



The role of International Law in shaping a better future in a constantly changing world

Keynote Speech by the Prime Minister of Tuvalu

Introduction

Legal Counsel, Distinguished participants,

Talofa koutou and a very good morning, afternoon, or evening to all in attendance for this annual FAO Law Lecture.

I convey to all participants warmest greetings and best wishes from the People of Tuvalu.

I am sincerely grateful to the Director-General for the invitation to deliver this year's FAO Law Lecture. And I am particularly honoured to deliver this Lecture on FAO's 80th anniversary, to discuss "the role of International Law in shaping a better future in a constantly changing world". Today, we look back at eight decades of achievement and progress, and look ahead to the next eighty years, to how international law must continue to evolve to meet the needs of future generations.

In the course of this Lecture, I will reflect on how international law continues to evolve in response to the profound challenges of our time. I will begin by sharing some thoughts on the landmark advisory opinions issued by the International Tribunal for the Law of the Sea ("ITLOS" or "the

Tribunal”) and the International Court of Justice (“ICJ”). These pronouncements, in my view, mark a turning point in the interpretation and application of States’ obligations under international law.

I will then turn to broader developments that reveal how both the actors and the rules of international law are changing, leading to what we might call a new multilateralism. I will then discuss the important role of FAO and its legal instruments in this process, as they continue to shape international cooperation in food security, sustainable development, and the governance of natural resources, reflecting how international law contributes to a better future in a constantly changing world. Finally, I will consider the vital role that FAO and the Pacific Small Island Developing States (“SIDS”), including Tuvalu, play in shaping and implementing this evolving legal landscape.

For eight decades, FAO has been engaged in its mission to eliminate hunger, reduce poverty, and build sustainable, inclusive food systems. Central to the mandate of the Organization is the development of international legal instruments that foster cooperation among States, ensuring fairness, predictability and accountability in pursuing shared goals.

For Pacific SIDS, including Tuvalu, these frameworks are essential to address unique vulnerabilities and safeguard sustainable development. Since joining FAO in 2003¹, Tuvalu has worked closely with the Organization and through regional and global *fora*, including the Alliance of Small Island States (“AOSIS”), to strengthen food security and international legal cooperation.

As FAO marks its 80th anniversary, we are reminded of the enduring importance of multilateralism and international law. In a rapidly changing world, we must renew our commitment to these principles to shape a fairer, more resilient future for all.

Section I – A Starting Point: Two Recent Judicial Pronouncements

As many of you will be aware, Tuvalu is compelled to address the impacts of sea level rise. This has called for Tuvalu to revisit and invite reconsidering of what had – for some – appeared to be settled precepts of public international law.

I am referring to the two recent landmark advisory opinions requested from both ITLOS² and the ICJ³ concerning obligations under international law in relation to changes in the environment emanating from anthropogenic sources (the “ITLOS Advisory Opinion” and the “ICJ Advisory

¹ The Development Law Service, Membership of FAO, available at: <https://www.fao.org/legal-services/membership-of-fao/en/>.

² Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law (Advisory Opinion) (International Tribunal for the Law of the Sea, Case No 31, 21 May 2024; available at: https://www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf).

³ Obligations of States in respect of Climate Change (Advisory Opinion) (International Court of Justice, General List No 187, 23 July 2025; available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>).

Opinion”, and, together, the “Advisory Opinions”), which is the starting point of this Lecture. These opinions, viewed through the theme of this Lecture, underscore how international law can shape a better future — one that is responsive, inclusive, and guided by science and justice.

While an advisory opinion is considered as non-binding in itself,⁴ it is a pronouncement of international law as it exists.⁵ The legal obligations it identifies must be followed, so that future decisions cannot depart from the law it clarifies, even if technically they do not bind as *res judicata*. Advisory opinions are therefore highly persuasive: they guide States, courts, and other subjects in the application of law, and can be relied upon to understand existing rights and obligations.⁶ It is against this background that, particularly bearing in mind the theme of today’s Lecture, it is important to refer to these two recent rulings.

The process leading to the Advisory Opinions is itself testimony of inclusive multilateralism in international law. The proceedings before the ICJ, in particular, had the highest level of participation in the Court’s history, as 96 States, and 11 international organizations presented oral statements during the public hearings.⁷ Tuvalu also participated in the proceedings by submitting written statements and comments before the Court.⁸ As a founding member of the Commission of Small Island States on Climate Change and International Law (“COSIS”), Tuvalu was also part of the regional efforts seeking clarity from ITLOS.

