



COMMISSION OF SMALL ISLAND STATES

ON CLIMATE CHANGE AND INTERNATIONAL LAW

PRESS STATEMENT

COMMISSION OF SMALL ISLAND STATES ON CLIMATE CHANGE AND INTERNATIONAL LAW FILES HISTORIC CASE ON GREENHOUSE GAS EMISSIONS BEFORE THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

December 12th, 2022. The Co-Chairs of the Commission of Small Island States on Climate Change and International Law (COSIS), Prime Minister Gaston Browne of Antigua and Barbuda and Prime Minister Kausea Natano of Tuvalu, submitted a request for an Advisory Opinion today to the [International Tribunal for the Law of the Sea](#) (ITLOS) on the obligation of States under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to protect and preserve the marine environment in relation to climate change impacts, including ocean warming, sea level rise, and ocean acidification.

This historic proceeding before ITLOS is the first inter-State case addressing the international legal obligations of States with regard to climate change. The request to ITLOS is complementary to and in support of the initiative of Vanuatu, to have the UN General Assembly request an Advisory Opinion on climate change from the International Court of Justice (ICJ). It is anticipated that ITLOS will schedule the filing of written pleadings and a hearing in 2023, in which all States Parties to UNCLOS as well as international organizations will be able to participate.

Prime Minister Browne stated that “This is a historic step for Small Island States, to invoke international law in the effort to ensure that the major polluters take their obligations seriously, to prevent harm to vulnerable states or to compensate them for damage. Our peoples are already feeling the catastrophic consequences of climate change. We cannot continue business as usual.”

Prime Minister Natano remarked that “If humankind does not act with urgency, some of our island nations will disappear under the sea within a generation. Protection of the marine environment is a matter of survival. Greenhouse gas emissions should not be treated less seriously than other forms of pollution. If anything, they require even greater urgency and a commitment to respect existing principles of international law.”

COSIS is assisted by a [Committee of Legal Experts](#) consisting of 14 distinguished jurists from around the world.

The [Agreement establishing COSIS](#) was signed at COP26 on October 31st, 2021, in Edinburgh. The current members are Antigua and Barbuda, Tuvalu, Palau, Niue, Vanuatu, and Saint Lucia.

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