



DECISIONS OF THE THIRD MEETING OF THE COMMISSION OF SMALL ISLAND STATES ON CLIMATE CHANGE AND INTERNATIONAL LAW (*)

Virtual Meeting 26 August 2022

The Commission of Small Island States, pursuant to Article 3(5) of the Agreement of 31 October 2021, has decided as follows:

1. Further to the Co-Chairs' 24 November 2022 request for a recommendation regarding an Advisory Opinion from the International Tribunal for the Law of the Sea (ITLOS), the Commission notes with appreciation the work of the Sub-Committee on Protection and Preservation of the Marine Environment and approves the 18 June 2022 *Recommendation CLE. 1/2022/Rec* of the Committee of Legal Experts to request the following Advisory Opinion from ITLOS consistent with Article 2(2) of the Agreement:

“What are the specific obligations of State Parties to the United Nations Convention on the Law of the Sea (‘UNCLOS’), including under Part XII:


(a) to prevent, reduce and control pollution of the marine environment in relation to the deleterious effects that result or are likely to result from climate change, including through ocean warming and sea level rise, and ocean acidification, which are caused by anthropogenic greenhouse gas emissions into the atmosphere?

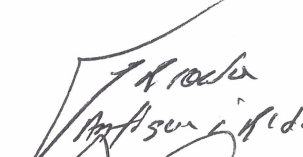
(b) to protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?”

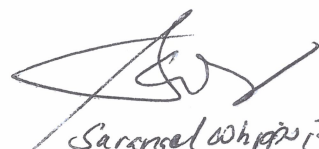
2. The Commission expresses its support for the initiative of Vanuatu to request an Advisory Opinion on climate change from the International Court of Justice (“ICJ”) and decides that the Committee of Legal Experts should assist members of the Commission in making submissions to the ICJ as appropriate.
3. The Commission requests the Sub-Committees on Sea-Level Rise, Human Rights, and Loss and Damages respectively, to propose further activities that the Commission may undertake to contribute to the definition, implementation, and progressive development of rules and principles of international law concerning climate change, consistent with its mandate under Article 1(3) of the Agreement.

(*) *Adopted unanimously by COSIS Members meeting virtually: (1) Hon. Gaston Browne, Prime Minister of Antigua and Barbuda; (2) Hon. Kausea Natano, Prime Minister of Tuvalu; and (3) Hon. Surangel Whipps Jr., President of the Republic of Palau.*

Vote recorded by Meeting Chair, Eselealofa Apinelu, High Commissioner of Tuvalu to Fiji


Eselealofa Apinelu
26/08/22


Kausea Natano
for Tuvalu


Surangel Whipps Jr.

Note by the Registry: The original text of the decisions refers to “24 November 2022”. By communication dated 19 December 2022 from the Representative of the Commission, this was corrected to read as reference to “24 November 2021”.