Statement by H.E. Mr. Max H. Rai, OBE
Permanent Representative
of Papua New Guinea to the United Nations

to the

64th Plenary Meeting of the UN General Assembly 77th Session

on

Agenda Item 70 on the Report of the International Court of Justice:
Draft resolution (A/77/L.58) on Advisory Opinion on Climate Change

New York, 29 March 2023

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Mr. President, His Excellency Prime Minister Alatoi Ishmael Kalsakau of the Republic of Vanuatu, Excellencies and distinguished delegates;

May I begin by extending Papua New Guinea’s warm welcome to Honourable Prime Minister Kalsakau and his distinguished delegation, our fellow Melanesian Wantoks and Pacific neighbour, to our meeting important today.

We also convey our gratitude to Vanuatu for the excellent leadership and work on the landmark initiative on the ICJ Advisory Opinion on Climate Change. We also welcome with strong interest the Honourable Prime Minister’s resounding message today.

It would be remiss of me not to also pay special tribute to my dear colleague and brother Ambassador Odo Tevi of Vanuatu for the commendable manner in which he so ably, with his team, steered this daunting process to a successful conclusion, in its first phase.

Let me also recognise the important role played by the respective members of the Core Group of countries and also many other delegations, including my own, who have supported Vanuatu and the Core Group in this process.

A special word of thanks goes also to the youth of the Pacific region, supported by their peers around the world, that sowed the seeds of this initiative that has remarkably sprouted and given life. This augurs well for inter-generational equity and leadership on the climate agenda, which must be further encouraged.

We also would like to convey our profound appreciation to all the 121 co-sponsors of the resolution and for the support from others who may not be co-sponsors. Your delegation’s respective support, today, is a distinct legacy, on the right side of history.

Mr. President, today is indeed an historic day, with the resounding consensus adoption, in this hallowed Hall, for the very first time, a General Assembly resolution on an Advisory Opinion on climate change to go before the principal judicial organ of the United Nations, the International Court of Justice.

The outcome today also attests to what multilateralism can deliver when it is inclusive, consultative and leaves no one behind. From this standpoint, we appreciate the inclusive, open, transparent manner and the adequate period in progressing this important work. The historic outcome today will no doubt set the stage for the important days ahead.

Mr. President and dear friends, the climate change narrative for all of us, and particularly the small island developing States, including from our Blue Pacific Continent, is well known.

Suffice it to say that as canaries in the coal mine, Papua New Guinea and our other Pacific SIDS members strong commitment and advocacy in combating climate change with a sense of urgency and comprehensively, including through partnerships under the multilateral architecture such as the UNFCCC and Paris Agreement process and also at other important fora such as this, will remain steadfast, consistent and unrelenting, given our lived reality today.

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For us, the stakes are too high. This is not only given our vulnerabilities and constraints to respond to climate change and the serious consequences that flow on from it to our sustainable development. But also, more importantly, for some of our low-lying atoll members, it is an existential threat to their survival as peoples and nations.

That is why for the Blue Pacific Continent, our Pacific leaders have declared climate change as the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific, and therefore the critical importance and urgency to address our vulnerabilities and build resilience through mitigation and adaptation measures in cooperation with each other and with other development partners.

It is also why, today as we usher in this landmark development, in our Blue Pacific Continent, our leaders, officials and partners are convening now to discuss and plan for our increasing serious concerns over the question of Statehood and the Protection of Persons Affected by Sea-level Rise, given the increasing serious challenges posed by rising sea-levels to our peoples lives and livelihoods and to the security of our communities and countries.

We therefore welcome and strongly support today’s milestone consensus by the General Assembly for ICJ Advisory Opinion on the questions posed to it on climate change.

Mr. President, my delegation recognizes the critical importance of the mandate of the ICJ. Since its establishment, the ICJ has made significant contributions to the rule of law at the international level.

It has a critical role to play in promoting stability, equity, and the peaceful settlement of disputes, and its decisions and opinions, including advisory opinions, have important implications for the international community, as they develop and clarify international law and strengthen the international legal system.

Papua New Guinea therefore appreciates and strongly supports the work of the ICJ.

On advisory opinions of the ICJ, Papua New Guinea notes that they are not binding, and the court has no enforcement power. However, they can have great impact. We are firmly supportive of the role of the ICJ in issuing advisory opinions in accordance with its mandate.

The ICJ’s important role is particularly critical for legal questions relating to the existential threat of climate change, for which the Pacific small island developing States, including my own country – Papua New Guinea, are specially affected.

An ICJ advisory opinion on climate change could be the most authoritative statement to date of the obligations that international law imposes on states with respect to greenhouse gas emissions. States that care about international law and international opinion would take this very seriously.

Mr. President, we also note that an increasing number of domestic courts around the world are considering the issue of climate change and citing to international agreements and to the decisions of the courts of other countries. An ICJ advisory opinion could become the leading authority to which these domestic courts would look in framing their own decisions.
A decision would also be looked to by the international human rights bodies and tribunals that are considering climate change and its impacts.

Going forward, we are committed to the important work in the next phase, ahead of us, and to the final outcome of that process.

Mr. President, in closing, I align my delegation’s remarks with those made by my distinguished colleague Permanent Representatives from the Federated States of Micronesia, Tonga and Samoa, on behalf of the Pacific SIDS (PSIDS), the Pacific Islands Forum (PIF) and the Alliance of Small Island States (AOSIS), respectively.

Thank you!