative of the Federal Republic of Germany also made a similar proposal in 1976.[6] However, these proposals were not included in the negotiating text, and no State revisited this issue during the subsequent negotiations.

17. As from the debut in 1975 of the Informal Single Negotiating Text, the Seabed Disputes Chamber has been the only body that has been granted advisory jurisdiction in express terms, which reflects the clear intention of States. By the same token, if States intended to confer advisory jurisdiction on the full Tribunal, they would have provided for such jurisdiction expressly in the constituent instruments, i.e. UNCLOS and the Statute. The fact that UNCLOS, including the Statute, does not provide for the advisory competence of the full Tribunal shows that the States Parties have no such intention, and the lack of such reference is by no means an omission.

(ii) The “other agreement” and article 21, combined, do not constitute the basis of the advisory jurisdiction of the full Tribunal

18. In Case No. 21, the Tribunal asserted that, “when the ‘other agreement’ confers advisory jurisdiction on the Tribunal, the Tribunal then is rendered competent to exercise such jurisdiction with regard to ‘all matters’ specifically provided for in the ‘other agreement’. Article 21

[5] The working Paper on the settlement of law of the sea dispute, 27 August 1974, Third United Nations Conference on the Law of the Sea, 1973-82, Volume III, Documents of the conference, Second Session, A/CONF.62/L.7, 91.

[6] Third United Nations Conference on the Law of the Sea, 1973-82, Volume V, Summary Records of the Plenary, Fourth Session: 58th meeting, A/CONF.62/SR.58, 5 April 1976, p.12, para.38.

and the 'other agreement' conferring jurisdiction on the Tribunal are interconnected and constitute the substantive legal basis of the advisory jurisdiction of the Tribunal."[7] The Tribunal's above-mentioned opinion is unconvincing.

19. Under article 21 of the Statute, the Tribunal's jurisdiction comprises "all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal". As previously elaborated, the term "matters" in article 21 refers to objects of the jurisdiction *ratione materiae* and does not "include advisory opinions". The interpretation of the term "matters" as "includ[ing] advisory opinions" is the logical starting point and necessary condition for the Tribunal to establish its advisory jurisdiction, if any. Failing this condition, of course, "other agreement" in article 21 cannot confer advisory competence on the Tribunal, by relying on the phrase "all matters" which does not "include advisory opinions".

20. "[O]ther agreement" in article 21 of the Statute cannot create advisory competence for the full Tribunal that it simply does not possess. International agreements other than the constituent instruments of international judicial bodies cannot exceed the limits of those bodies' competences, but can only confer jurisdiction in specific cases within the limits of their competences.[8]

(iii) The Tribunal cannot establish advisory jurisdiction based on "implied powers"

21. UNCLOS, including the Statute, does not contain provisions conferring advisory jurisdiction on the full Tribunal, nor can the Tribunal establish advisory jurisdiction based on "implied powers". "Implied

[7] ITLOS, above n.1 para.58.

[8] *The ILO Administrative Tribunal Judgement No. 2867,* Advisory Opinion, 2012 I.C.J. Rep.10, p.23, para.28; A*pplication for Review of Judgment No. 333 of the United Nations Administrative Tribunal*, Advisory Opinion, 1987 ICJ Rep.18, p.30; *Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal*, Advisory Opinion, 1973 I.C.J. Rep.166, p.175.

powers" of international judicial bodies do not cover advisory jurisdiction. In *Reparation for Injuries Suffered in the Service of the United Nations* (Advisory Opinion), the ICJ referred to "implied powers" as the powers which, "though not expressly provided" in the constituent instruments of the international organization, "are conferred upon it by necessary implication as being essential to the performance of its duties".[9] In *Legality of the Use by a State of Nuclear Weapons in Armed Conflict* (Advisory Opinion), the ICJ further clarified that "implied powers" of international organizations are "subsidiary powers" which are possessed by them "in order to achieve their objectives".[10] Therefore, the "implied powers" are subsidiary to the primary jurisdiction that has been expressly conferred and are subsidiary powers which are instrumental to the exercise of the primary jurisdiction. The exercise of "implied powers" must be limited to the essential necessity in the exercise of the judicial body's existing functions. These powers cannot be employed to expand the competence of international organizations. Still less can they serve as a basis for primary jurisdiction, such as the advisory jurisdiction of a tribunal.