The ITLOS Advisory Opinion defined a stricter concept of State responsibility that unites treaty law, customary law, and general principles, emphasizing that duties of prevention, due diligence, and environmental impact assessment apply to both known and emerging forms of pollution affecting shared areas of the international community.

In particular, the Tribunal established that, in accordance with Article 194 of the United Nations Convention on the Law of the Sea (“UNCLOS” or “the Convention”), States have specific

⁴ Hugh Thirlway, *Advisory Opinions*, MPIL, 2006, para. 1.

⁵ See also *Western Sahara Advisory Opinion (declaration of Judge Gros)*: “(W)hen the Court gives an advisory opinion on a question of law it states the law. The absence of binding force does not transform the judicial operation into a legal consultation, which may be made use of or not according to choice. The advisory opinion determines the law applicable to the question put.” Similarly, Natalia Simonova describes advisory opinions through their ‘essential meaning of interpretative acts of international legal norms and international obligations arising from them’ (*Western Sahara, Advisory Opinion*, I.C.J. Reports 1975, p. 12, declaration of Judge Gros, para. 6).

⁶ See, e.g., Niccolò Lanzoni, *The Authority of ICJ Advisory Opinions as Precedents: The Mauritius/Maldives Case*, *The Italian Review of International and Comparative Law* (Brill, 2022), available at: https://brill.com/view/journals/iric/2/2/article-p296_005.xml?language=en&srsltid=AfmBOooeEYSS2lbHDBGd4Zob0HS6NeXMSb84sfPBzYNSmfB56F4sp2KC.

⁷ House of Commons Library, *Climate Change at the International Court of Justice*, 8 October 2025, available at <https://commonslibrary.parliament.uk/research-briefings/cbp-10354/#:~:text=The%20proceedings%20had%20the%20highest,the%20primacy%20of%20climate%20treaties>.

⁸ Written Statement of Tuvalu, 20 March 2024, available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-05-00-en.pdf>; Written Comments of Tuvalu on the Written Statements made by Other States and International Organizations, 14 August 2024, available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240814-wri-08-00-en.pdf>; Tuvalu, Responses to the Questions asked by the Judges, 20 December 2024, available at <https://www.icj-cij.org/case/187>.

obligations “to take all necessary measures to prevent, reduce and control marine pollution”, guided by “the best available science and relevant international rules and standards”.⁹ The Tribunal also clarified that, with respect to transboundary pollution affecting the environment of other States, the due diligence standard, which States are obliged to comply with, is particularly “stringent”.¹⁰

Equally significant is the Tribunal’s analysis in the interplay between UNCLOS and the Paris Agreement. The Tribunal noted that, while the obligations under the Paris Agreement “are relevant in interpreting and applying the Convention”, it “does not consider that the obligation under article 194, paragraph 1, of the Convention would be satisfied simply by complying with the obligations and commitments under the Paris Agreement”.¹¹ The Tribunal affirmed that, while the Paris Agreement “complements the Convention”, “[t]he Convention and the Paris Agreement are separate agreements, with separate sets of obligations”.¹² The implication of the Tribunal’s reasoning, I would argue, is that States cannot shelter behind selective commitments, but must meet their duties across all applicable frameworks.

The Tribunal also stressed the importance of environmental impact assessments (“EIAs”), observing that the obligation to conduct EIAs is “crucial to ensure that activities do not harm the marine environment and is an essential part of a comprehensive environmental management system”.¹³ In this connection, the Tribunal appears to confirm that conducting EIAs is an obligation under customary international law, as affirmed by its Seabed Disputes Chamber,¹⁴ and acknowledged by commentators.¹⁵ In this connection, it is worth recalling that the importance of the duty of prevention in relation to the protection of the environment had already been established by the ICJ almost 30 years ago, in the *Gabčíkovo-Nagymaros Project* Judgment.¹⁶

Perhaps even more significantly than the ITLOS Advisory Opinion, the Advisory Opinion recently delivered by the ICJ marks a historic milestone in the evolution of international law. The Court established that States are bound by certain obligations that do not only stem from treaty law, but also from customary international law, and that these are obligations *erga omnes*.¹⁷

⁹ ITLOS Advisory Opinion, para. 243.

¹⁰ ITLOS Advisory Opinion, para. 256.

¹¹ ITLOS Advisory Opinion, paras. 222 and 223.

¹² ITLOS Advisory Opinion, para. 223.

¹³ ITLOS Advisory Opinion, para. 354.

