



**Statement by H.E. Mr. Viliami Va'inga Tōnē,
Permanent Representative of Tonga to the United Nations,
at the meeting of the Sixth Committee on agenda item 82:
Report of the International Law Commission at its Seventieth Session: Cluster 1**

Trusteeship Council Chamber, Tuesday 23rd, October 2018

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Mr. Chairman,

Thank you for giving my delegation the floor and allow me to align my statement with that delivered by the Permanent Representative of the Republic of the Marshall Islands on behalf of the Pacific Islands Forum.

Tonga would also like to join others in congratulating the Chair of the Commission and its members on the successful completion of its work during the commemorative 70th session. Tonga also wishes to thank the Commission for its report contained in document A/73/10, which clearly shows the progress made by the ILC on critical issues in the progressive development and codification of international law. Tonga will focus its statement on Chapter III, Part E and Annex B of the Report of the Commission.

Mr. Chairman,

Progressive development of international law calls for laws which are contemporary and applicable to global challenges and threats which we face at present and in the future. One of the single greatest threats which we are currently experiencing is climate change with several impacts which include “sea-level rise”, as highlighted by our Pacific Island Forum Leaders at their annual meeting last month.

We therefore note with appreciation the decision of the Commission to include two new topics in its long-term programme of work, in particular, the topic of “sea-level rise in

relation to international law” as highlighted in Chapter III, Part E and Annex B of the Commission’s Report. The factual consequences of sea-level rise prompt a number of important questions relevant to international law in particular, national sovereignty, and security, as emphasized by our Sovereign and Head of State in his statement at the General Assembly’s annual General Debate last month.

Mr. Chairman,

We welcome the scope of study proposed by the Commission on specific issues which tie into the constituent elements of “the State” as highlighted in Part IV of Annex B of the Report, which are (a) law of the sea; (b) statehood, and (c) protection of persons affected by sea-level rise and their examination as a whole due to the interconnection amongst the three issues. We recognize in Part V, paragraph 14 of Annex B, the parameters of the topic and the fact that the three areas will be examined within the context of sea-level rise.

Mr. Chairman,

We note the various issues set out in Annex B, paragraphs 15, 16, 17 and we look forward to an in-depth study by the ILC on these various issues, factoring in international instruments, judicial decisions, practice, and concerns of States.

Tonga also considers it important when undertaking this study, to factor in interrelated topics and issues such as (a) security in the context of human security, environmental security, and resource security; and (b) migration. It is also crucial that when undertaking the study, existing rights and entitlements of States are upheld, in particular maritime boundary delimitation pursuant to the stipulations of the UNCLOS.

We recognize that the study will help bridge diverging views in the understanding of sea-level rise as it relates to international law. To us, and countries like ours, the

urgency of the situation calls for an immediate in-depth study by the Commission of this topic and encourages it to do so and to move this topic to its **active programme of work**.

Mr. Chairman,

In conclusion, Tonga congratulates the Commission on its 70th anniversary and wishes them success in the many more decades of progressively developing international law to meet and address the realities of today. Tonga is particularly supportive of the decision to include the topic of “sea-level rise in relation to international law” in the long-term programme of work of the Commission. We look forward to the fruitful discussions on charting a path forward on the role of the rule of law and international law in ensuring the security, existence, and legal recognition of small island developing States, like my own, in the face of rapidly increasing sea-level rise.

I thank you.