(b) Articles 159 and 191 of UNCLOS confer advisory competence on the Seabed Disputes Chamber of the Tribunal only

22. There is no article in UNCLOS, including the Statute, conferring advisory competence on the full Tribunal. In UNCLOS, articles 159 and 191 refer to advisory opinions, both are located in Part XI "The Area" and grant advisory competence to the Seabed Disputes Chamber of the Tribunal only. Article 159(10) reads, "Upon a written request addressed to the President and sponsored by at least one fourth of the members of

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[9] *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, I.C.J. Reports 1949, p.182.

[10] *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, Advisory Opinion, I.C.J. Reports 1996, p.79.

the Authority for an advisory opinion on the conformity with this Convention of a proposal before the Assembly on any matter, the Assembly shall request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to give an advisory opinion thereon". Article 191 provides that, "The Seabed Disputes Chamber shall give advisory opinions at the request of the Assembly or the Council on legal questions arising within the scope of their activities". In the Statute, only article 40 refers to advisory opinions, which specifies that in the exercise of its functions relating to advisory opinions, the Seabed Disputes Chamber shall be guided by the provisions of the Statute relating to procedure before the Tribunal to the extent to which it recognizes them to be applicable.

(c) Article 138 of the Rules of the International Tribunal for the Law of the Sea ("the Rules") goes beyond the authorization of UNCLOS, including the Statute

23. Article 1 of the Statute provides that the Tribunal "is constituted and shall function in accordance with the provisions of this Convention and this Statute". Article 16 of the Statute specifies that "The Tribunal shall frame rules for carrying out its functions. In particular it shall lay down rules of procedure." These provisions define the sources and scope of the Tribunal's powers. The Rules were framed by the Tribunal itself for carrying out its functions. Article 138 of the Rules reads, "The Tribunal may give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specifically provides for the submission to the Tribunal of a request for such an opinion".

24. In Case No. 21, the Tribunal correctly pointed out that article 138 of the Rules does not afford the legal basis for establishing the full

Tribunal's advisory jurisdiction.[11] Formulated by the Tribunal itself for carrying out its functions, the Rules cannot exceed the authorization of UNCLOS, including the Statute. The effectiveness of the Rules depends on their compliance with UNCLOS, including the Statute. In the absence of authorization from its constituent instruments, the Tribunal itself certainly has no power to confer advisory competence on the full Tribunal, nor does it have the power to go beyond its constituent instruments to prescribe the "prerequisites" for exercising advisory jurisdiction.

25. In light of the foregoing, UNCLOS, including the Statute, only confers advisory competence on the Seabed Disputes Chamber of the Tribunal, but not on the full Tribunal. Therefore, the Chinese Government concludes that the full Tribunal has no competence to entertain a request for advisory opinion.

II. China has actively responded to climate change

26. To safeguard the integrity of UNCLOS, the Government of China has consistently maintained the position that the full Tribunal has no advisory competence. Meanwhile, China, as a developing country, has heartfelt compassion for developing countries including small island developing States, least developed countries and African countries confronting our common climate change challenges, and fully understands the Commission's reasonable concerns about the climate change issue in relation to oceans. Under the guidance of Xi Jinping Thought on Ecological Civilization, China will continue to actively engage in international cooperation and take domestic actions, and work together with other developing countries to address the adverse effects of climate change, in an effort to foster a community of life for humanity

[11] ITLOS, above n.1, para.59.

and nature and push for the realization of the United Nations Sustainable Development Goals (SDGs).

(a) China's positions on global climate governance

27. China all along maintains that the United Nations Framework Convention on Climate Change ("UNFCCC") is the main channel for addressing climate change, and under this multilateral framework, the international community should adhere to the principle of common but differentiated responsibilities and, through effective promotion of international cooperation, enhance synergy between climate and ocean governance and jointly tackle climate change challenges.

28. First, multilateral consensus under the UNFCCC must be firmly upheld. As climate change is a common concern of humankind, global action under multilateral frameworks is needed in order to address its effects. The UNFCCC, its Kyoto Protocol and Paris Agreement constitute the legal framework for international cooperative actions in response to climate change, and have made inclusive, fair, systematic and effective arrangements for global climate governance. The Parties should firmly uphold the objectives, principles and the framework established by the UNFCCC, its Kyoto Protocol and Paris Agreement for jointly building an equitable, reasonable, cooperative and win-win system of global climate governance.

