

**Pacific Islands Forum  
with United Nations Missions**

Australia, Federated States of Micronesia, Fiji,  
Kiribati, Nauru, New Zealand, Palau,  
Papua New Guinea, Republic of Marshall Islands,  
Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.



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**PACIFIC ISLANDS FORUM STATEMENT FOR 6<sup>th</sup> COMMITTEE**

**Agenda Item 82 - Cluster II. Report of the International Law Commission  
- Chp IX (Sea-level rise in relation to international law)**

Delivered by H.E Ambassador Agnes Harm,  
PIF Chair and Deputy Permanent Representative of Fiji to the United Nations.  
**3.00pm EST, 28 October 2021**

Bula Vinaka Excellencies,

1. I have the honour to deliver this statement on behalf of the fourteen Member States of the Pacific Islands Forum with presence here at the United Nations, namely; Australia, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Fiji.
2. We would like to express our thanks to the distinguished Chair of the Sixth Committee.
3. We thank the International Law Commission for their report on sea-level rise in relation to international law which was adopted by the Commission in its long-term programme of work in 2018 during the 70<sup>th</sup> Session, and further included as the topic in its programme of work in the 71<sup>st</sup> Session in 2019.
4. We would like to extend our sincere thanks to Member States, in providing constructively on the topic, as well as on the ILC Study Group's future work and working methods. We note the various comments and views expressed by Member States with regard to sea-level rise, maritime zones, and maritime boundaries.

5. We welcome the ILC Study Group's future programme of work which will address issues related to statehood and to the protection of persons affected by sea-level rise that will be addressed in the 73<sup>rd</sup> Session of the Commission.
6. As large oceanic States within a Blue Pacific Continent, Pacific countries have a profound connection to and reliance on the ocean, which is at the heart of our geography, cultures and economies. Our past, present and future development is based on rights and entitlements guaranteed under the 1982 UN Convention on the Law of the Sea (UNCLOS).
7. Our Leaders are in firm agreement that climate change is the single greatest threat facing Pacific Island Countries. Sea-level rise has been further and alarmingly confirmed as a real and pressing issue by the recent IPCC Working Group I report, *Climate Change 2021: the Physical Science Basis*, which is the first instalment of the IPCC's Sixth Assessment Report.
8. We note that the Study group has encouraged states to provide information of state practice and opinio juris. The Pacific Islands Forum's approach to this issue both preserves maritime zones in the face of climate change-related sea-level rise while also upholding the integrity of, and our long-standing commitment to, UNCLOS as the global legal framework within which all activities in the oceans and seas must be carried out.
9. On 6 August 2021, we marked our 50th Anniversary as the Pacific Islands Forum with our Leaders' endorsement of the *Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level rise*, signalling deep mutual commitment and a strong and decisive step to safeguard the homes and interests of the Pacific peoples, and maintain peace and security.
10. The Declaration is intended as a formal statement of Forum Members' view on how the UNCLOS rules on maritime zones apply in the situation of climate change-related sea-level rise.

Excellencies,

11. Sea-level rise related to climate change is a real and pressing issue which raises interrelated development and security concerns for our region. While it is of fundamental importance to Pacific Islands Forum Members, we also recognise that other countries, including small island developing States and low-lying States outside of our Pacific region, similarly require stability, security, certainty and predictability of their maritime zones.
12. In the interest of absolute clarity, particularly in light of the discussion in the Commission this year on this point, we stress that when we refer to the need for legal stability, security, certainty, and predictability in relation to the subtopic of the law of the sea, we mean that this is achieved through the preservation of maritime zones and the rights and entitlements that flow from them despite climate change-related sea-level rise.
13. In this connection, we offer our *Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level rise* as a considered, moderate and targeted approach to the issue of sea-level rise and its relationship to maritime zones through a good faith interpretation of UNCLOS and a description of the current and intended future practice of our Members in light of this interpretation.
14. We strongly appeal for all UN Member States and the international community to acknowledge the critical importance of this issue to small island developing States and low-lying States and to support the Declaration, including potentially echoing core elements of the Declaration in their own national and group contexts, much like the Heads of State and Government of the Alliance of Small Island States did in their Summit Declaration last month.

I thank you.