¹⁴ Responsibilities and obligations of States with respect to activities in the Area, Advisory Opinion, 1 February 2011, ITLOS Reports 2011, p. 10, para. 145, available at: https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_17/17_adv_op_010211_en.pdf.

¹⁵ Song, Y. The Obligation of EIA in the International Jurisprudence and Its Impact on the BBNJ Negotiations. *Sustainability* 2022, 15, 487, p. 2.

¹⁶ The Court held that “in the field of environmental protection, vigilance and prevention are required on account of the often irreversible character of damage to the environment and of the limitations inherent in the very mechanism of reparation of this type of damage” (*Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I. C. J. Reports 1997, p. 7, para. 140).

¹⁷ ICJ Advisory Opinion, para. 440.

Among the most consequential findings in the ICJ Advisory Opinion are those concerning the obligations of all States to mitigate their emissions, in compliance with the due diligence standard, using the best available science.¹⁸ This, as commentators noted,¹⁹ effectively shifts climate action from policy discretion to enforceable commitments that courts and tribunals can invoke across environmental law, human rights law, and the law of the sea.

The Court also emphasized that due diligence is not a vague aspiration, but a concrete legal duty. States must regulate conduct within their jurisdiction, whether by public or private actors, when that conduct risks causing significant transboundary harm.²⁰ In my view, this explicit extension of obligations to the activities of private entities underscores the indivisibility of sovereignty and responsibility. Essentially, States cannot disclaim accountability for harm arising from actors under their control.

In sum, the Advisory Opinions advance international law beyond the confines of individual treaty regimes. They articulate a universal principle: that sovereignty entails responsibility, and that States are legally bound to prevent serious harm to the shared spaces of the international community. These opinions are not only significant in clarifying binding international law; they also stand as a testament to the cooperation and active engagement of States in seeking authoritative guidance on pressing global challenges.

Section II – International Law Developments and a New Multilateralism

In Tuvalu, and across the Pacific SIDS, our agrifood systems, economies, and cultural identities are inseparable from the ocean, which sustains our communities with food, income, and a deep sense of cultural belonging—our *fenua*. Yet, the ocean’s constant changes now threaten the very foundations of our Statehood, sovereignty, and survival.

Beyond climate-related threats, the ocean faces mounting human pressures such as illegal, unreported, and unregulated (IUU) fishing, overexploitation, unsustainable subsidies, and emerging industries like deep-sea mining. These challenges call for stronger global action and an international legal framework that is inclusive, equitable, and effectively implemented.

But it is not only the natural environment that is transforming. Our legal and institutional frameworks are also evolving. We are witnessing a profound shift in the multilateral system, one that demands thoughtful engagement and reform. It is thus our responsibility to guide this

¹⁸ ICJ Advisory Opinion, inter alia paragraphs 224, 254, 258

¹⁹ María José Alarcón Santillán & Erick Guapizaca, “Symposium on the ICJ Climate Change Advisory Opinion: A Landmark Moment for International Law”, *OpinioJuris* (2025), available at: <https://opiniojuris.org/2025/09/25/symposium-on-the-icj-climate-change-advisory-opinion-a-landmark-moment-for-international-law/>.

²⁰ ICJ Advisory Opinion, para. 252.

transformation so that international law continues to serve humanity and safeguard a just and sustainable future for all.

A. Shift in actors of international relations

When FAO was established 80 years ago, international law was, in a sense, simple. Yes, we were coming from a terrible conflict – hence the need for FAO, the UN, and the other specialized agencies created on the ashes of the League of Nations. And the challenges were immense: reconstruction, decolonisation, human rights and human dignity to be put at the centre of international relations. But the legal landscape was rather primitive, if I may say so.

States were nearly the only subjects of international law, and the ones making or breaking the rules and the system itself. In its Constitution, FAO took States for granted, and cooperation had to be among these subjects.²¹ States were generally conceived as governing authority with a defined territory and population.²² International law relied on treaties and custom, both originally based on State consent.

80 years after the foundation of FAO, the world, and the international legal order, have transformed. The very definition of who participates in and shapes international law is changing, reflecting the theme of this Lecture: a living, evolving system designed to meet the realities of a constantly changing world.

Within the broader context of the constant development of international law, in this next part I will briefly discuss two examples of the evident shift in the actors of international law and relations. With respect to States, who remain the primary subjects of international law, I will discuss whether, in the context of sea level rising and disappearing land, there can be a “State” without a “territory”. Then, I will turn my attention to the emergence of new actors on the international scene.

