



Fiji Statement at the sixth committee UNGA 73rd session

Specific issues on which comments would be of particular interest to the International Law Commission

Mr. Chairman,

As this is the first time Fiji is taking the floor, I take this opportunity to extend Fiji's congratulations to you in assuming the chairmanship of the sixth committee. On the same breadth, I also congratulate the members of the Bureau and Fiji is confident that the sixth committee will be a success in the 73rd session. I also wish to assure you Mr. Chairman, of Fiji's support and commitment throughout the session.

Fiji aligns this statement with the statement delivered by the Permanent Representative of Marshall Islands on behalf of the Pacific Island Forum members.

Also, I wish to acknowledge and commend, the work of the International Law Commission at its seventieth session. Fiji greatly values and appreciates the exceptional report of the seventieth session of the Commission. It is enlightening at the same time encouraging to read in the report, the Commission is interested to receive comments on a list of issues from Member States.

Fiji is gratified to learn from the report, the Commission have included in its long-term program of work the topic of Sea-level rise in relation to international law. Sea level rise is now a widely discussed issue as an impact of climate change, however, less attention had been dedicated to the implications of this phenomenon with regards to international law.

Mr. Chairman,

Without any doubt, I can attest that sea level rise is affecting land, the sea and presenting difficult legal questions to Fiji and Pacific Small Island States. The Intergovernmental Panel on Climate Change have indicated in its report that sea level rise will increase and is likely to accelerate in the future projecting that global sea-level rise will average nearly a meter by 2100. The report further highlights that certain regions of the world is likely to experience sea-level rise sooner and more extensively than other regions during the current century and that sea-level rise will likely continue beyond 2100 despite our best efforts.

In Fiji including other Pacific Island States, we are witnessing first-hand the impacts of sea level rise. This has resulted in the Fijian Government initiating a National Planned Relocation Guideline. These relocation guidelines attempt to define the legal challenges

that may arise during relocation of communities and it is human centered, livelihood and human rights based and preemptive. Fijian communities are experiencing the decline of food production due saltwater intrusion resulting an increased salinity levels in agricultural land. According to the World Bank, one-metre sea level rise could have far-reaching economic, human and geographical implications and could force about 60 million people in developing countries to abandon their homes, as waters submerged large swaths of coastal areas.

Fiji is concerned with sea level rise on international law with regards to regulating maritime entitlements, delimitation of maritime zones and the right of a coastal state to an extended continental shelf. In this connection, Fiji is of the view that a lacuna exists in international law to address the present implications of rising sea level on the law of the sea.

Sea level rise is also contributing to the movement of people in coastal communities and low-lying atolls. One of the elements of statehood described in article 1 of the 1933 Montevideo Convention on the Rights and Duties of States is a permanent population. It is expected that populations will not all move at once due to sea level rise and there will be gradual and random movement. Also, the population will slowly disintegrate and present a set of challenges such as legal, economic, financial, education, cultural, and many more.

International law contemplates the formal dissolution of the State in cases of absorption, merger and dissolution. In this connection, in the absence of international guiding principles and regulations, what happens to the State when all its population have left due to uninhabitable because of sea level rise. Does this imply that the State is extinct in international law or does State extinction apply when the whole territory is fully submerged? If it is the latter, then what does international guidelines provide in addition to statehood, the rights and freedoms of the population of a State when a State is uninhabitable long before State territory physically disappears?

Mr. Chairman,

To conclude, I wish to echo the statement of Judge Dillard in the ICJ Western Sahara advisory opinion in 1975, "it is for the people to determine the destiny of the territory and not the territory the destiny of the people."

When our leaders adopted the 2030 agenda, they all agreed to leave no one behind. Fiji and other Small Island States do not want to be left behind in international law as we can see on the horizon that we have a challenge to face.

We therefore join the call on the Commission to move the topic of "sea-level rise in relation to international law" to its current programme of work

I thank you.