

特別講義

# 明治大学 国際交流基金事業

## 「研究者交流支援制度」

### The ITLOS Advisory Opinion on Climate Change from a Human Rights Perspective

2025年3月19日 水 15:00 ~ 16:30

明治大学 駿河台キャンパス グローバルフロント4階 403N

#### 講演詳細（使用言語は英語です）

The early days of international law addressing global warming date back more than thirty years. The current effects of climate change on all levels add urgency to agreeing upon and implementing effective legal frameworks. Climate change and its effects can be addressed from different perspectives which are not mutually exclusive. Rather, different instruments can reinforce one another. Negative effects upon biological diversity in general and the marine environment in particular raise questions, if legal instruments for their protection include obligations to address climate change. Human rights add a further layer to intersections between different regimes in the context of climate change. The ITLOS notes in its 2024 Advisory Opinion “that climate change represents an existential threat and raises human rights concerns” but does not specifically discuss States’ human rights obligations. This has been discussed as a missed opportunity by some writers in the academic discourse. Yet, while an “evolutionary” interpretation of UNCLOS is necessary and legitimate to adapt the treaty to modern threats, there are also limits to such an approach. It can be argued that a holistic approach integrating human rights and environmental sustainability into the law of the sea is desirable to protect vulnerable populations and support climate resilience in a maritime context. At the same time, the extent of integration in different fora, including decisions by ITLOS, needs more in-depth considerations e.g. in the light of the function of peaceful dispute settlement, law-making, the implementation of legal developments and enforcement.

#### 講師紹介 Prof. Dr. Nele Matz-Lück

Prof. Dr. Nele Matz-Lück is Professor for Public International Law, particularly the Law of the Sea at Kiel University Law School, Germany and Co-Director Walther Schücking Institute for International Law at Kiel University. In addition to the law of the sea, her research and publication activities focus on international environmental law, the law of international treaties and comparative constitutional law. Since June 2020 she has been added to the list of arbitrators and conciliators pursuant to Annex V and VII of the United Nations Convention on the Law of the Sea by appointment by the German government.



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