(i) Does the existence of a territory remain an indispensable element of Statehood?

Crucially for SIDS, the recent ICJ Advisory Opinion has unequivocally stated that “*once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood.*”²³ Thus, even if land disappears owing to rising seas, the subject of international law continues to exist, with all its rights, including permanent sovereignty over its natural resources. This appears to me to be based on self-determination arguments; indeed, the right to permanent sovereignty is a right that pertains to nations but also to peoples under

²¹ Its preamble refers to the “[n]ations accepting this Constitution”.

²² See, e.g., Article 2 of the Convention on the Rights and Duties of States, providing that “a defined territory” is one of the essential qualifications of a State (Convention on the Rights and Duties of States, 26 December 1933, available at: <https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf>). Also, in its Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the UNGA considers a territory, and more specifically, territorial integrity, as one of the essential features of States (UNGA Resolution 2625, 24 October 1970, available at: <http://www.un-documents.net/a25r2625.htm>).

²³ ICJ Advisory Opinion, para. 363.

international law: as Resolution 1803 adopted by the General Assembly (“UNGA”) in 1962 stated, “[t]he free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be furthered by the mutual respect of States based on their sovereign equality.”²⁴ This respect, it is now explicitly stated, includes respect for current resources even if a State finds itself diminished in territory.

Continuity of States has always been linked to the rights of developing and managing marine resources of areas within national jurisdiction and the recognition, but also to the preservation and protection of territorial sovereignty and jurisdiction over the areas and established and demarcated maritime boundaries in accordance with UNCLOS. This is pivotal for low-lying island nations like Tuvalu that face the very real threat of land loss due to sea level rise. In accordance with this principle, in our written statement before the ICJ we called for all States to “*respect the enduring sovereignty of States like Tuvalu even in the face of submergence of land territory*”.²⁵ This statement and Tuvalu’s and other SIDS’ participation in the ICJ process echoes a consistent theme pursued in the form of other multilateral actions in relevant processes such as the Pacific Islands Forum (PIF) submission for the development or application of international law through its Declaration of Preserving Maritime Zones and subsequent submissions to the International Law Commission (ILC) Study Group on Sea Level Rise on Preserving Maritime Zones.²⁶

Tuvalu, as the co-chair of the *Coalition for addressing sea-level rise & its existential threats* (C-SET) launched in 2023, spoke on behalf of the C-SET at the UNGA annual high-level debate in September 2024, underscoring the existential threat that sea-level rise poses to PSIDS as communities’ habitability are affected by irreversible impacts, and calling for “*legal stability, security, certainty and predictability in the face of sea-level rise*”.²⁷

Tuvalu has recently welcomed the UNGA’s decision to convene a second high-level plenary meeting, to be held next year for considering a UN declaration on sea-level rise, and “continues to call for the development of an international treaty on sea-level rise that codifies the legal rights of offended States and peoples, and to reaffirm the principles of Statehood continuity and the permanency of maritime boundaries”.²⁸

²⁴ UNGA Resolution 1803, Permanent Sovereignty over Natural Resources, para. 5, available at [https://docs.un.org/en/a/res/1803\(xvii\)](https://docs.un.org/en/a/res/1803(xvii)).

²⁵ Written Statement of Tuvalu, 20 March 2024, para. 149, available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-05-00-en.pdf>.

²⁶ PIF Submission No.4 to the International Law Commission, Tuesday 1 August 2023, Information Paper No. 2: Statehood and the Protection of Persons Affected by Sea Level Rise, available at: https://legal.un.org/ilc/sessions/75/pdfs/english/slr_pif.pdf

²⁷ See C-SET Joint Statement delivered by the Co-Chair Tapugao Falefou, Permanent Representative of Tuvalu to the UN, 16 January 2024, UNGA, New York. Available at [dw8sssAExkuA_en.pdf](https://www.un.org/press/en/2024/01/240116tuvalu-statement-20240116-en.pdf)

²⁸ See Tuvalu Prime Minister Addresses United Nations General Debate, 80th session, New York 23 – 29 September 2025, available at [tv Tuvalu - Prime Minister Addresses United Nations General Debate, 80th Session](https://www.tuvalu.gov.fj/en/news/2025/09/23-prime-minister-addresses-united-nations-general-debate-80th-session). See also [Sea-Level Rise ‘Finally’ on Global Agenda, General Assembly Hears, as World Leaders Urge Action to Turn Tide | Meetings Coverage and Press Releases](https://www.un.org/press/en/2025/09/250923tuvalu-statement-20250923-en.pdf).

