



**Papua New Guinea Statement by  
Mr. Fred Sarufa, Deputy Permanent Representative  
at the Sixth Committee of the  
UN General Assembly 76<sup>th</sup> Session on Agenda Item 82: Cluster II. Report  
of the International Law Commission 72<sup>nd</sup> Session:  
Chapter IX on Sea-level Rise in relation to International Law  
New York, 28 October 2021**

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**Madam Chair, Excellencies and distinguished delegates,**

This being the first occasion for my delegation to interact at this Committee's 76<sup>th</sup> session, I would like to congratulate you, Madam Chair and your distinguished delegation as well as the respective Bureau members; Costa Rica, Egypt, Lithuania and Spain, for your mandates and also for the commendable manner you are steering our work and wish you well. Be rest assured of our constructive support.

We align our remarks with those made respectively by Fiji as the Chair of the Pacific Islands Forum (PIF); Samoa, as Pacific SIDS (PSIDS) Chair; and Antigua and Barbuda, as the Alliance of Small Island States (AOSIS) Chair. In our national capacity, we would like to provide some additional comments.

It is most heartening to note that during this year's International Law Week the topic of sea-level rise in relation to international law is prominently featured in many of the side events and this is a clear testament to the importance of this issue to the international community.

**Madam Chair**, my delegation is particularly pleased with the ongoing enhanced level of engagement from the ILC members not only with this Committee but also bilaterally and with other non-UN entities such as, in our case, with the Pacific Islands Forum on our ongoing work on the topical issue of sea-level rise in relation to international law. We have found this highly constructive and beneficial and would further encourage this good practice.

We also welcome and thank the members of ILC for their valued and insightful work as reflected in the 72<sup>nd</sup> Session Annual Report of the ILC that is before us; undertaken under trying circumstances of the COVID-19 pandemic.

We note with special interest the ILC Open-ended Study Group Co-Chairs, Professor Bogdan Aurescu and Dr. Nilüfer Oral's important contribution in Chapter Nine of the Report, which though in its initial phase, serves as a useful guide to help us address the defining issues on sea-level rise in relation to international law.

We also look forward to the outcomes of the future work of the Study Group members' voluntary studies on the priority areas identified for further in-depth analysis, including on sources of law derived from relevant multilateral, regional and bilateral treaties or other instruments; principles and rules of international law; practice and *opinio juris*; and navigational charts.

**Madam Chair**, given that sea-level rise is impacting, and will continue to impact, coastlines and maritime features, the relationship between sea-level rise and maritime zones under the UN Convention on the Law of the Sea (UNCLOS) is of fundamental concern for Papua New Guinea.

Papua New Guinea reaffirms its position that UNCLOS is the legal framework within which all activities in the oceans and seas must be carried out.

For us, we recognise the need for legal stability, security, certainty, and predictability, to maintain peace and security and orderly relations between States, and to avoid conflict, which are reflected as principles and objectives that underpin UNCLOS and international law. By "legal stability", we mean the need to preserve the baselines and outer limits of maritime zones.

We further recognize that there are no provisions in UNCLOS that require States to keep under review and update their baselines and outer limits of maritime zones, once the relevant information has been deposited with the Secretary-General of the United Nations in accordance with UNCLOS.

In this context, **Madam Chair**, we call attention to the landmark Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise issued by the Leaders of the Pacific Islands Forum (PIF) on 6 August 2021.

We are pleased to note the interest from the international community in this regard and welcome the preliminary exchange of views on it.

We underscore that the Declaration's approach is firmly grounded in the primacy of UNCLOS as the enduring legal order for the oceans and seas, and is intended as a formal statement of the PIF Members' view of how the UNCLOS rules on maritime zones apply in the situation of climate change-related sea-level rise.

Through this Declaration, Pacific Island Forum Members intend to promote stability, security, certainty and predictability of maritime zones by clarifying our good faith interpretation of UNCLOS as it applies to the relationship between climate change-related sea-level rise and maritime zones.

The Declaration proclaims that the Pacific Islands Forum Members' maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with UNCLOS, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

**Madam Chair**, in Papua New Guinea's considered view, this proclamation, and the current and intended future State practice in our region, is supported by UNCLOS and its underpinning legal principles, including those of stability, security, certainty and predictability. Furthermore, preserving maritime zones in the manner set out in the Declaration contributes to a just international response to climate change-related sea-level rise.

We also look forward with keen interest to the ILC Study Group in its 73<sup>rd</sup> session (2022) under the Co-Chairpersonship of Ms. Patricia Galvao Teles and Mr. Juan Jose Santolaria addressing the Second Issues Paper on the other two subtopics on its programme of work, namely, issues related to statehood, and the protection of persons affected by sea-level rise.

These are also issues of critical importance to us in the context of the ongoing daily lived reality of our people in the Pacific region.

We therefore welcome and support the call by the ILC for Member States and others to provide, before the end of this year, practices and other relevant information on issues related to statehood, and the protection of persons affected by sea-level rise in the context of sea-level rise in relation to international law.

In this context, we are working together with other members of the Pacific Islands Forum to make our submission on the relevant issues related to statehood, and the protection of persons affected by sea-level rise.

**Madam Chair**, in closing, and going forward, Papua New Guinea is keenly interested in continuing to work with other delegations and the ILC members on the critically important topic of sea-level rise in relation to international law.

Thank you!