



**Statement**

**by**

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

**at the**

**Seventy-fifth Session of the  
Sixth Committee**

**on**

**Agenda Item 80: Report of the International Law Commission  
on the work of its Seventy-second session (Oral Report)**

**5 November 2020, New York**

**"Check against delivery"**

**Your Excellency Milenko Skoknic, Permanent Representative of Chile and Chair of Sixth Committee, Excellencies and distinguished delegates,**

Being the first occasion for my delegation to intervene in this Committee's work for this session, I join other delegations in congratulating you, **Mr. Chair**, and the respective Bureau members, for your mandate and also for the manner in which you continue to steer our work in this rather unusual circumstances arising from the COVID-19 pandemic. We pledge our constructive support to your successful leadership of our work to a timely finish.

Let me also align my delegation with the respective remarks on this Agenda Item made by the distinguished representatives of Belize for the Alliance of Small Island States (AOSIS), Tuvalu on behalf of the Pacific Islands Forum (PIF) and Fiji, speaking for the 12 Pacific SIDS, including my own country. I will make additional comments in my national capacity.

**Mr. Chair,**

Papua New Guinea appreciates the oral report on Sea Level Rise in relation to International Law, just presented by the ILC and the Secretariat in accordance with paragraphs (b) and (c) of General Assembly decision 74/566 (contained in document A/74/L.78).

As my delegation previously stated in this Committee on this Agenda Item, and, which I reiterate today, is that the work of the ILC Study Group on Sea-level Rise in relation to International Law is a critical priority for Papua New Guinea, as a maritime nation and also as a Pacific Small Island Developing State and a member of the Pacific Islands Forum, which was also clearly underscored by the respective Chairs of PSIDS and the Pacific Islands Forum.

It is in this context that Papua New Guinea is grateful for and commends the First Issues Paper issued by the ILC Study Group's Co-Chairs, Professor Dr. Bogdan Aurescu, Foreign Minister of Romania, and Dr. Nilüfer Oral.

We note the careful manner in which the Study Group formulated the First Issues Paper whilst taking into account the various contributions made so far, and further appreciates the elaboration provided at the informal briefing last week in this Committee.

**Mr. Chair,**

My delegation noted with significant interest the preliminary observations of the First Issues Paper, including the following important points, which my delegation agrees with:

- First, UNCLOS does not indicate that new baselines must be drawn, recognized or notified by the coastal State when coastal conditions change;
- Second, UNCLOS does not prohibit the preservation of baselines and outer limits of maritime zones measured from such baselines; and
- Thirdly, the ambulatory theory regarding baselines and the limits of maritime zones measured from such baselines does not respond to, inter alia, the need to preserve legal stability, security, certainty and predictability.

**Mr. Chair,**

We are also appreciative of the useful contributions from Prof. Dr. Aureescu and Dr. Oral at the Pacific Islands Forum virtual conference held in early September 2020 on the highly important topic of: “Securing the Limits of the Blue Pacific: Legal Options and Institutional Responses to the Impacts of Sea-Level Rise on Maritime Zones, in the Context of International Law.”

Such engagements from the ILC Study Group is highly encouraged.

The key outcomes of the Conference focus primarily on building State and regional practice to secure the maritime zones of Pacific Island Forum Members against sea-level rise and climate change.

This is indeed a core and critical Pacific regional issue under our Blue Pacific Continent narrative, as Large Ocean States, where the ocean is intertwined with every aspect of our lives and livelihoods.

**Mr Chair,**

Papua New Guinea as a State Party to the United Nations Convention on the Law of the Sea (UNCLOS) recognizes that UNCLOS provides, inter alia, coastal States with entitlements to maritime zones.

As an archipelagic State made up of over 600 islands, Papua New Guinea has planned our sustainable development in reliance on the sovereignty, sovereign rights, and jurisdiction applicable to such maritime zones.

Sea-level rise and climate change threaten this careful planning, including in terms of their potential impacts on maritime geographical features.

For Papua New Guinea, as an archipelagic State, the need to preserve the legal stability, security, certainty, and predictability of our maritime zones is of very high priority, including as regards our archipelagic waters.

We therefore welcome and agree with the emphasis in the ILC Study Group Co-Chairs First Issues Paper on the need to preserve legal stability, security, certainty and predictability.

UNCLOS provides a careful balancing of rights and interests with respect to archipelagic waters in Part IV thereof, including sea lanes and air routes. Jurisdictional uncertainty could lead to enforcement issue and potential for conflict in our geographic region.

As such, Papua New Guinea, together with the other Pacific Small Island Developing States, have special reasons for concern in this area of international law.

**Mr. Chair,**

My delegation would like to frame these issues in a broader perspective, in light of the Pacific Islands Forum leaders having called for the development of a 2050 Strategy for the Blue Pacific Continent.

The Pacific Islands Forum has successfully forged a community of nations that co-exist peacefully and work collectively on a range of trans-boundary issues, but today, the future viability of the Blue Pacific is not guaranteed.

The 2050 Strategy for the Blue Pacific Continent seeks to address what the Pacific Islands Forum community of nations could and should do to combat the key threats and maximize the opportunities for securing a viable future for the Blue Pacific.

In my delegation's view, the three subtopics on the ILC Study Group's programme of work, namely, issues related to the law of the sea, statehood, and protection of persons affected by sea-level rise, are important questions in relation to assuring the future viability of the Blue Pacific Continent.

In view of all of the foregoing, my delegation fully supports the ILC Study Group's efforts to make progress on its work during these complex and challenging times.

We look forward to the ILC Study Group continuing its work into the other two subtopics on its programme of work, namely, issues related to statehood, and the protection of persons affected by sea-level rise, and the opportunities for Member States to contribute constructively to this critically important work.

I thank you for your attention.