This is also reflected in our bilateral relations with neighbouring States. In the recent *Falepili Union* between Australia and Tuvalu, the world's first bilateral treaty on climate mobility, the parties explicitly recognize that “*the statehood and sovereignty of Tuvalu will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise*”.²⁹ It complements Tuvalu's practice in making positive declarations of preservation of its maritime jurisdictional claims in relevant global fora and in amending its Constitution, to secure its perpetual Statehood and maritime boundaries' protection.³⁰

Now the ICJ is lending stronger legal arguments to this position, explicitly referring to “*the legal obligation to co-operate requires States, in the context of sea level rise, to work together with a view to achieving equitable solutions, taking into account the rights of affected States and those of their populations*.”³¹ As Judge Dillard opined in the *Western Sahara* Advisory Opinion of 1970, “[i]t is for the people to determine the destiny of the territory and not the territory, the destiny of the people.”³² Nor for the sea, if I may add.

(ii) *States are no longer the only actors on the international scene*

But there is more. While unthinkable 80 years ago, we now have a regional economic integration organization, the European Union, as a Member of FAO.³³ This, among other aspects, is premised on the fact that an intergovernmental organization (“IGO”) can be authorized to exercise tasks typical of a sovereign State. This shows the vision of FAO, its unique ability over the decades to evolve with international law and ensure that different voices – or the same voices with different tones, different pitches – are heard when pivotal discussions for our future take place. Why not consider whether other such regional organizations can do the same, requesting membership alongside States?

And FAO has gone far beyond accepting regional organizations as Members. As we have seen during the World Food Forum, the Organization has been a catalyst and a space for discussion about the most serious and momentous topics in today's world: the harnessing of new technologies for food and agriculture, investments, the role of the youth and civil society in shaping our solutions to the challenges we face.

More importantly in the long term, one of the bodies FAO hosts – the Committee on World Food Security (CFS) – is a prime example of a platform integrating representatives from governments, but also UN agencies, civil society, indigenous people, financial and research institutions,

²⁹ Australia-Tuvalu Falepili Union, Article 2(2)(b), available at: <https://www.dfat.gov.au/sites/default/files/australia-tuvalu-falepili-union-treaty.pdf>.

³⁰ See the Constitution of Tuvalu Act 2023 available at: https://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1986/1986-0001/1986-0001_2.pdf

³¹ ICJ Advisory Opinion, para. 365.

³² *Western Sahara* (Advisory Opinion) 1970 (Judge Dillard, Separate Opinion), para. 114.

³³ The Development Law Service, Membership of FAO, available at: <https://www.fao.org/legal-services/membership-of-fao/en/>.

philanthropic foundations, and the private sector.³⁴ While the challenges to its functioning are many, it is an exciting attempt at a multi-stakeholder and inclusive approach foreshadowing a more holistic approach to international relations, where States and sovereigns, while ultimate decision-makers – are institutionally open to voices from society, in a broad sense.³⁵ This is meant to enable it to expand participation to ensure that voices of all relevant stakeholders are heard in the policy debate on food and agriculture with the ultimate aim of eradicating hunger. And there are several other platforms and initiatives where a broad range of stakeholders are given a voice. Civil society, indigenous peoples, the marginalised in our society, in the international community itself, have ideas and determination – we need to think of mechanisms to multiply these opportunities and ensure that the voices that have not been invited to speak for so long are heard, loud and clear.

Effective participation of diverse actors and ability to advocate in relevant processes will be key in the decades to come, if we want to maintain the credibility and authority of international law.

B. Shift in rules governing international law

So, the first big shift from 80 years ago relates to the participants, the actors of international relations – the definition of States is changing, and new actors are getting a voice.

The second momentous shift relates not to the subjects, but to the legal system itself. Of course, several new norms have been added to those that populated the primitive landscape of international law in the 1940s. To touch only upon some of the areas impacting the work of FAO (or which FAO helped develop): environmental law, law of the sea, including fisheries and aquaculture, but also development law, international health law, genetic resources, international standards for consumer protection and so on. Even more radical, however, are concepts such as *jus cogens*, those peremptory norms that override treaties and even custom, representing as they do the core values of the international community. But also, and more to the point here, obligations *erga omnes*, recognized by the ICJ in the famous *Barcelona Traction* case in 1970. In such cases:

*“In view of the importance of the rights involved, all States can be held to have a legal interest in their protection; they are obligations erga omnes. [...] Some of the corresponding rights of protection have entered into the body of general international law ... others are conferred by international instruments of a universal or quasi-universal character.”*³⁶

As I discussed earlier in this Lecture, the recent ICJ Advisory Opinion is also replete with references to such *erga omnes* obligations, because (and I quote) “*all States have a common interest in the protection of global environmental commons like the atmosphere and the high seas ...*

³⁴ See Committee on World Food Security, CFS Structure, available at: <https://www.fao.org/cfs/cfs-governance/cfs-structure/en/>.