29. Second, the principle of common but differentiated responsibilities, as the cornerstone of global governance on climate change, must always serve as the guiding principle for addressing climate change. At the outset, the UNFCCC points out that, "the largest share of historical and current global emissions of greenhouse gases has originated in developed countries". The international community should adhere to the principle of common but differentiated responsibilities, give special consideration to the special difficulties and important concerns of

developing countries, and increase the support for them in terms of financing, technology and capacity building, in order to help them to achieve the transformation to low greenhouse gas emissions and climate-resilient development. Developed countries should effectively fulfill their obligations to substantially reduce emissions, honor their commitment to provide funding of US $100 billion annually to developing countries by 2020, develop a road-map for doubling adaptation finance, and provide financial resources to the Loss and Damage Fund in order to effectively assist developing countries, including small island developing States and least developed countries, and help them to enhance their climate resilience and address loss and damage associated with the adverse effects of climate change.

30. Third, international cooperation on climate change should be promoted in an effective manner. The UNFCCC, its Kyoto Protocol and Paris Agreement fully acknowledge the importance of the principle of international cooperation and provide the legal framework for climate change cooperation. Articles 6 and 12 of the Kyoto Protocol and article 6 of the Paris Agreement have made institutional arrangements for flexible compliance mechanisms to promote mitigation actions through international cooperation and support sustainable development. The Paris Agreement calls for enhancing cooperative action on technology development and transfer, assisting developing countries in adaptation and capacity-building actions, and addressing loss and damage associated with the adverse effects of climate change, etc. The UNFCCC requires the Parties to “cooperate to promote a supportive and open international economic system”, and provides that, unilateral measures taken to combat climate change “should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade”. The international community should deepen international cooperation on climate change and enhance support to developing countries, resolutely oppose protectionism and green barriers, and resist the monopolization

and blockage of green technologies and market segmentation.

31. Fourth, the synergy between climate governance and ocean governance should be comprehensively enhanced. Ocean health is closely linked with the mitigation and adaptation strategies in response to climate change. Article 4 of the UNFCCC requires all parties to promote and cooperate in the conservation and enhancement of sinks and reservoirs of the greenhouse gases, including oceans as well as other coastal and marine ecosystems. Currently, the international community has initiated a number of processes under the UNFCCC, including the Ocean Pathway Partnership and the Ocean and Climate Change Dialogues, and the Subsidiary Body for Scientific and Technological Advice ("SBSTA") has been invited to organize and report annually on the Ocean and Climate Change Dialogues as from 2022. Furthermore, the G20 calls for conservation, protection, restoration and sustainable use of the marine resources, and has launched the Coral Research and Development Accelerator Platform ("CORDAP"). The international community should, in a coordinated way, make best use of the outcomes of the existing multilateral platforms on oceans and climate, strengthen the research on interactions between climate change and oceans, protect marine ecosystems, fully leverage the role of marine ecosystems as sinks and reservoirs of the greenhouse gases, and develop and use new and renewable energy sources of the ocean such as offshore wind energy and tidal energy, in a concerted effort to facilitate the achievement of SDG 13 and SDG 14.

(b) China has actively taken domestic actions to address climate change

32. China has been taking legislative, judicial and policy measures to comprehensively tackle climate change in an effort to fulfill its commitments under the UNFCCC and accomplish domestic climate

action targets, and has made remarkable achievements.

33. Under the strong guidance of Xi Jinping Thought on Ecological Civilization, a socialist ecological and environmental protection legal system with Chinese characteristics has been gradually developed and improved. In 2018, the first session of the 13th National People's Congress adopted an amendment (article 32) to the Constitution, which enshrined ecological civilization in the Constitution, providing constitutional guidance for improving China's eco-environmental legal system. The revised Environmental Protection Law of the People's Republic of China has refined the basic system of environmental protection, recognized as "the most stringent" environmental law in Chinese history. Under the overarching legal system, China has improved the laws on the prevention and control of air, water, soil, solid waste and noise pollution, as well as the resources laws on the conservation of coal, water, energy, grassland, etc., and promulgated ecological laws to protect important river basins and special areas. At present, there are more than 30 ecological and environmental protection laws, over 100 State Council administrative regulations, and more than 1,000 local environmental regulations in China. At the same time, China attaches great importance to and continues to strengthen the legislative process on climate change, carbon neutrality and carbon emissions trading, with the aim of providing legal support for accelerating green development.

