



Papua New Guinea Statement

by

**Mr. Fred Sarufa, Deputy Permanent Representative
of Papua New Guinea to the United Nations**

to the

**General Assembly Sixth Committee
Seventy-fourth Session**

on

**Agenda Item 79: Report of the International Law Commission on the work of its
71st session - Cluster II Chapter X on Sea-level rise in relation to international
law**

1 November 2019, New York

"Check against delivery"

Mr. Chairman,

This being the first occasion for my delegation to speak at this session's Committee work, we join other speakers in recognizing you, Mr. Chairman, and the respective Bureau members for your able stewardship of our collective work. You have our trust and confidence, to bring it to a successful conclusion, as scheduled.

My delegation will confine its remarks, at the national level, to the International Law Commission's Seventy-first session Report, particularly focused on "Sea-level rise in relation to international law."

This intervention is also aligned with those made respectively by the distinguished Chair's of the Pacific Islands Forum – Tuvalu; the Pacific SIDS – Fiji; and the Alliance of Small Island States (AOSIS) – Belize.

We are thankful for the insightful, thought provoking and useful guide provided by this session's ILC Report. We therefore recognize and appreciate the excellent and forward-looking work done, this past year, by the respective members of the ILC, its Bureau members, Drafting Committee, Working Groups and the Open-Ended Study Group on sea-level rise in relation to international law and the UN Secretariat for its supportive work.

Let me also join others in warmly welcoming the ILC members to this important annual dialogue and for their constructive engagement, thus far, from which we have benefited from, such as through their briefings at the plenary and the side events. We urge for the continuation of this positive spirit not only to advance the agreed areas of work but also more importantly to further strengthen international law for our common good.

Mr. Chairman,

Papua New Guinea reaffirms that the UN Convention on the Law of the Sea provides the international legal framework within which all activities in the oceans and seas must be carried out.

As a maritime nation, Papua New Guinea, like many other coastal States, is increasingly witnessing the onward and heightened march of the rising sea-level on its coastal zones.

Inundated islands and receding coastlines continue to be a serious threat to the way of life of our coastal communities and indeed a grave concern to our sustainable future. For instance, a neighbouring island village of mine in the south coast of my country no longer exists as it was submerged 15 years ago by the rising sea-level and the shoreline that I once walked to and from secondary school is now, in some parts, a kilometer out to sea.

It is on this basis that in this Committee, we, like many other delegations, previously called for the international community to urgently and effectively address this issue of alarming concern to us.

We are therefore pleased that the ILC has now included in its work programme the topic of “sea-level rise in relation to international law” and we welcome the prompt and early establishment of the Open-Ended Study Group and the important work it has tasked itself to undertake in 2020 and 2021 under the three sub-topics designated. This is a step in the right direction.

We applaud it and also pay special tribute to Ms. Patricia Galvao Teles, Ms. Nilufer Oral, Messrs Bogdan Aurescu, Yacouba Cisse, and Juan Santolaria and assure them of our strong support.

As requested by the ILC Study Group, Papua New Guinea intends to submit by 31 December 2019 relevant national practice and information on sea-level rise in relation to international law, including UNCLOS.

This is also a critical mandate our Pacific Islands Forum leaders in August this year under the “2050 Strategy for the Blue Pacific Continent”, prioritized and tasked us to undertake at the global, regional and national level, as was highlighted by my distinguished colleagues from Tuvalu and Fiji, as the respective Chairs of the Pacific Islands Forum and Pacific SIDS .

Additionally, the potential consequences that may befall displaced persons from their impacted communities due to sea-level rise in relation to international law deserves to be accorded priority as this is a serious and real concern.

We are therefore also pleased that the Commission will consider this in 2021. We also look forward to contributing to the question of statehood and protection of persons affected by sea-level rise.

Mr. Chairman,

My delegation, like other small island developing States, also welcomes but with grave concern the IPCC's Special Report on the Ocean and the Cryosphere, launched last month.

It shows that global mean sea-level is rising at an accelerating rate from the rapid loss of ice from the Greenland and Antarctic ice sheets, as well as continued glacier mass loss and ocean thermal expansion.

What is most disturbing to note is that this will not only continue to rise for centuries but projected to become an annual feature rather than a once per century occurrence at the local level.

This constitutes evolving scientific evidence that validates many of our delegations calls for the urgency in addressing the very real dangers posed by rising sea-levels to many of our coastal communities and small island developing States security and wellbeing.

It also strengthens the ILC's decision to include in its formal work programme the topic of "sea-level rise in relation to international law."

Mr. Chairman,

As a State Party to UNCLOS and as an archipelagic State, Papua New Guinea submitted on 4 April 2019 its revised Maritime Boundaries Delimitation Charts and List of Geographical Coordinates to the UN Secretary-General, as the depositary. This was a highly technical work that took thirteen years to complete.

It also followed the enactment of the National Maritime Zones Act 2015 which replaced the National Seas Act 1977. This now provides the legal basis for regulation and implementation of all maritime activities within Papua New Guinea.

Papua New Guinea ratified its maritime boundary treaty with Australia. We are also in the process of concluding the ratification of our maritime boundaries treaties with our other close neighbours, including the Federated States of Micronesia, Indonesia and the Solomon Islands.

Mr. Chairman,

The potential loss of small islands or other features as basepoints due to sea level rise are particularly crucial for archipelagic States.

Such changes could affect existing maritime zone entitlements and could even compromise a State's ability to maintain its existing archipelagic status.

My delegation affirms, on the grounds of fostering legal certainty and stability and to facilitate orderly relations between States and the avoidance of conflict that affected States should have the ability to maintain existing entitlements to maritime zones in accordance with UNCLOS .

This ability to maintain existing maritime entitlements should also apply to maritime boundaries delimited by agreement between States or by decisions of international courts or arbitral tribunals.

Mr. Chairman,

In this context, we are pleased to note and call your attention to the International Law Association's Committee on International Law and Sea Level Rise in its resolution 5/2018 and related report.

This has presented evidence of the existing and emergence of State practice, particularly in the Pacific region, indicating that small island States intend to maintain existing entitlements to maritime zones established in accordance with UNCLOS, notwithstanding sea-level rise. We expect Pacific Islands Forum members to submit additional evidence of State practice before the end of the year.

Papua New Guinea, like many Pacific SIDS rely heavily for food source and income from fishing and other economic activities in their Exclusive Economic Zones (EEZs). If our EEZs or continental shelves recede because of changing maritime boundaries due to sea-level rise, our economic resources will diminish, at a time when we, who have the least responsibility for greenhouse gas emissions, will be experiencing severe physical and economic impacts from climate change.

Thus, my delegation further affirms, on the grounds of climate justice and equity, that affected States should have the ability to maintain existing entitlements to maritime zones, notwithstanding sea-level rise.

Mr. Chairman,

In conclusion, my delegation appreciates very much the Commission's responsiveness on this issue of great concern in our region and we are committed to engage with the ILC and to work with other delegations to ensure that the work of the Study Group and the ILC is productive and ultimately fruitful for the international community.

I thank you.