



PACIFIC ISLANDS FORUM

DECLARATION ON PRESERVING MARITIME ZONES IN THE FACE OF CLIMATE CHANGE-RELATED SEA-LEVEL RISE

PREAMBLE

Recalling with pride that Pacific Islands Forum Members have a long history of support for the *United Nations Convention on the Law of the Sea* (the “Convention”) adopted as an important contribution to the maintenance of peace, justice and progress for all peoples, as well as to the protection and preservation of the marine environment, and which sets out the legal framework within which all activities in the oceans and seas must be carried out, and that many Pacific Islands Forum Members were closely associated with its negotiation,

Recalling also that the Convention was adopted as an integral package containing a delicate balance of rights and obligations, and was prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea, and establishes, with due regard for the sovereignty of all States, an enduring legal order for the seas and oceans,

Recognising the principles of legal stability, security, certainty and predictability that underpin the Convention and the relevance of these principles to the interpretation and application of the Convention in the context of sea-level rise and climate change,

Further recognising the principles of equity, fairness and justice as key legal principles also underpinning the Convention,

Noting the explicit obligation in Article 300 of the Convention that States Parties shall fulfil in good faith the obligations assumed under the Convention and shall exercise the rights, jurisdiction and freedoms recognized in the Convention in a manner which would not constitute an abuse of right,

Acknowledging that the relationship between climate change-related sea-level rise and maritime zones was not contemplated by the drafters of the Convention at the time of its negotiation, and that the Convention was premised on the basis that, in the determination of maritime zones, coastlines and maritime features were generally considered to be stable,

Underlining that coastal States, particularly Small Island Developing States and low-lying States which are specially affected by sea-level rise and climate change, have planned their development in reliance on the rights to their maritime zones guaranteed in the Convention,

Recalling the long-standing concern in our Pacific region for preserving maritime zones in the face of climate change-related sea-level rise and, in particular, the commitment made by the Leaders of the Pacific Islands Forum at our 50th Meeting, in August 2019, for urgent and collective action to secure maritime zones of Forum Members delineated in accordance with the Convention against sea-level rise and climate change,

THEREFORE, *recognising* the threats of climate change and sea-level rise as the defining issue that imperils the livelihoods and wellbeing of our peoples and undermines the full realisation of a peaceful, secure and sustainable future for our region,

WE, THE LEADERS OF THE PACIFIC ISLANDS FORUM:

Affirm that the Convention imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations,

Record the position of Members of the Pacific Islands Forum that maintaining maritime zones established in accordance with the Convention, and rights and entitlements that flow from them, notwithstanding climate change-related sea-level rise, is supported by both the Convention and the legal principles underpinning it,

Declare that once having, in accordance with the Convention, established and notified our maritime zones to the Secretary-General of the United Nations, we intend to maintain these zones without reduction, notwithstanding climate change-related sea-level rise,

Further declare that we do not intend to review and update the baselines and outer limits of our maritime zones as a consequence of climate change-related sea-level rise, and

Proclaim 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.

MADE ON 6 AUGUST 2021 AT THE FIFTY-FIRST PACIFIC ISLANDS FORUM:
Australia, the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.