³⁵ Commentators acknowledge that civil society plays an active role in the international community and “*has affected both the content and process of international law-making*” (Gerald Stabrock, “Civil Society”, *MPIL* (2011), para. 1. See also Cullen & Morrow, “International civil society in international law: The growth of NGO participation”, *Non-State Actors and International Law* (Brill, 2001).

³⁶ *Belgium v Spain* (Second Phase), ICJ Rep 1970 3, para. 33.

*[a]s a result, all States parties have a legal interest in the protection of the main mitigation obligations set forth in the climate change treaties and may invoke the responsibility of other States for failing to fulfil them.”*³⁷ It took us a while to get to this explicitly, but here we are: single States or companies cannot use our common goods as if there were *res nullius*, something to be used “first come first served”, not paying heed to the costs and the consequences of all. Cooperation is a necessity; more, it is a legal duty.

Thus, another huge shift in the edifice of international law: not just new actors playing on the international law arena, but also new categories of norms – with a direct huge impact on the work of FAO and the UN at large.

After 8 decades, multilateralism is still required and sought after. Nonetheless, it also needs to take on new forms, and be fully integrated in the new landscape and challenges. What new classes of international law norms will come up, what new institutions? Corporate responsibility for massive damages to nature, including its human component? Strict liability for the use of AI causing indiscriminate damage? A tribunal for environmental crimes and to compensate for losses thereof? A UN “Ministry of the Future” dealing with food and environment with executive authority, to paraphrase a novelist?³⁸

We of course have to see about these and so many more possibilities. However, there is no doubt that we need to *lead* these changes, or else we will be seen by our children and grandchildren as having squandered a huge opportunity to shape not just the legal landscape, but the actual physical, natural landscape that feeds us all.

Section III – FAO’s Mandate and SIDS Role

Allow me to go back to FAO, during this 80th anniversary year. As FAO enters its ninth decade, the Organization remains a cornerstone of how international law shapes cooperation in food, agriculture, and natural resources – practical expressions of the theme guiding this Lecture.

The work of FAO stands as a testament of how international law can stimulate global cooperation to advance sustainable agrifood systems, while protecting the most vulnerable communities. Tuvalu, and more broadly the Pacific SIDS, face the multiple challenges confronting the world today: food insecurity, limited natural resources, economic vulnerability, all which can be exacerbated by a constantly changing world.

International legal instruments developed within FAO’s legal framework and promoted by the Organization have proven essential in addressing these challenges. Effective implementation of these instruments relies on capacity-building and development, resource management, and

³⁷ Obligations of States in respect of Climate Change (Advisory Opinion) (International Court of Justice, General List No 187, 23 July 2025), paragraph 440-441.

³⁸ Kim Stanley Robinson, *The Ministry for the Future* (Orbit Books, 2020).

international cooperation tailored, in particular, to the reality of SIDS, ensuring that these nations are not left behind in global development efforts.

Whether it is the conservation of plant genetic resources, the governance of fisheries, the protection of animal and plant health, or the adaptation of agri-food systems to climate stress, FAO's normative work helps countries like Tuvalu exercise sovereignty, protect livelihoods, and participate in global rule-making on an equal footing.

One example is the so-called UN Fish Stocks Agreement (“UNFSA” or the “Agreement”), the first fisheries related implementing agreement of UNCLOS.³⁹ The Agreement recognises and introduces, for the first time in a legally binding instrument, the implementation of approaches and principles such as compatibility of conservation and management measures, ensuring the long-term sustainability of straddling and highly migratory fish stocks, and the precautionary principle.⁴⁰

From an international law perspective, one might consider that its Article 8(3) of the Agreement, in particular, attempts to create a sort of *erga omnes* rule through a treaty, through progressive development of international law. The provision states that “[w]here a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for particular straddling fish stocks or highly migratory fish stocks, States fishing for the stocks on the high seas and relevant coastal States shall give effect to their duty to cooperate by becoming members of such organization or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement”.

