



INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA  
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

# Press Release

## **THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA RECEIVES A REQUEST FOR AN ADVISORY OPINION FROM THE COMMISSION OF SMALL ISLAND STATES ON CLIMATE CHANGE AND INTERNATIONAL LAW**

On 12 December 2022, the International Tribunal for the Law of the Sea received a request from the Commission of Small Island States on Climate Change and International Law (“the Commission”) to render an advisory opinion.

The Commission was established on 31 October 2021 pursuant to the Agreement for the Establishment of the Commission of Small Island States on Climate Change and International Law (“the Agreement”). In a meeting which took place on 26 August 2022, the Commission decided to refer the following legal questions to the Tribunal for an advisory opinion:

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?

This decision was adopted pursuant to article 2, paragraph 2, of the Agreement, which provides that “the Commission shall be authorized to request advisory opinions from the International Tribunal for the Law of the Sea (“ITLOS”) on any legal question within the scope of the 1982 United Nations Convention on the Law of the Sea, consistent with Article 21 of the ITLOS Statute and Article 138 of its Rules.” By letter dated 12 December 2022, the Co-Chairs of the Commission, H.E. Mr Gaston Browne, Prime Minister of Antigua and Barbuda, and H.E. Mr Kausea Natano, Prime Minister of Tuvalu, representing the Commission pursuant to article 3, paragraph 3, of the Agreement, transmitted the request for an advisory opinion to the Tribunal.

The request has been entered in the List of cases of the International Tribunal for the Law of the Sea as Case No. 31. The text of the Commission's Request for an Advisory Opinion will be available shortly on the Tribunal's website.

Pursuant to article 138 of its Rules, 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. A request for an advisory opinion shall be transmitted to the Tribunal by whatever body is authorized by or in accordance with the agreement to make the request to the Tribunal.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's website (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter or Mr Robert Steenkamp at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: [press@itlos.org](mailto:press@itlos.org)