

1. In the *Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Case No. 31)*, the International Tribunal for the Law of the Sea (the "Tribunal") delivered its advisory opinion on 21 May 2024. *The M/T "Heroic Idun" (No. 2) Case (Marshall Islands/Equatorial Guinea)* (Case No. 32) is pending before a Special Chamber of the Tribunal. On 16 November 2023, the President of the Special Chamber adopted an Order extending the time-limits for the submission of a memorial and a counter-memorial.

2. *Case No. 31.* The request for an advisory opinion from the Commission of Small Island States on Climate Change and International Law (the "Commission") was received by the Tribunal on 12 December 2022. W

achieve that goal. The scope and content of necessary measures may vary in accordance with the means available to States Parties and their capabilities. The necessary measures include, in particular, those to reduce GHG emissions.

(c) The obligation under article 194, paragraph 1, of the Convention to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic GHG emissions is one of due diligence. The standard of due diligence is stringent, given the high risks of serious and irreversible harm to the marine environment from such emissions. However, the implementation of the obligation of due diligence may vary according to States' capabilities and available resources.

(d) Under article 194, paragraph 2, of the Convention, States Parties have the specific obligation to take all measures necessary to ensure that anthropogenic GHG emissions under their jurisdiction or control do not cause damage by pollution to other States and their environment, and that pollution from such emissions under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights. This obligation applies to a transboundary setting and is a particular obligation in addition to the obligation under article 194, paragraph 1. It is also an obligation of due diligence. The standard of due diligence under article 194, paragraph 2, can be even more stringent than that under article 194, paragraph 1, because of the nature of transboundary pollution.

(e) In terms of specific sources of pollution, marine pollution from anthropogenic GHG emissions can be characterized as pollution from land-based sources, pollution from vessels, or pollution from or through the atmosphere.

(f) Under articles 207 and 212 of the Convention, States Parties have the specific obligation to adopt laws and regulations to prevent, reduce and control marine pollution from GHG emissions from land-based sources and from or through the atmosphere, respectively, taking into account internationally agreed rules, standards and recommended practices and procedures contained, *inter alia*, in climate change treaties such as the UNFCCC and the Paris Agreement. To this effect, States

(i)



8. Since 1997, the Tribunal has run an internship programme for students of law, international relations, public relations, political science, library science and translation. Since 2007, with the support of the Nippon Foundation, the Tribunal has organized a capacity-building and training programme on dispute settlement under the Convention. Over 527 individuals from 124 States are part of the ITLOS alumni network, including 286 women. Since 2007, the Tribunal has also hosted the four-week Summer Academy of the International Foundation for the Law of the Sea. In September 2021, the Tribunal established a Junior Professional Officer (“JPO”) programme for young professionals to serve in the Legal Office of the Tribunal’s Registry, or in other departments of the Registry, as necessary. On 1 December 2022 and 7 February 2024, memoranda of understanding concerning the JPO programme were signed by the Tribunal and the Government of China and the Government of the Republic of Korea, respectively. A new capacity-building programme, in the form of a series of workshops for legal advisers, was established in September 2022 at the seat of the Tribunal in Hamburg. The purpose of the workshops, funded by the Republic of Korea, is to familiarize legal advisers, in particular from developing countries, with the Convention’s dispute-settlement mechanisms and provide insight into the procedure and practice of the Tribunal. Two workshops were organized so far. A third workshop will be held later in 2024, designed for legal advisers from Latin America and the Caribbean.