Statement delivered by His Excellency Mr. Viliami Vaʻinga Tōnē, Ambassador and Permanent Representative of the Kingdom of Tonga to the United Nations

High-level Commemorative Meeting to mark the 40th Anniversary of the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) during the 76th Session of the United Nations General Assembly

General Assembly Hall, United Nations Headquarters, New York
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Mr. President,

1. Forty years ago, the United Nations Convention on the Law of the Sea (UNCLOS) was established. This was after 15 years of deliberation and negotiation which led to the adoption of, as one once alluded to, “possibly the most significant legal instrument of this century” - also widely considered as “The Constitution of the Oceans”. The deep-seated historical connection of our people to the ocean has made this fundamental milestone one that we are proud of its essential and enduring purpose as the legal framework within which all activities in the Ocean must be carried out.

2. On that note, I have the honour to deliver a statement on behalf of the Kingdom of Tonga, for which our statement aligns with that delivered by Antigua and Barbuda on behalf of AOSIS, Tuvalu on behalf of the Pacific Islands Forum (PIF) and Samoa on behalf of the Pacific Small Island Developing States (PSIDS) – to mark this historical event 40 years after UNCLOS was adopted and opened for signature. With 168 States Parties having ratified for this convention to date, it provides a stunning testament to the effectiveness and prominence of this convention within the international legal regime.

Mr. President,

3. While much is to be proud of on the achievements made thus far after the adoption of UNCLOS in areas including the protection of the marine environment, territorial sea limits and maritime zones, the legal status of resources on the seabed beyond the limits of national jurisdiction, a binding procedure for the settlement of disputes between States, the creation of the International Tribunal for the Law of the Sea, navigational rights, economic rights and so forth; there’s much more concerning the evolving and emerging issues encountered by Small Islands Developing States in recent years which require addressing under UNCLOS.
4. This for instance, include what was grimly reported by the Intergovernmental Panel on Climate Change (IPCC) that sea levels will continue to rise 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.

Mr. President,

5. This unprecedented reality was not contemplated 40 years ago when the legal regime for ocean governance under UNCLOS was being negotiated. However, the ongoing deliberations made by legal entities in connection with the work of the law of the sea are key to filling this gap and strengthening the UNCLOS framework to address the modern realities of climate related sea-level rise, loss of marine biodiversity and destruction of marine ecosystems, marine pollution, IUU fishing and so forth.

6. 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.

Mr. President,

7. I would like to echo on that note what had already been alluded to by the Chair of AOSIS that the special case of SIDS was globally recognized at the Rio Conference in 1992. And as such, this should be reflected and emphasized in all implementing instruments of UNCLOS.

8. 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.

9. The much-anticipated finalization of negotiations made in relation to an International Legally Binding Instrument under UNCLOS on the Conservation and Sustainable use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) brings to life principles embodied in this convention with regard to marine biodiversity.

Mr. President,

10. We commend the great efforts and dedication of the International Seabed Authority, International Tribunal for the Law of the Sea and the Commission on the Limits of the
Continental Shelf. We also acknowledge with gratitude the supporting role of the Division for Ocean Affairs and the Law of the Sea.

11. 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, loss of marine biodiversity and destruction of marine ecosystems, marine pollution, and IUU fishing - realities that were not foreseen decades ago when UNCLOS and other legal regimes were being developed.

12. As we commemorate the 40th anniversary after the adoption of UNCLOS, Tonga endeavours to support the advancement of this convention taking into consideration the emerging issues facing SIDS.

I thank you.