



**Statement by Mr. Fred Sarufa  
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**to the**

**Sixth Committee of the United Nations General Assembly  
Seventy-Eighth Session**

**Agenda Item 79 on the Report of the  
International Law Commission (ILC) on the work of its  
73<sup>rd</sup> and 74<sup>th</sup> Session: Cluster I - Chapter VIII on  
Sea-level Rise in Relation to International Law**

**23 October 2023, New York,**

*Check against delivery*

**Distinguished Chair, Excellencies, Members of the International Law Commission, and fellow delegates;**

This being the first occasion for my delegation to interact at this Committee's 78<sup>th</sup> session, I would like to congratulate you, Mr. Chair and your delegation, and also the respective Bureau members for your mandates as well as for the commendable manner you are steering our work. Let me also wish you well. You can be assured of my delegation's constructive support.

At the outset, we would like to acknowledge with appreciation the impressive turn out of the members of ILC at this Committee session and also warmly welcome and thank each of them for their continuing valued and insightful work, as reflected in both the 2023 Annual Report of the ILC that is before us as well as through the informative and useful briefing provided to this Committee.

We also welcome and congratulate Prof. Patricia Galvao Teles and Dr. Nilufer Oral for the milestone achievement of ILC leadership, including for the Study Group on sea-level rise in relation to international law, by women members of the Commission after many decades. We would further encourage such good practice.

**Chair**, my delegation's remarks today will focus mainly on Cluster I Chapter VIII on Sea-level rise in relation to international law.

Before doing so, let me also align our remarks with those made by Fiji on behalf of the Chair of the Pacific Islands Forum yesterday and to be delivered by Samoa, as Chair of the Alliance of Small Island States (AOSIS). In my national capacity I would like to make some additional remarks on the agenda of our dialogue in this segment.

In this spirit, we applaud, welcome and strongly support the President of the General Assembly for the arrangements to convene on 3 November 2023 an Informal Plenary Meeting of the General Assembly on the Existential Threats of Sea-level Rise Amidst the Climate Crisis and we look forward to participating. This is a step in the right direction on an existential issue we must remain seized of.

**Chair,**

Papua New Guinea considers the topic of sea-level rise in relation to international law as critically important for the sustainable future and peace and security, not only for our country but also for our region, the Blue Pacific Continent, and globally.

This was underscored by my Deputy Prime Minister at the 78<sup>th</sup> session of the General Assembly General Debate last month and also by many other Pacific Forum leaders at the same meeting.

It is also pleasing to note the growing interest at the international level on this topical issue and the importance to find possible solutions to the challenges arising from it, as reflected by the requests for advisory opinions addressed first to the International Tribunal for the Law of the Sea, led by a number of affected states from Small Island Developing States (SIDS), and subsequently to the International Court of Justice by an overwhelming majority of states in the context of climate change.

As such, our delegation wishes to make the following brief remarks on this important topic.

**Chair,** firstly, we greatly appreciate the important contributions that build on the foundations laid in previous sessions by the Study Group on sea-level rise in relation to international law, including the additional paper A/CN.4/761 and Addendum 1 to the First Issues Paper, prepared by two of the Co-Chairs of the Study Group, Professor Bogdan Aurescu and Dr. Nilüfer Oral, and issued on 20 April 2023.

It is also with keen interest that we view the perspectives of the ILC members regarding the issues and principles on inter alia the meaning of “legal stability” in relation to sea-level rise, with a focus on baselines and maritime zones; immutability and intangibility of boundaries; fundamental change of circumstances; permanent sovereignty over natural resources; the nautical charts and their relationship to baselines, maritime boundaries and the safety of navigation; and the future programme of work on the topic for the Study Group, including the Commission’s possible issuance of a substantive report on the topic in 2025.

We welcome and strongly support the Study Group's notation in its exchange of views summary that sea-level rise was of direct relevance to the question of peace and security. My delegation, together with members of our Pacific region have and continue to underscore this crucial point given the existential nature involved.

