

Draft Statement delivered by Solomon Islands
At the Sixth Committee on Agenda Item 82: ‘Report of the International Law Commission on
the work of its 72nd Session’
October 29, 2021 (Delivered by Noel Matea – Deputy Permanent Representative)
Check against delivery.

Thank you, Madame/Mister Chair,

Solomon Islands would first like to express its appreciation of the work of the International Law Commission (“ILC”) in both the codification and progressive realization of international law. We thank the ILC for the production of its current report, and we are particularly grateful for the sustained focus on sea-level rise and its implications for international law.

Solomon Islands aligns itself with the statements delivered by Antigua and Barbuda on behalf of the Alliance of Small Island States (AOSIS), Fiji on behalf of the Pacific Island Forum (PIF), and Samoa on behalf of the Pacific Small Island Developing States (PSIDS). The following remarks are made in our national capacity.

While the COVID-19 pandemic continues to disrupt our lives and produce devastating impacts around the world, it also continues to lay bare the gaps in our ability to respond to truly global problems. We must now adapt our institutions and cooperate globally to fight climate change and sea level rise—what are perhaps our largest threats yet.

Like many other SIDS, Solomon Islands is specially affected by climate change and sea-level rise. Over half of our population lives within just 1 km of the coast, and we have already lost 5 islands to sea-level rise. Our offshore fisheries remain our largest income-generating sector. The tuna industry alone accounts for a large portion of our GDP and provides over 2,000 jobs to our people. Diminishing maritime zones resulting from sea-level rise would not only threaten the success of sustainable development projects and conservation efforts, but also threaten the livelihoods of our people and countless others.

Madame/Mister Chair, Solomon Islands agrees with the ILC Study Group’s position that the UN Convention on the Law of the Sea (UNCLOS) did not adequately contemplate rapid sea-level rise at the time of its drafting. Therefore, customs developed outside the context of climate change do not assist in the interpretation of UNCLOS in its application to climate change related sea-level rise. Instead, more recent State practice responding to the threat of climate change should be most relevant to the interpretation of UNCLOS.

As noted before, Solomon Islands holds the view that maritime boundaries and archipelagic baselines are fixed. Once national maritime zones are determined in accordance with UNCLOS and deposited with the Secretary-General, our interpretation of international law is that they are not subject to change, despite sea-level rise. The foundational principles of certainty, predictability, and stability in international law demand this result.

Madame/Mister Chair, Solomon Islands also eagerly anticipates the upcoming work of the ILC Study Group on the protection of persons and statehood in the event of sea-level rise. These topics are of great importance to small island developing states, like Solomon Islands. As we have noted within the General Assembly before, Solomon Islands remains in an endless state of recovery from slow-onset events; ongoing resettlement of internally displaced populations is now a new normal for Solomon Islands. Unfortunately, those most burdened by sea-level rise are, at the same time, the least equipped to weather such challenges alone. We strongly encourage delegations to engage with these topics so that we may find an international solution to what is already becoming a global problem.

Regarding the protection of persons, Solomon Islands believes the foundational principle of international cooperation must apply to help States cope with the adverse effects of sea-level rise on their population. Solomon Islands is of the view that the duty to cooperate with respect to the consequences of sea-level rise should be informed by looking to the specialized legal regimes that are implicated by sea-level rise. In the context of human rights, the environment, and other areas of international law, the principle of cooperation has been interpreted as an obligation on States to exchange information and provide technical and financial assistance to States that require additional support, among others. The Study Group should look to all the international legal regimes impacted by sea-level rise to fully inform the content and scope of the duty to cooperate in this context.

With respect to measures taken by States in the context of sea-level rise, such as those to help populations remain *in situ*, or to evacuate and relocate populations, Solomon Islands underscores the importance of disaster risk-reduction principles. Instruments like the Sendai Framework demonstrate both the international community's capacity to cooperate in this space and the need for further development. Solomon Islands encourages the Study Group to consider the numerous international frameworks that incorporate disaster risk reduction principles in considering these questions.

Finally, on the issue of statehood, Solomon Islands supports the strong presumption in favor of continuing statehood. The continued existence of States is foundational to our current international order. State practice supports the notion that states may continue to exist despite the absence of Montevideo Convention criteria. The principles of stability, certainty, predictability, and security also underly the presumption of continuing statehood. Sea-level rise cannot be a justification for denying a vulnerable State's vital representation in the international order.

Mister/Madame Chair, in conclusion, we thank the Study Group for its work on sea-level rise issues thus far and urge the Commission to consider the views of small island developing states as specially affected States. Solomon Islands continues to work diligently in responding to these questions and we look forward to submitting our views to the ILC in due course.

I thank you.