



PACIFIC SMALL ISLAND DEVELOPING STATES United Nations Member States

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Statement of the Pacific Small Island Developing States 6th Committee, Agenda Item 81: Report of the International Law Commission on the work of its sixty-ninth session (Cluster II) 25-26 October 2017, New York

CHECK AGAINST DELIVERY

Mr. Chairman,

Excellencies, Ladies and Gentlemen

1. I have the honour to speak on behalf of the Pacific Small Island Developing States, namely the Federated States of Micronesia, Fiji, Kiribati, Nauru, Palau, Papua New Guinea, Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu
2. As it's the first time I take the floor, Mr Chairman, allow me to join others in congratulating you and your Bureau on your election.
3. We would also like to thank the members of the International Law Commission for their work during the Commission's sixty-ninth session, and for the report they have produced. In particular, we would like to take this opportunity to thank Mr. Shinya Murase, the Special Rapporteur on the Protection of the Atmosphere, for his efforts on his fourth report on the topic of the protection of the atmosphere (A/CN.4/705 and Corr.1).
4. As recognized in the draft guidelines the Commission provisionally adopted, this is an extremely important topic for the international community. And for small-island countries, it touches on a critical issue. As the Commentary to the provisional draft guidelines notes, "one of the most profound impacts of atmospheric degradation... is the sea-level rise caused by global warming," which presents global challenges in the form of more frequent and intense extreme weather. It also presents an existential threat to small-island developing States in the Pacific, including low-lying atoll nations. Pacific SIDS are among those who contribute the least to global warming, but are under threat of being submerged under rising sea levels within this century, threatening habitability and water security, if no drastic reversal measures are urgently taken.

Mr. Chairman,

5. We take note of paragraph 33 of the Commission's Report, which expressly

welcomes any proposals that States may wish to make concerning possible additional topics for inclusion in the ILC Long-Term Programme of Work. As the Report reminds us, "the Commission should not restrict itself to traditional topics"; it should also consider topics that reflect "pressing concerns of the international community as a whole."

6. The legal implications of sea-level rise is such a topic. It is important to consider, for example, the effect on territorial integrity which shifting baselines as a result of sea level rise may cause. Addressing this concern is not just "urgent," it is long overdue.

Mr. Chairman

7. The Pacific SIDS, request and urge the ILC to include legal implications of sea-level rise as a topic of its Long-Term Programme of Work as soon as possible, including consideration of questions which may be unique to atoll nations and other low-lying small island developing states. The ILC may also wish to consider other, more informal formats or input, including academic discussions, and consider how best to move forward in unpacking these complex and difficult issues.
8. In considering this topic, special consideration should be given to persons and groups particularly vulnerable to climate change, including indigenous peoples and local communities.
9. Finally, we again thank Mr. Murase and his team for the report and look forward to their fifth report next year. We also look forward to the inclusion of the topic of sea-level rise in the Commission's Long-Term Programme of Work during its 70th session next year.

I thank you.