



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Twenty-first meeting: "Sea-level rise and its impacts"

Statement under Item 3: General exchange of views

14 June 2021



New Zealand welcomes the topic of focus for this year's United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea on sea-level rise and its impacts.

We also acknowledge the unprecedented circumstances in which this meeting is taking place, and convey our sincere gratitude to the co-chairs from Monaco and Tonga for bringing us together, both virtually and in person, to discuss this important issue.

Sea-level rise, which is a growing issue for the international community, is particularly concerning for New Zealand and our Pacific neighbours. In our region, the ocean is at the heart of our geography and is inextricably linked to our identity.

Many low-lying states in our region are already facing the adverse impacts of sea-level rise. These include deteriorating marine and coastal environments, and increasingly frequent extreme events such as cyclones and flooding that inflict damage on communities and cause additional development, economic and environmental challenges for our region.

The international community must cooperate to address this challenge. This requires the development of appropriate political and policy frameworks, the elaboration of scientific, technical and technological responses, adaptation and resilience building, and responding to the legal challenges posed by sea-level rise.

Maritime zones, and the resource rights attached to them, are of fundamental importance to Pacific countries' economies, cultures, and ways of life. They also represent an essential component of the delicate balance of rights and responsibilities guaranteed by the United Nations Convention on the Law of the Sea (UNCLOS). For these reasons, New Zealand is committed to working with partners to ensure that, in the face of sea-level rise, coastal states' maritime zones are protected. In doing so, however, it is important that any solution upholds the integrity of UNCLOS which sets out the definitive legal framework within which all activities in the oceans and seas must be carried out.

We welcome the important work that the International Law Commission is undertaking on this subject. New Zealand considers that the first issues paper provides a valuable and thorough initial consideration of the issues related to maritime zones.

New Zealand particularly appreciates the emphasis placed by the co-chairs (in paragraphs 27, 190(g) and 220) on the importance of preserving legal stability, security, certainty and predictability. New Zealand agrees that the principle of stability and certainty is a key principle underlying UNCLOS, along with justice and equity, good faith, reciprocity, and the duty of

states to cooperate. New Zealand considers that these principles are relevant to the issue of sea level rise and international law.

New Zealand agrees that the issue of baselines and how they are affected by sea level rise is a key question and we note the concluding observations in paragraph 104 on this point. We particularly note the observations in sub-paragraphs (e) and (f) that an approach which responds adequately to the concerns of states is one based on the preservation of baselines and outer limits and of the maritime zones measured from baselines and that UNCLOS does not expressly prohibit such an approach.

It is in the interests of all states to preserve the balance of rights and responsibilities in UNCLOS and to ensure there is certainty over maritime zones. New Zealand is committed to working constructively with other states to this end.

We are optimistic that through continued cooperation we will be able to reach a common approach regarding how the UNCLOS rules should operate in the particular context of sea-level rise.