

# At the International Tribunal for the Law of the Sea, Latvia provides its opinion on the prevention of harm to the marine environment caused by climate change

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On 15 September 2023, at the International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany, Latvia submitted its oral observations in Case No. 31 “Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law”.

It is the first case in which Latvia is taking part in proceedings before the International Tribunal for the Law of the Sea. Participation is an opportunity to give an opinion on important and topical issues of international law in the context of climate change mitigation.

The main question posed to the Tribunal is about the obligations of States to prevent harm to the marine environment caused by climate change that arise of Articles 192 and 194 of the United Nations Convention on the Law of the Sea (UNCLOS). In its oral observations, Latvia underlined that the definition of the ‘pollution of the marine environment’ in the Convention must be read to also include greenhouse gas emissions, and that when interpreting Articles 192 and 194 of UNCLOS their content is to be informed by other instruments of international law, for instance, the Paris Agreement and the United Nations Framework Convention on Climate Change. As regards the obligations of States arising of the above-mentioned articles, Latvia submitted that they contain due diligence obligations, namely, the States are under an obligation to take adequate measures and exercise the best possible efforts to prevent marine pollution, not an obligation to achieve a particular result.

In the Advisory Opinion Case No. 31, the hearing in which is held from 11 September to 25 September 2023, Latvia was represented by Kristīne Līce, Legislation and International Law Adviser to the President of Latvia, and Mārtiņš Pāparinskis, Chair of the Drafting Committee at the International Law Commission, Reader in Public International Law at University College London.

### *Background information*

The International Tribunal for the Law of the Sea has been established under the United Nations Convention on the Law of the Sea of 1982. Latvia has been a State Party to the UNCLOS since 23 December 2004, and as a State party, it was requested to submit its observations in the said case. In accordance with Article 138 of the Rules of the Tribunal, it is within the jurisdiction of the Tribunal to give an advisory opinion on the interpretation of the UNCLOS where the submission of a request for an advisory opinion is authorised by an international agreement.

<https://www.mfa.gov.lv/en/article/international-tribunal-law-sea-latvia-provides-its-opinion-prevention-harm-marine-environment-caused-climate-change>