



TOWARDS THE LEGAL RECOGNITION OF THE OCEAN – CLIMATE NEXUS: SYSTEMIC INTEGRATION AND THE REDEFINITION OF STATES' DUTIES OF CARE IN THE ITLOS ADVISORY OPINION

The recent increase in environmental and climate-related litigation, at both national and international levels, reflects a gradual transformation of states' obligations regarding environmental protection. In this context, the advisory opinion issued on 21 May 2024 by the International Tribunal for the Law of the Sea (ITLOS), at the request of the Commission on Small Island States (COSIS), constitutes a major contribution to the development of the law of the sea.

This study analyses this opinion in the light of contemporary climate case law along three main lines. First, it examines the reaffirmation of the ITLOS's advisory jurisdiction and its role in the evolution of maritime dispute settlement, particularly in view of the 2023 BBNJ Agreement. Secondly, it analyses the classification of anthropogenic greenhouse gas emissions as pollution of the marine environment within the meaning of UNCLOS, as well as the interpretative method based on systemic integration with climate law. Finally, it assesses the scope of state obligations, in particular due diligence, the precautionary principle and common but differentiated responsibilities.