



Statement on behalf of the Alliance of Small Island States (AOSIS) at the
Commemorative meeting to mark the 40th anniversary of adoption of the
Convention on the Law of the Sea (UNCLOS)

29 April 2022 (10:00am)

Mr. President,

I have the honour to deliver this statement on behalf of the Alliance of Small Island States (AOSIS)—the small island, large Ocean Member States for whom the Ocean is intrinsic to our cultures, communities and economies.

We thank Grenada, Kenya, Denmark, Portugal and Singapore for this initiative to observe the 40th Anniversary of the adoption of the UN Convention on the Law of the Sea (UNCLOS).

Today marks the commemoration of arguably one of the most effective and respected conventions in the international legal regime. Over the last 40 years, this convention has provided an effective framework for the governance of the oceans and its resources.

UNCLOS holds particular importance for the SIDS considering our jurisdiction over vast swaths of the oceans and the importance of the marine environment to our economies. But there is a more personal connection for us, with a Singaporean as President of the IGC and the Agreement being signed in Jamaica. But more than that, for many small islands the negotiations of UNCLOS were our first independent forays into international law. Only 13 SIDS were independent when UNCLOS negotiations started. Over the decade that this agreement was being negotiated, 18 SIDS became independent. For my own country, Antigua & Barbuda, which became independent in late 1981, UNCLOS was the second international agreement that we signed.

Over the past 40 years, the UNCLOS regime has formed the basis for, among other things, the conduct of maritime commerce, freedom of navigation, protection of the marine environment, and the very maritime entitlements that are so essential to us. This Agreement has provided the international community with the stability, security, certainty and predictability necessary for the orderly development of the oceans.

Mr. President

While UNCLOS has assisted with securing the conservation and sustainable use of marine biodiversity via national, regional and international cooperation, there are still significant gaps in Ocean governance and regulation.

In this vein, AOSIS looks forward to concluding the fifth session of the Intergovernmental Conference on BBNJ with the adoption of a robust instrument governing the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and we are eager to immediately commence work on its operationalization. We reiterate our call for the instrument to give due recognition to the special circumstances of SIDS that are in part due to their unique characteristics, dependence, and particular exposure to the Ocean and its biodiversity.

While UNCLOS acknowledges the varied needs and circumstances of new and emerging economies, the international community has subsequently gone further, and recognised the special circumstance of Small Island Developing States at the Rio Conference in 1992, and this has been reflected in all relevant subsequent international agreements such as the Port State Measures Agreement. For SIDS, this is an essential element of the forthcoming BBNJ instrument.

Mr. President, I would now like to turn to the future of UNCLOS.

There is a significant Ocean matter that relates to the security of all SIDS: climate change-related sea-level rise. Such sea-level rise raises important questions regarding the political, economic and environmental stability that the last 40 years of the UNCLOS have built.

The Heads of State and Government of AOSIS Member States met in 2021, following a similar meeting by the Leaders of the Pacific Islands Forum the same year. Both meetings resulted in leaders' declarations that addressed climate change-related sea-level rise and its relationship to maritime zones. Both were similarly clear that there is no obligation under the UNCLOS to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations. Once deposited, such maritime zones 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.

Simply put, SIDS require their notified baselines and outer limits of maritime zones, and the rights and entitlements that flow from them under UNCLOS, to remain unaffected by rising sea levels due to climate change. AOSIS welcomes the work being done by the International Law Commission on this topic, and we pledge to continue to contribute and engage at every possible opportunity.

Mr. President

AOSIS welcomes and pledges its support to all the efforts to strengthen Ocean governance through the UNCLOS framework. We also accept and acknowledge that the challenges we face are cross-cutting, so too must be the responses. Many organisations and bodies, may they be global, regional, or local, have a role in Oceans governance. Still, all efforts must work in harmony with the principles laid down in the UNCLOS, including those pertaining to the protection and preservation of the marine environment from various forms of pollution. In this

connection, we look ahead to the 2022 UN Ocean Conference, as well as to advancing discussions on the Ocean-climate nexus throughout UNFCCC negotiations. And, we welcome the launching of an intergovernmental negotiating committee for an international legally binding instrument to end plastic pollution, including in the marine environment.

are pleased that in its 40 years after its adoption, the UNCLOS legal regime has burgeoned into conventions, instruments, processes and initiatives that govern the behaviour of States at sea. This has always been the vision; the UNCLOS is fondly noted as the Constitution of the oceans and seas. AOSIS, however, urges our colleagues to think more actively on how that Constitution can assist the most vulnerable in the trying times that come.

I thank you.