Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change

Adoption 29 March 2023

Statement delivered by H.E. Darlene Vaea, Chargé d'affaires, Permanent Mission of the Kingdom of Tonga to the United Nations on behalf of Pacific Islands Forum Chair

1. 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 own country, Tonga. We also acknowledge the guidance and support of the Cook Islands as Chair of the Pacific Islands Forum.

   Excellencies,

2. In their 2022 Communique, our Leaders called on the UN General Assembly for a resolution requesting the International Court of Justice to provide an advisory opinion on the obligations of states under international law to protect the rights
of present and future generations against the adverse impacts of climate change, and looked forward to close collaboration in the development of the specific question to ensure maximum impact in terms of limiting emissions to 1.5 degrees, including obligations of all major emitters past, present and future.

3. I would like to express the gratitude of our PIF member states to fellow Forum member, Vanuatu for their commendable and wide-ranging efforts which have brought us from that call to this historic adoption today.

4. We recognise the significant engagement and coordination efforts undertaken by all members of the ICJ core group in support of Vanuatu, including the Federated States of Micronesia, New Zealand and Samoa, members of our Forum family and fellow stewards of our Blue Pacific Continent.

5. To the more than 120 co-sponsors of this resolution, we welcome your sovereign recognition of this important endeavour and the utmost urgency of this cause. We are optimistic that today will join other landmark junctures of global leadership in accelerating deeper global cooperation on climate change, which our Leaders have confirmed as the single greatest existential threat facing the Blue Pacific.

6. Our Leaders have accordingly declared a climate emergency in our region, underscoring the urgency of limiting global warming to 1.5 degrees through rapid, deep and sustained reductions in greenhouse gas emissions.

7. Our resolve has been further demonstrated in the PIF Declaration on Preserving Maritime Zones in the face of
Climate Change-related Sea-level Rise and the currently underway Regional Conference on Preserving Statehood and Protecting Persons which explores legal options and institutional responses to the impacts of sea-level rise in the context of international law.

Excellencies,

While we sit in this esteemed General Assembly today, our Forum is conscious of the many individuals and groups who have brought us to this point.

8. We recognise that much of this work began with our Pacific youth – whose energy and vision we continue to draw inspiration from, but who also stand to lose the most if we let the goal of 1.5 degrees slip from our collective grasp.

9. We further recognise our civil society representatives who have worked at the margins of society to mainstream the voices of women and girls, minorities, the disabled, disadvantaged and otherwise too often unheard, into our regional perspective, further legitimising our Blue Pacific narrative.

10. We pay tribute to the voices of Indigenous Peoples in the Pacific region and to those in local and coastal Pacific communities who face the reality of a warming climate every day. We pay further tribute to our scientists and the holders of traditional knowledge in the Pacific region who continue to work tirelessly to harness our collective wisdom in this fight against climate change.

Excellencies,
11. Much work remains to be done, and the Pacific calls on the global community to embrace the spirit of solidarity demonstrated by today’s adoption. Our Forum family remains committed to fully implementing the Paris Agreement, including our collective aim to achieve carbon neutrality in the Pacific by 2050, and we invite development partners to commit stronger support towards Forum Island Countries in reaching this goal in line with our 2050 Strategy for the Blue Pacific Continent endorsed by PIF Leaders.

12. To conclude, our members look ahead to the UNFCCC COP28 in Dubai with great anticipation, and to working alongside our UAE hosts and the global community to continue this most important work of combating the climate crisis for the sake of present and future generations.

13. I thank you.