Secondly, we wish to express our gratitude to three of the Co-Chairs, Professor Galvão Teles, Dr. Nilufer Oral and Professor Ruda Santolaria, for their proactive participation, in their personal capacity, in the Pacific regional conference on preserving statehood and protecting persons in the context of sea-level rise, organized by the Pacific Islands Forum, which was convened in Fiji from 27 to 30 March 2023.

My delegation is particularly pleased with the ongoing level of engagement from the ILC members not only with this Committee but also bilaterally and with regional entities such as, in our case, the Pacific Islands Forum, on our ongoing work on this important topic of sea-level rise in relation to international law.

We have found this inspiring, highly constructive, mutually beneficial and importantly, helping fill gaps in international law related issues and build capacity for our officials and others in our Pacific region. We therefore would further encourage this commendable and good practice.

Thirdly, as regards the substance of the Annual Report and the additional paper, our delegation had previously drawn attention to the fact that preservation of the maritime rights of States is closely linked to the continuity of statehood, since only States can generate maritime zones. In our intervention today, we would like to expand on these interlinkages.

In this respect, we draw attention to the principle of permanent sovereignty over natural resources, as set forth in General Assembly resolution 1803 (XVII) adopted on 14 December 1962, which our Constitution also unequivocally states that "The sovereignty of Papua New Guinea over its territory, and over the natural resources of its territory, is and shall remain absolute, subject only to such obligations at international law as are freely accepted by Papua New Guinea in accordance with this Constitution."

In General Assembly resolution 1803 (XVII) paragraph 1 thereof declares that “the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.”

Paragraph 7 thereof declares that “violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace.”

Paragraph 8 thereof declares that “States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in the present resolution.”

Our delegation therefore believes that the principle of permanent sovereignty over natural resources should be considered in the context of the possible legal implications of sea-level rise on maritime entitlements as well as on statehood and the protection of persons affected by sea-level rise.

Permanent sovereignty over natural resources is also consistent with provisions of international human rights covenants. We refer to common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as Article 47 of the former and Article 25 of the latter.

As such, we welcome the consideration by the Study Group of the principle of permanent sovereignty over natural resources, as reflected in both the Annual Report and the additional paper. We encourage further consideration of this principle, including as an additional layer of support for the concept of the preservation of maritime entitlements, as well as the continuity of statehood and the protection of persons in the face of sea-level rise.

Fourthly, our delegation reaffirms our support for the preliminary observation contained in the First Issues Paper that the United Nations Convention on the Law of the Sea (UNCLOS) does not exclude an approach based on the preservation of baselines and outer limits of maritime zones in the face of climate change-related sea-level rise once information about such maritime zones has been established and deposited with the Secretary-General of the United Nations.

In this regard, we call attention once again, to the Pacific Islands Forum *Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise* issued by Forum Leaders on 6 August 2021.

In that Declaration, our Pacific Forum Leaders proclaimed that our maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the Convention, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

Our Forum Leaders also recorded our position that maintaining maritime zones established in accordance with UNCLOS, and rights and entitlements that flow from them, notwithstanding climate change-related sea-level rise, is supported by both UNCLOS and the legal principles underpinning it.

We are pleased to note the favorable reception of many members of the international community to our Declaration thus far and thank them for the groundswell of support. We would also welcome all others - States and multilateral organizations as well as non-State actors - to consider and support our Forum Declaration.

Finally, as noted earlier, our Pacific region held a conference on statehood and the protection of persons in the context of sea-level rise earlier this year, and we expect further regional developments on those two important subtopics in the very near future.

In this regard, our delegation affirms that international law supports a presumption of continuity of statehood and does not contemplate its demise in the context of climate change-related sea-level rise.

We also affirm the critical importance of protecting persons affected by climate change-related sea-level rise, including with respect to human rights, culture and cultural heritage, identity and dignity, as well as meeting essential needs. We encourage the ILC to consider these key elements further.

In closing, and going forward, Papua New Guinea is keenly interested in continuing to work with other delegations and Commission members on this existentially important topic of sea-level rise in relation to international law.

Thank you.