34. Upholding environmental justice in the new era, China strengthens the judicial response to climate change by strictly implementing the rule of law, the principle of giving priority to protection of ecological rights, and the program of preventive juridical measures, in order to facilitate and support green development. In February 2023, the Supreme People's Court released the Opinions on Fully and Faithfully Implementing the New Development Philosophy and Providing Judicial Services to Actively and Steadily Promote Carbon Peaking and Carbon Neutrality, and published 11 typical cases in this regard, which provides

judicial guidance for People's Courts at all levels in hearing the increasingly-growing carbon-related cases. Meanwhile, typical cases of China's environmental justice and annual reports of environment and resources adjudication have been recommended to the United Nations Environment Program ("UNEP"), to strengthen international exchange and dialogue.

35. In 2020, President Xi Jinping announced China's targets for carbon peaking and carbon neutrality. Since then, China has established a "1+N" policy system to meet the carbon peaking and carbon neutrality goals, implemented the "Ten Actions for Carbon Dioxide Peaking", strengthened the control of non-CO_2 greenhouse gas emissions, enhanced the carbon sink capacity of the ecosystem, and launched online trading of the national carbon market. Solid steps have been taken. In 2021, China released two documents, "Working Guidance for Carbon Dioxide Peaking and Carbon Neutrality in Full and Faithful Implementation of the New Development Philosophy" and "Action Plans for Carbon Dioxide Peaking Before 2030". Under the guidance of the aforementioned documents, different industries, sectors and localities have been steadily fulfilling their tasks: key sectors such as energy, industry, construction and transportation, and key industries such as coal, electricity, steel and cement, have formulated implementation plans; competent authorities of science and technology, carbon sinks, taxation and finance, etc., have developed supporting policies; provinces (autonomous regions and municipalities) have formulated local carbon peaking implementation plans.

(c) China vigorously promotes international cooperation on climate change

36. Through South-South cooperation on climate change, China has provided support for fellow developing countries within its capabilities,

in order to jointly enhance capacity to tackle climate change. China has proposed the "Ten Hundred Thousand Initiative", namely undertaking cooperation programs in fellow developing countries, including 10 low-carbon demonstration zones, 100 climate change mitigation and adaptation projects and 1,000 training opportunities in climate change response, in order to promote international cooperation in areas such as clean energy, disaster prevention and mitigation, ecological protection, climate-resilient agriculture and low-carbon smart urban construction. China has signed 46 climate change cooperation instruments with 39 fellow developing countries, and held over 50 training programs on South-South cooperation in addressing climate change. By January 2023, China has allocated more than RMB 1.2 billion in total for South-South cooperation on climate change. In 2021, China launched the China-Africa Three-Year Action Plan to Address Climate Change, and established and put into operation one after another the China-Pacific Island Countries Emergency Material Reserve and the China-Pacific Island Countries Climate Change Cooperation Center. In 2023, in active response to the Global Early Warning Initiative proposed by UN Secretary-General Guterres, China and the World Meteorological Organization ("WMO") jointly developed and implemented the Climate Change South-South Cooperation Early Warning Project, which will provide support for developing countries, including small island States, to enhance their adaptation capacity and early warning capabilities.

37. China actively addresses the adverse impacts of climate change on the oceans. In 2020, China issued the Special Action Plans for Mangrove Protection and Restoration (2020-2025), and conducted the "Blue Bay" remediation action and the coastal zone protection and restoration project, which has significantly improved the regional marine ecological environment and the coastal blue carbon ecosystem. In 2022, China's National Climate Change Adaptation Strategy 2035 was released, with a special chapter devoted to the tasks and measures of climate

change adaptation in oceans and coastal zones. At the international level, China has responded to the initiative of the United Nations Decade of Ocean Science for Sustainable Development (2021-2030). The “Ocean to Climate Seamless Forecasting System” and the “Ocean Negative Carbon Emissions” led by Chinese research institutions, under the international scientific programs, have been included in the UN Decade of the Ocean Action Plans. China has established “Blue Partnerships” with the European Union, Portugal and Seychelles, and signed cooperation agreements with Indonesia, Malaysia, Thailand and Cambodia in the field of ocean governance. Through jointly building research platforms, China continues to enhance cooperation with all parties in marine ecological protection and restoration, climate change response, ocean observation, and other areas. China will advance the establishment of the China-Pacific Islands Marine Disaster Prevention and Mitigation Cooperation Sub-Center, share technologies and experience in marine environmental observation and forecast, marine disaster early warning and monitoring, marine ecosystem protection and restoration, and provide technical support, forecast services and capacity-building training for Pacific Island countries to tackle climate change and carry out marine disaster preparedness and relief work.