This, in my view, imposes a duty to cooperate on any State, even those not parties to the UNFSA, in direct application of Article 118 of UNCLOS, which establishes a duty upon all States to “cooperate with each other in the conservation and management of living resources in the areas of the high seas”. Be that as it may, the Pacific SIDS followed through by initiating the negotiation of the agreement establishing the Western and Central Pacific Fisheries Commission (“WCPFC”) – the first agreement that reflects the requirements of the UNFSA, establishing the first regional fisheries management organization after entry into force of the UNFSA.⁴¹

A further example is the recent adoption of the so-called “BBNJ Agreement”, the third implementing agreement of UNCLOS, focused on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.⁴² The BBNJ Agreement marks a

³⁹ The full text of the UNFSA is available at: https://www.un.org/oceancapacity/sites/www.un.org.oceancapacity/files/files/Projects/UNFSA/docs/unfsa_text-eng.pdf.

⁴⁰ See, *inter alia*, Articles 2, 5 and 7 of the Agreement.

⁴¹ Convention on the Conservation and Management of High Migratory Fish Stocks in the Western and Central Pacific Ocean, available at: <https://www.wcpfc.int/convention-text>.

⁴² Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, 19 June 2023, available at:

breakthrough for multilateralism, as it fills longstanding gaps in the governance of marine areas beyond national jurisdiction through States' cooperation, bringing to the fore an innovative and fundamental inter-sectoral principle of not undermining existing relevant instruments, frameworks and bodies.

Pacific SIDS played a critical role in shaping the agreement, ensuring that the principles of equity, capacity-building, and the special circumstances of small island developing States are embedded in its framework. The BBNJ Agreement represents not only a triumph of diplomacy and international law, but also a reaffirmation that collective solutions are possible, even in today's complex and fragmented global landscape.

Yet another example is the Port State Measures Agreement ("PSMA"), a treaty established under FAO's legal framework, aimed at strengthening States' ability to prevent illegally sourced fish from entering into Parties' ports and markets.⁴³ The PSMA is complemented by regional efforts in the Pacific, as measures and projects to combat IUU fishing are also promoted and implemented through the Forum Fisheries Agency ("FFA"), the WCPFC, the Secretariat of the Pacific Community, and the Pacific Regional Environment Programme ("SPREP"), of which Tuvalu is a proud Member. These global and regional efforts demonstrate how legal instruments, when designed well to address global concerns, matched with political will and technical support, can translate directly into practical and effective action.

Equally fundamental is the legal work FAO has done to support agricultural resilience. The International Treaty on Plant Genetic Resources for Food and Agriculture ("ITPGRFA") ensures that countries like Tuvalu have access to the seeds and crop varieties they need to adapt to increasingly unpredictable climate conditions.⁴⁴ In our region, this kind of legal access to genetic diversity can make the difference to increase food security. Tuvalu is proud to have been a party to this instrument since 2016, and to contribute to strengthening regional capacity through the Pacific Agricultural Plant Genetic Resources Network.⁴⁵

The same is true for FAO's leadership on plant and animal health. As a party to the International Plant Protection Convention ("IPPC")⁴⁶, Tuvalu has contributed to the development and adoption of the International Standards for Phytosanitary Measures.⁴⁷ These instruments allow countries to

<https://www.un.org/bbnjagreement/sites/default/files/2024-08/Text%20of%20the%20Agreement%20in%20English.pdf>.

⁴³ Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 22 November 2009, available at: <https://faolex.fao.org/treaty/docs/tre000003E.pdf>.

⁴⁴ International Treaty on Plant Genetic Resources for Food and Agriculture, 3 November 2001, available at: <https://faolex.fao.org/treaty/docs/tre000005E.pdf>.

⁴⁵ See Pacific Community, "Pacific Agricultural Plant Genetic Resources Network (PAPGREN) looks to strengthen conservation and use of plant genetic resources", 31 August 2017, available at: <https://www.spc.int/updates/news/2017/08/pacific-agricultural-plant-genetic-resources-network-papgren-looks-to>.

⁴⁶ International Plant Protection Convention, 6 December 1951, available at: <https://faolex.fao.org/treaty/docs/tre000013E.pdf>.

⁴⁷ International Standards for Phytosanitary Measures (ISPMs), available at: <https://www.ippc.int/en/core-activities/standards-setting/ispms/>.

monitor and manage transboundary pests and diseases that, without international standards and technical capacity, would otherwise overwhelm fragile agricultural systems.

