

AGREEMENT FOR THE ESTABLISHMENT OF
THE COMMISSION OF SMALL ISLAND STATES
ON CLIMATE CHANGE AND INTERNATIONAL LAW

PREAMBLE

The Parties to this Agreement,

Alarmed by the catastrophic effects of climate change which threaten the survival of Small Island States, and in some cases, their very existence,

Recognizing that Climate Change is the Common Concern of Humanity,

Mindful of the fundamental importance of the oceans as sinks and reservoirs of greenhouse gases and the devastating impact for Small Island States of related changes in the marine environment,

Acknowledging the importance of maritime zones and the significant reliance of Small Island States on marine living resources within such zones, as well as the impacts of climate change on the marine environment including marine living resources,

Affirming that maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the 1982 United Nations Convention on the Law of the Sea, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise,

Considering that the emission of greenhouse gases by Small Island States is negligible but that they bear a disproportionate and overwhelming burden of the adverse effects thereof,

A handwritten signature in black ink, consisting of a large, sweeping initial letter followed by a series of loops and a final flourish.

Recalling the urgent actions for which the Alliance of Small Island States have called repeatedly to address the urgency and fundamental injustice of this situation,

Determined to take immediate action to protect and preserve the climate system and marine environment based on equity and the common but differentiated responsibilities of States to combat climate change,

Recognizing the imperative necessity of pursuing climate justice in accordance with the principles and progressive development of international law in response to the unprecedented crisis facing humankind,

Having regard to the obligations of States under the 1992 United Nations Framework Convention on Climate Change and related instruments, the 1982 United Nations Convention on the Law of the Sea, and other conventions and principles of international law applicable to the protection and preservation of the climate system and marine environment,

Noting the obligation of States to provide compensation for injuries arising from internationally wrongful acts,

Have agreed as follows:

Article 1

Establishment and Mandate of the Commission

- (1) The Commission of Small Island States on Climate Change and International Law (“the Commission”) is hereby established.
- (2) The Commission shall have international legal personality.



- (3) The mandate of the Commission shall be to promote and contribute to the definition, implementation, and progressive development of rules and principles of international law concerning climate change, including, but not limited to, the obligations of States relating to the protection and preservation of the marine environment and their responsibility for injuries arising from internationally wrongful acts in respect of the breach of such obligations.

Article 2

Activities and authority of the Commission

- (1) The activities of the Commission shall include *inter alia* assisting Small Island States to promote and contribute to the definition, implementation, and progressive development of rules and principles of international law concerning climate change, in particular the protection and preservation of the marine environment, including through the jurisprudence of international courts and tribunals.
- (2) Having regard to the fundamental importance of oceans as sinks and reservoirs of greenhouse gases and the direct relevance of the marine environment to the adverse effects of climate change on Small Island States, the Commission shall be authorized to request advisory opinions from the International Tribunal for the Law of the Sea (“ITLOS”) on any legal question within the scope of the 1982 United Nations Convention on the Law of the Sea, consistent with Article 21 of the ITLOS Statute and Article 138 of its Rules.
- (3) The Commission may appoint experts and advisors as necessary in furtherance of its mandate.
- (4) The Commission may take on such other tasks and responsibilities as the Parties may determine from time to time, including representing the interests of the Parties in international fora.

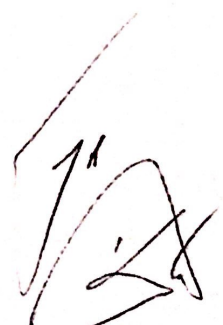


Article 3
Membership and Structure of the Commission

- (1) All members of the Alliance of Small Island States may become Parties to this Agreement.
- (2) All Parties to this Agreement shall be Members of the Commission.
- (3) The Commission shall be represented by a Chair, or by co-Chairs, among the Parties, who shall be elected by majority vote among its Members, beginning with the entry into force of this Agreement and once every two years thereafter.
- (4) The Commission may adopt its rules and procedures, establish committees and sub-committees, appoint a Secretariat, and make such other decisions that are necessary and appropriate for the discharge of its functions.
- (5) Decisions of the Commission shall be made in principle by consensus, or otherwise by a majority of Members present and voting.
- (6) Member States of the Commission shall bear the costs of the Commission's activities in an equitable manner.

Article 4
Signature, Entry into Force, depositary, accession, reservations

- (1) This Agreement shall be open to signature by all States that are members of the Alliance of Small Island States.
- (2) The Agreement shall enter into force upon signature by two or more States.



- (3) This Agreement shall be deposited with the Government of Antigua and Barbuda which shall be responsible for its registration with the United Nations in accordance with Article 102 of the Charter of the United Nations.
- (4) Following entry into force, this Agreement shall be open for accession by other States that are Members of the Alliance of Small Island States. For each State acceding to this Agreement, the Agreement shall enter into force on the day after deposit by such State of its instrument of accession.
- (5) Reservations to this Agreement shall not be permitted.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments, have signed this Agreement.

FOR THE GOVERNMENT OF
ANTIGUA AND BARBUDA



Hon. Gaston Alfonso Browne
Prime Minister

FOR THE GOVERNMENT OF
TUVALU



Hon. Kausea Natano
Prime Minister

DONE in Edinburgh, United Kingdom of Great Britain and Northern Ireland this 31st day of October Two Thousand and Twenty-One.