



Statement by

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of Papua New Guinea to the United Nations**

at the

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"Check against delivery"

Mr Chair,

This being the first occasion for my delegation to speak at this Committee during the current session; so firstly, I congratulate the Chair and the respective Bureau members on your election and for the leadership of our collective work, to which we pledge our constructive support.

Secondly, I align this remarks with those made two days ago by the distinguished Permanent Representative of the Marshall Islands Ambassador Amatlain Kabua, on behalf of the Pacific Islands Forum members. In my national capacity, I will confine my remarks to the new topics being proposed for inclusion in the ILC's long-term Programme of Work, particularly on sea-level rise in relation to international law.

Before doing so, Papua New Guinea welcomes the continued useful dialogue with the members of the International Law Commission in this Committee and particularly thank the ILC Chair for the useful briefing on the main areas of work this past year.

I also would place on record my delegation's commendation to the ILC for the comprehensive 70th Session ILC Report, which serves as a beneficial guide.

Mr Chair,

We are particularly pleased with the ILC's important and welcomed decision to include sea-level rise in relation to international law in its long-term programme of work.

This may seem to be a new topic for the ILC in its work but for us, this has been a serious concern for some time, especially in the context of inter alia climate change, sea-level rise and maritime boundaries. That is why we continue to raise this issue in this Committee and other relevant fora.

Mindful of the increasing existential threats facing our low-lying islands and coastal communities from rising sea-levels and the existing gaps under UNCLOS and international law regarding sea-level rise, we therefore strongly call on the ILC to address these issues without delay.

Indeed, we strongly support the moving of this topic to the ILC's current programme of work and we are also pleased to note the growing support for it.

We also strongly agree with the ILC's expert determination that this topic meets all of the criteria for selection as a new topic for the ILC's long-term programme of work. We support the formation of a Study Group and its analytical approach as ILC's method of work on this topic.

Let me also take this opportunity to applaud the 5 ILC members Aurescu, Cisse, Teles, Oral and Santolaria¹ for their succinct summary of the contributions towards this topical agenda, as a good starting point.

Indeed, we are highly pleased and grateful for the most useful dialogue had with four ILC members yesterday at the welcomed side event jointly organised by AOSIS, New Zealand and Peru on the topic of sea-level rise in relation to international law. We would further encourage this important constructive engagement.

Mr Chair,

Whilst we note that the scope of the work will be limited to only the legal implications of sea-level rise with respect to the three principal areas of the law of the sea, statehood and protection of persons affected by sea-level rise, for Papua New Guinea, as a maritime and archipelagic State, this is a monumental step in the right direction.

¹ Mr. Bogdan Aurescu, Mr. Yacouba Cissé, Ms. Patrícia Galvão Teles, Ms. Nilüfer Oral, Mr. Juan José Ruda Santolaria.

We also wanted to call the Committee's attention to the importance of the issues regarding maritime zones for archipelagic States such as Papua New Guinea.

As the Marshall Islands mentioned last Monday, in the context of the latest Pacific Forum leaders priority on securing maritime boundaries in the region, my delegation is currently in the final phase of submitting our new maritime boundaries delimitation charts and coordinates to the UN Secretary-General.

Notably, there are special rules for archipelagic States in Part IV of UNCLOS, in particular Article 47 on archipelagic baselines.

Among these special rules are a water-to-land area ratio requirement and limitation on baseline segment lengths. The loss of outlying small islands or drying reefs due to sea level rise could affect the status of these baselines and consequently the maritime zones of archipelagic States. Sea level rise could also affect low-tide elevations under UNCLOS. As such, these are important issues for archipelagic States such as Papua New Guinea to consider.

These important issues need to be examined through an in-depth analysis of existing international law, including treaty and customary international law, in accordance with the mandate of the International Law Commission, which is the progressive development of international law and its codification.

This in-depth analysis should include determining the degree to which current international law is able or unable to respond to these issues and the need for States to develop practicable solutions.

Mr Chair,

We recognise that only States can generate maritime zones and therefore it is essential for island States to maintain statehood in order to preserve their maritime zones and their value thereof. Therefore, the statehood issue is a threshold issue that is interrelated with the issues regarding maritime zones.

Additionally, the statehood issue raises a potential issue of statelessness that should be considered, including *de facto* statelessness. Notably, the principle of prevention of statelessness in international law is a corollary to the right to a nationality, and reference should be made to the 1961 Convention on the Reduction of Statelessness as among the legal instruments to be considered by the ILC.

In this context, we agree with the important contribution made by the Federated States of Micronesia, which also rightly points to issues regarding human migration. In this regard, it could be argued by most legal scholars and commentators that the displaced population would not be entitled to protections as “refugees” under the Convention relating to the Status of Refugees adopted in 1951 and its 1967 Protocol.

Nevertheless, the Refugee Convention and Protocol should be referenced as among the legal instruments to be considered by the ILC.

Mr Chair,

In conclusion, we look forward with keen interest not only to the outcome, including conclusions of the work of the Study Group on “Sea-Level Rise in relation to International Law” and the next phase of advancing this crucial concern but also to contributing meaningfully in this process.

Thank you.