What unites all these instruments, binding or voluntary, is their foundation in cooperation and shared responsibility. They are not imposed. They are built together. And in that lies the deeper value of international law: not simply as a set of obligations, but as a platform for solidarity, dialogue, and collective problem-solving.

As FAO enters its ninth decade, the continued development of international legal frameworks will be essential to meeting new and emerging challenges: ensuring fair access to agriculture, governing the use of genetic resources and protecting biodiversity in the high seas.

More broadly at the international level, even outside the framework of FAO, Tuvalu has taken bold actions to contribute to the development of international law, in various domains.

Last year, Tuvalu spoke on behalf of the Pacific SIDS on the need of setting out clear obligations to remediate plastic pollution, actively contributing to the ongoing negotiations on the international legally binding instrument on plastic pollution.⁴⁸ Tuvalu is also taking an unprecedented step to have its entire country recognized as UNESCO world heritage, including the tangible and intangible heritage. This follows the country's ratification, in 2023, of the Convention concerning the Protection of the World Cultural and Natural Heritage.⁴⁹

Conclusions

I focused in this last segment on developments that touch Tuvalu, the SIDS, and the area of the Pacific. Each one of you will of course think about legal and policy developments in the areas of work of FAO that more closely touch on your interests and lives. Such developments contribute to reinforce and, at the same time, make multilateralism new, adapted to the many changes in our world.

Each one of us is also, I know, inevitably pondering about the long road still ahead in shaping a better future in a constantly changing world through international law. About the missed opportunities, the lack of vision and ambition thus far.

I strongly believe that a better future for all is not achievable without multilateralism and international cooperation. The world is imbedded in connectivity, common concerns and shared resources. International law must continuously evolve to overcome fragmentation, ensure effective linkages between the numerous treaties and international guidance, and find the right balance

⁴⁸ See “Pacific SIDS calls for stronger measures in the Plastics Treaty to address legacy pollution”, 27 November 2024, available at: <https://www.sprep.org/news/pacific-sids-calls-for-stronger-measures-in-the-plastics-treaty-to-address-legacy-pollution>.

⁴⁹ Convention Concerning the Protection of the World Cultural and Natural Heritage, 16 November 1972, available at: <https://whc.unesco.org/archive/convention-en.pdf>.

between legal certainty and the unavoidable need to adapt to a constantly changing world. Tuvalu and the Pacific SIDS have made some concrete efforts to contribute to international law making by utilising the processes and mechanisms available to them and actively participating or engaging in them. Each State has to carefully assess what they can do to improve the world around us and ensure a world free of hunger; they need to assess what they can do, because what they can do is what they should do. As we celebrate FAO's 80 years, we must also imagine the next 80 — a time when law and cooperation will continue to guide humanity toward sustainability, dignity, and peace. Where do we see our Organization in 80 years' time?

Multilateralism – *hand-in-hand*, as the theme of this year's World Food Forum highlighted – must change and adapt to a new landscape. States, individually or collectively, directly or through international and regional efforts, have the power to shape decision-making that ensure a coherent and effective international legal framework to secure a better future to all. They need to do this by listening to the voices of all stakeholders, paying particular attention to those voices that for so long have not had a seat at the table, and that face more challenges in being heard.

There is a growing effort to reform institutions of the broad UN family, and this is important. It is essential this is done in continuity with the objectives we share, and to ensure that they are better protected and promoted. Will this mean new processes, new structures, new bodies to ensure effective consultations and active participation? Or does it mean that we need to go back to the basics, so to speak, look at the Preamble and at Article 1 of the FAO Constitution and consider what we truly need to achieve those lofty goals?

As we stand at this crossroads, the challenge before us is not merely to adjust institutions or procedures, but to reaffirm our collective purpose. International law must remain a living instrument – one that guides cooperation, safeguards justice, and responds to the urgent needs of our people and our changing world. Its vitality depends on the commitment of States to remain actively engaged: to lead with vision and act with responsibility. By renewing our trust in multilateralism, translating shared principles into meaningful action, and working in genuine partnership with *all* actors, we can ensure that international law continues to shape a better future in a constantly changing world — just as it has done for the past 80 years, and as it must for the next 80.

May this Organization continue elevating its mandate and provide essential support to its Members for another 80 plus years.

Fakafetai lasi. Thank you very much.

Feleti Teo, Prime Minister of Tuvalu