

**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 6th COMMITTEE

Agenda Item 79 – Cluster I. Report of the International Law Commission

- Chapter VIII (Sea-level rise in relation to international law)

Delivered by Agnes Harm,

Fiji's Deputy Permanent Representative of Fiji to the United Nations.

Monday, 23 October 2023

Ms/Mr Chair

1. I have the honour to deliver these remarks on behalf of the members of the Pacific Islands Forum with presence at the United Nations, namely Australia, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tuvalu, Tonga, and Vanuatu. We also acknowledge the guidance and support of the Cook Islands as Chair of the Pacific Islands Forum.
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 progress made in the topic of sea level rise in relation to international law reflected in Chapter VIII of its 2023 report and appreciate the Commission's important work in seeking to bring clarity to a complex legal issue.
4. We would like to extend our thanks to the Member States, in providing constructively on the topic, the various comments and views expressed by Member States with regard to the relationship between climate change-related sea-level rise and maritime zones under international law.

5. As large oceanic states, we have always asserted our guardianship and stewardship of the ocean, with our past, present and future development based on the rights and entitlements guaranteed under the 1982 UN Convention on the Law of the Sea (UNCLOS).
6. Our Leaders firmly agree that climate change is the single greatest threat facing Pacific Island Countries, with sea level rise becoming a real and pressing issue for the development and security of our region.
7. In August 2021, our Leaders adopted the Declaration on preserving maritime zones in the face of climate change-related sea level rise, to ensure our legal rights and entitlements as sovereign nations are not lost nor challenged due to such sea-level rise.
8. The Declaration represents our formal, collective view on how UNCLOS rules on maritime zones apply amidst climate change-related sea level rise, rooted in its underpinning legal principles, in particular those of stability, security, certainty and predictability.
9. To take our Leaders' commitments further, PIF convened a Regional Conference on Statehood and the Protection of Persons affected by Sea-level rise in March of this year. The Conference identified and unpacked a range of options and responses to climate change-related sea-level rise, in the context of International Law.
10. Its outcomes have led to, among other things, the development by Forum Members of a draft Declaration on Statehood & Persons Affected by Climate Change-related Sea-level Rise, which our Leaders will consider with a view to its adoption in their upcoming Forum Leaders Meeting in November.
11. Our 2050 Strategy sets out regional values and commitments that inform the region's understanding of the issue of statehood. These include: regionalism and solidarity; treasuring the diversity and heritage of the Pacific and seeking an inclusive future; acting as the Blue Pacific Continent to protect collective interests and to secure the well-being of our people; deepening collective responsibility for the stewardship of the Blue Pacific Continent; and protecting our sovereignty and jurisdiction over maritime zones.
12. The protection of persons is broad and cuts across many human rights and security issues. The international frameworks on the protection of persons affected by sea-level rise are a fragmented network of hard and soft law instruments.
13. Both rights-based and needs-based approaches to the protection of persons are important. These approaches are complementary and allow the needs of persons affected by climate change-related sea-level rise to be met and for their rights to be respected. Addressing the human rights implications of climate change-related sea-level rise is crucial to ensuring that affected communities can maintain their dignity, identity, culture and way of life.

14. We appreciate the historic adoption by consensus of UN General Assembly Resolution A/77/L.58 entitled "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change". We are proud of the leadership by the Government of Vanuatu in achieving this historic step forward.
15. We would also like to highlight adoption of the BBNJ instrument to conserve and sustainably use biodiversity of areas beyond national jurisdiction, recognising and upholding our special connection with our ocean. It recognises that Indigenous Peoples and local communities, including those in the Pacific region, have an important role to play in the conservation and sustainable use of biodiversity beyond national jurisdictions, and that their rights as holders of traditional knowledge must be upheld.
16. These cumulative achievements demonstrate a growing regional practice that is indicative of an intention to preserve statehood and sovereignty amidst climate change-related sea-level rise. They demonstrate that we recognise the importance of preserving both land territory and maritime zones. We individually and collectively acknowledge the critical importance of this issue and look forward to making further contributions to the ILC.
17. I thank you.