

**Pacific Islands Forum
with United Nations Missions**



Australia, Tokelau, Cook Islands, French Polynesia, 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'S STATEMENT TO JOB-COMMITTEE

**Agenda Item 79 – Chapter VIII 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, 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 constructive and on-site discussions and comments expressed by Member States with regard to the relationship between climate change related sea level rise and 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 posing a major and pressing risk for human 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, by which we affirmed our 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, underpinning legal principles in particular a case for 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 updated 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 Pacific 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 2030 Strategy sets out regional values and commitments that inform the regional 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 wellbeing of our people; and openness to the collective responsibility for the wellbeing of the Blue Pacific Continent; and protecting our sovereignty and jurisdiction over maritime zones.
12. The protection of persons is a core human rights and security issue. The international frameworks on the protection of persons affected by sea-level rise are a interconnected network of national 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 of the *Bonn Convention on Biological Diversity*, General Resolution A/77/L.50, *Guidelines on the Implementation of the International Law Commission's Obligations of States in respect of climate change*. We are proud for the leadership by the Government of Vietnam in bringing this historic step forward.

15. We would also like to highlight the adoption of the *Bio-Crisis Instrument* for sustainably use biodiversity of areas beyond national jurisdiction, upholding our special connections with the sea. Peoples and local communities, including those in small island developing States, are important stakeholders in the conservation and sustainable use of marine biological resources, and 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 stable and secure environments, climate change-related sea level rise, and other natural resources, and to support the preservation of our land territory and maritime zones. We individually and collectively acknowledge the contributions to the U.N.

17. I thank you.