



**New Zealand Permanent Mission to the United Nations  
Te Aka Aorere**

# **REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORLD OF ITS SEVENTY-THIRD SESSION (CLUSTER II)**

**New Zealand  
Legal Advisor (second secretary), Zoe Russell**

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**CHECK AGAINST DELIVERY**



Thank you Chair.

We commend the International Law Commission for its work on this highly significant issue, which is of great importance to States and the international community as a whole, particularly given the likely impact of rising sea levels on low-lying islands and coastal communities. This is an issue that is close to home for New Zealand and our Pacific Island neighbours, some of whom are expected to experience sea-level rise that is nine times the global average.

We thank the Co-Chairs and the Study Group for their work on this issue thus far, in particular for the Second Issues Paper covering the subtopics of statehood and the protection of persons affected by sea-level rise. We reiterate our support for the way the Commission has been conducting its work, and consider that the approach of the Study Group continues to be apt for the complex nature of this topic.

We also wish to emphasise Aotearoa New Zealand's ongoing commitment to examining legal questions related to these topics, including through the Pacific Islands Forum. Legal questions related to the impacts of sea-level rise and statehood and the protection of persons are important and complex issues. We will actively engage in international and regional processes to explore these issues. This work is a priority for Pacific Islands Forum Leaders, who have noted in their recent Communique that due to the complexity of the issues, due consideration should be guided and informed by applicable principles and norms of international law and relevant international frameworks and standards, and the need for the region to unpack these issues further.

On the subtopic of the law of the sea, New Zealand reaffirms the comments we offered earlier this year in our submission to the Commission on state practice in relation to the law of the sea and maritime zones. We welcome the future work of the Study Group on the subtopic of the law of the sea in 2023. The impact of sea-level rise on maritime zones affects all maritime states. It is a priority issue for New Zealand and other members of the Pacific Islands Forum. Maritime zones, and the resource rights that come with them, are essential to countries' economies, identities, and ways of life, especially in the Pacific.

We underscore the approach set out in the 2021 Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise issued by Pacific Island Forum Leaders, which sets out our region's collective position on how the United Nations Law of the Sea Convention on maritime zones apply in the situation of climate-change-related sea-level rise. The Declaration makes clear our intention to maintain our zones, without reduction. It records the position of Pacific Islands Forum Members that maintaining maritime zones established in accordance with the Convention, notwithstanding climate change-related sea-level rise, is supported both by the Convention and the legal principles underpinning it.

New Zealand notes that following the issuing of the Declaration, a large number of geographically diverse states have endorsed the approach and principles of the Declaration. In particular, New Zealand welcomed endorsement by the Alliance of Small Islands States, the Climate Vulnerable Forum and the Organisation of African, Caribbean and Pacific States (OACPS), among other expressions of support from the international community.

