



Dr. ZHANG Qiyue

**COLLABORATIVE GOVERNANCE OF CLIMATE CHANGE AND THE MARINE ENVIRONMENT:
OBSERVATIONS OF ITLOS ADVISORY PROCEEDING ON CLIMATE CHANGE AND INTERNATIONAL LAW
MPIL Agora**

18 October 2023, 16:00-17:00, Room 037

Two advisory cases have recently drawn the international community's attention to the impact of climate change on ocean governance. On 29 November 2022, a group of 16 ICJ states sent their draft Resolution to UN member states to start the advisory proceeding concerning "Obligations of States in Respect of Climate Change". On 12 December 2022, ITLOS received a request from the Commission of Small Island States on Climate Change and International Law, requesting an advisory opinion on specific obligations of state parties to prevent, reduce and control pollution of the marine environment in relation to climate change caused by anthropogenic greenhouse gas emissions, and to protect and preserve the marine environment from climate change. These two advisory cases marked a new area of collaborative governance of climate change and the marine environment, and will likely become a significant new trend in ocean governance.

During her stay at MPIL, Dr. Zhang Qiyue participated in the September open hearing of the ITLOS advisory proceeding on climate change and international law in Hamburg, and will share her observations and further thoughts on this case. Her presentation will contain three parts. First, she will summarize the consensus and major divergences among the Commission of Small Island States on Climate Change and International Law, state parties of UNCLOS and international organizations, especially (1) whether the full tribunal has advisory jurisdiction in this case; (2) whether greenhouse gases should be regarded as a kind of "pollution"; (3) how to comprehensively interpret environmental law and law of the sea provisions; and (4) what are the concrete obligations of state parties. Second, she will further analyze the legal reasons and practical considerations lying behind the divergent viewpoints of all parties, and will discuss the possibilities for reaching consensus on these issues. Third, she will predict how this case will influence the ongoing ICJ advisory proceeding on "Obligations of States in Respect of Climate Change", as well as potential environmental litigation in future, and discuss the effects in the new era for collaborative governance of climate change and the marine environment.



About the Speaker

Dr. Zhang Qiyue is a research fellow in Shanghai Institutes for International Studies in China. Her research specializes in law of the sea, ocean governance and public international law. She is a visiting scholar at MPIL from August to October 2023, focusing on her research topic "Challenges of Climate Change to Ocean Governance and Development of Law of the Sea, and Solutions of International Community". She was trained in international law and holds a PhD and

MPil degrees in public international law from Wuhan University. She has published academic articles and hosted a Chinese National Social Science Fund Project on negotiation and implementation of the Code of Conduct in the South China Sea. Her policy paper concerning South China Sea disputes has been adopted by main leaders of the Chinese central government.

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