



**Pacific Islands Forum
United Nations Member States**

Australia, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

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PACIFIC ISLANDS FORUM

6TH COMMITTEE - 79TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

**Agenda item 79: Report of the International Law Commission (ILC)
on the work of its 75th Session (Cluster 1) – Chapter X**

Statement delivered by PIF Chair on behalf of the Pacific Islands Forum

Wednesday, 23 October 2024 (10am to 1pm)

*Trusteeship Council Chamber
UN Headquarters, New York*

I have the honour to deliver these remarks on behalf of the members of the Pacific Islands Forum with presence at the United Nations, namely Australia, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tuvalu, Vanuatu, and my country, Tonga.

We express our thanks to the distinguished Chair of the Sixth Committee, as well as the Co-Chairs of the International Law Commission's Study Group on Sea-level rise in relation to international law.

Pacific island countries stand at the forefront of a global crisis. The serious and irreversible threats and adverse impacts of climate change-related sea-level rise will disproportionately imperil the lives, livelihoods, security and wellbeing of Pacific peoples.

During the 53rd meeting of the Pacific Islands Forum Leaders held in Tonga in August this year, the Secretary-General of the World Meteorological Organization launched the 'State of the Climate in the South-West Pacific 2023' report. That report revealed that 2023 was the warmest year on record and that sea-level rise in the South-West Pacific was well above the global average.

In the last 30 years, average sea levels have risen in some parts of the Pacific by approximately 10-15 cm, which is more than double the global average. Rising sea levels are strongly correlated to increased frequency and severity of storm surges and coastal flooding.

As the Blue Pacific Continent, we have worked actively to address these challenges.

Our efforts have included engaging actively in the work of the International Law Commission as well as advisory opinion proceedings before the International Tribunal for the Law of the Sea (ITLOS) and the International Court of Justice (ICJ) in relation to climate change. Both the ICJ and ITLOS have an important contribution to make in, among other things, clarifying the obligations of States in respect of climate change, including with respect to climate change-related sea-level rise.

We welcome and commend the Commission's Study Group for its continued exploration of the questions posed by climate change-related sea-level rise in relation to international law. We appreciate the Commission's further work on matters related to statehood and protection of persons, as reflected in Chapter X of its 2024 report, in addition to its earlier consideration of sea-level rise and the law of the sea.

In this respect, I would like to highlight two Declarations adopted by our Leaders which articulate our views on the relationship between sea-level rise and international law.

In 2021, our Leaders adopted the *Pacific Islands Forum Declaration on Preserving Maritime Zones in the face of Climate Change-Related Sea-Level Rise*.

It proclaims that our maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the Convention, 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.

Subsequently, in 2023, our Leaders adopted the *Pacific Islands Forum Declaration on the Continuity of Statehood and the Protection of Persons in the face of Climate Change-Related Sea-Level Rise*.

The 2023 Declaration is grounded on existing principles of international law. It recognizes that under international law there is a general presumption that a State, once established, will continue to exist and endure, and maintain its status and effectiveness, and that international law does not contemplate the demise of statehood in the context of climate change-related sea-level rise.

In that respect, the 2023 Statehood Declaration declares that our statehood and sovereignty will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.

While Forum Members acknowledge that climate change represents the single greatest threat to the livelihoods, security and wellbeing of people in the Pacific, the 2023 Statehood Declaration **underscores** that such a threat does not extend to the status of Forum Members as states under international law.

The Members of the Pacific Islands Forum, individually and collectively, bear an important responsibility for ensuring the protection of our people. The 2023 Declaration expresses our commitment to protecting persons affected by climate change-related sea-level rise, including with respect to human rights.

We thank the Commission for recognising the two PIF Declarations and the contribution they make to the international community's consideration of this topic.

We further acknowledge and appreciate all states that have expressed formal support for the two Declarations and call on the international community to continue to consider and support them consistent with our duty to cooperate and with the principles of equity and fairness.

To this end, we acknowledge the *Declaration of the Heads of State and Government of the Alliance of Small Island States on Sea-level rise and Statehood* adopted on 23 September 2024, and we look forward to engaging further with AOSIS and all other states on these efforts.

We welcome the increased interest of the international community in the topic of sea-level rise, including by the UN General Assembly, as demonstrated most recently with the High-Level Meeting on Sea-Level Rise on 25 September.

We look forward to the Final Report of the Study Group in 2025 to further inform our collective consideration of the relationship between international law and climate change-related sea-level rise.

Thank you.