



PERMANENT MISSION
OF THE KINGDOM OF TONGA TO
THE UNITED NATIONS

**Statement of H.E. Mr. Mahe 'U. S. Tupouniua
Permanent Representative of the Kingdom of Tonga to the United Nations
On Agenda Item 81: The report of the International Law Commission
on the work of its 69th Session : Cluster 1
At the Sixth Committee of the 72nd Session of the United Nations General Assembly**

New York, Monday, 23rd October 2017

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Mr. Chairman,

Thank you for giving my delegation the floor again to speak on this Agenda Item, and at the outset, let me start by congratulating the Chair of the International Law Commission, and its members, on the outcomes of its 69th Session.

Mr. Chairman,

Tonga recognizes with appreciation the work of the Commission and wishes to welcome its Report as set out in document A/72/10. The progress of work and the development of draft articles and guidelines in various areas of law, including that related to the protection of the atmosphere, continue to contribute to the development and codification of international law. Tonga is particularly pleased to see the invitation extended to States by the Commission, under Chapter III, Part C, paragraph 33, to propose topics for inclusion in its long-term programme of work.

Mr. Chairman,

Tonga recognizes that there are several emerging legal issues and topics under international law that may be studied, particularly in light of recent developments in scientific findings and the increasing global nature of challenges we encounter today. My delegation, it may be recalled, made a particular reference to these in our intervention under Agenda Item 84. In this regard, a topic we submit that warrants careful attention and study by the Commission is the topic of “the legal implications of climate change on the ocean”.

Mr. Chairman,

Climate change impacts are felt in all parts of the world both on land and the ocean. Climate change impacts on the ocean add a compounding layer to the many stressors the ocean faces, thereby contributing to its deterioration. The most evident impacts on the ocean extend from sea level rise, ocean acidification, to coral bleaching. The study of further impacts of climate change

on the ocean continues to be explored by the global scientific community, including the Intergovernmental Panel on Climate Change, which will be delivering a special report in 2019 on climate change and the oceans and the cryosphere.

Mr. Chairman,

There impacts of climate change on the ocean are new and are not captured at all or addressed in great depth under existing international legal frameworks or international law, generally. Simply put, these impacts were not a topical issue at the time these frameworks were developed and finalized. As such, there are gaps in the law that should be considered and addressed. These include the potential impacts of of climate change on the rights of states to the ocean and its resources, maritime boundaries, coastal conservation measures, sovereignty, migration, and various activities which take place in the ocean, to name a few. An insight into some of these legal implications were discussed at a number of fora this year, including the 18th Session of the United Nations Open-ended Informal Consultation on the Law of the Sea by the International Law Association in May, the inaugural United Nations Ocean Conference's Partnership Dialogues in June, and in Section III, C of the Fourth Report of the Special Rapporteur, Shinya Murase, on the Protection of the Atmosphere.

The ideas are broad strokes my delegation is painting as we recognize the myriad and diverse views delegations of this Committee may have on the legal implications on climate change and the ocean. We believe, however, that to aid in a common understanding and acceptance of an approach to addressing these gaps in law may be assisted through the expertise of the Commission.

Mr. Chairman,

Tonga, therefore, is of the view that the International Law Commission could take a leading role in considering the various views on the topic, and produce for us possible recommendations, interpretations, or guidelines on the subject matter which we may consider going forward, whilst respecting the current state of international law and its ongoing potential for development in light of our contemporary challenges.

I thank you Mr. Chairman.