

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

REQUEST FOR AN ADVISORY OPINION SUBMITTED BY THE COMMISSION OF SMALL ISLAND STATES ON CLIMATE CHANGE AND INTERNATIONAL LAW

(CASE No. 31)

2 OCTOBER 2023

1. The French authorities have taken due note of the two responses provided by the IUCN at its hearing of 21 September and by COSIS in its letter of 24 September 2023 to the similar questions posed by Judge Kittichaisaree.
2. Having read these responses, the French authorities wish to make the following comments. In their view, France does not, in light of those responses, need to amend or clarify the position set out in its written statement and at the hearing of Monday, 25 September. As the French authorities have stated, the substantive obligations imposed by Part XII of the Convention can and must be considered obligations of conduct and not obligations of result.¹ Furthermore, these obligations of conduct are obligations requiring a higher level of diligence, which are particularly stringent in the context of combating climate change.²

¹ See written statement of France, in particular, pp. 47-48, paras. 103-104; p. 71, para. 143; p. 75, para. 150. See also TIDM/PV.23/C31/18, hearing of 25 September 2023 (a.m.), French version, p. 11, lines 29-32; p. 12, lines 7-12 and 14-18; p. 13, lines 2-4.

² See written statement of France, p. 71, para. 144. See also TIDM/PV.23/C31/18, hearing of 25 September 2023 (a.m.), French version, p. 13, lines 22-27.