



**PERMANENT MISSION
OF THE KINGDOM OF TONGA TO
THE UNITED NATIONS**

**Statement delivered by Ms. Jeanett Vea, Chargé d’Affaires ad interim,
Permanent Mission of the Kingdom of Tonga to the United Nations,
On Agenda Item 82: The Report of the International Law Commission
at its 72nd Session (Cluster II)
At Sixth Committee of the 76th Session of the United Nations General Assembly
Combined Conference Rooms 1, 2 & 3, United Nations Headquarters, New York,
Thursday, 28 October 2021**

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Madam Chair,

1. Thank you for giving us the floor and Tonga once again applauds the commendable work of the International Law Commission, specifically the Study Group on Sea-Level Rise, for their hard work and dedication in advancing deliberations on this topic which we followed with keen interest over the past two years. We appreciate the Commission’s First Issues Paper and subsequent Report, which have set a strong foundation for continuing dialogues about the effects of sea-level rise on international law. On that note, our statement aligns with that delivered on this topic by Fiji on behalf of the Pacific Islands Forum (PIF), Samoa on behalf of the Pacific Small Island Developing States (PSIDS), and Antigua & Barbuda on behalf of the Alliance of Small Island States (AOSIS).

Madame Chair,

2. The Intergovernmental Panel on Climate Change (IPCC) has grimly reported that sea levels will continue to rise, on average, over a meter by 2100 and that certain regions of the world, particularly small island developing states like Tonga, are more vulnerable to experiencing sea-level rise sooner and more extensively than other regions. As sea-level rise erodes coastlines and alters low-water lines, it threatens the current delineation of baselines and maritime zones of coastal states. The catastrophic impacts of rising sea levels cannot be emphasized enough.

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3. This unprecedented reality was not contemplated 40 years ago when the legal regime for ocean governance under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) was being negotiated. The current deliberations of the Commission are key to filling this gap and strengthening the UNCLOS framework to address the modern realities of sea-level rise.
4. It is for the aforementioned that our Pacific Islands Forum leaders are committed to ensuring maritime zones of Pacific Member States are delineated in accordance with UNCLOS which should not be challenged or reduced due to climate change-induced sea level rise. We maintain the importance of preserving baselines and outer limits of maritime zones measured therefrom and their entitlements, despite climate change-induced sea level rise. UNCLOS must be interpreted and applied in a way that respects the rights and sovereignty of vulnerable small island states. It is for this that PIF leaders endorsed a declaration on preserving maritime zones in the face of climate change-induced sea level rise.
5. We welcome the Commission's commitment to reviewing state practice on this question and their preliminary conclusion in para. 104 of the First Issues Paper that preserving maritime zones once notifications have been deposited can be consistent with UNCLOS.

Madam Chair,

6. Tonga also recognizes the implications of sea-level rise for statehood, statelessness, the exacerbation of disasters, and climate change-induced migration. Due to our geographical, geological, and socio-economic characteristics, our sea levels have already risen well above the global average and are accompanied by coastal erosion and the frequent occurrence of natural disasters. A decade ago, we became the first country in our region to develop a Joint National Action Plan on Climate Change Adaptation and Disaster Risk Management. But the risks to our future are only increasing: like other low-lying coastal states, we face the daunting reality that the ocean will completely submerge our territory in the decades to come and force our people to seek shelter elsewhere.
7. Yet a defined territory and population are key indicia of statehood under international law. For small island states, this is a question of survival. We stress the need to quickly address the international law implications of these emerging issues. We welcome the Study Group's discussions of the nexus between sea level rise and loss of statehood and protection of persons, as outlined in paragraph 296 of their report.

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Madam Chair,

8. Tonga remains committed to a collective effort to progressively develop international law of the sea in response to the stark realities of rising sea levels, realities that were not foreseen decades ago when UNCLOS and other legal regimes were being developed. We hold in high regard the Commission's leading role in developing recommendations and guidelines to address our concerns in this regard. Tonga continues to support their efforts.
9. As we look forward to the outcomes of the ILC's continued work on these issues, we urge the Commission to incorporate the perspectives of small island developing states in their discussions.

I thank you.