

New Zealand Submission to the International Law Commission on state practice in relation to the law of the sea and maritime zones

30 June 2022

New Zealand welcomes the opportunity to contribute further information about its **practice regarding maritime zones, to help inform the International Law Commission's** ongoing work on sea-level rise in relation to international law.

New Zealand practice

On 8 March 2006, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), New Zealand deposited with the United Nations Secretary-General ten nautical charts showing the baselines from which the breadth of the territorial sea is measured, together with the outer limits of its territorial sea and its exclusive economic zone (EEZ).

New Zealand has not updated this maritime zone submission since it was submitted. In the event that New Zealand experiences coastal regression as a result of climate change-related sea-level rise, New Zealand does not intend to update its notification of 8 March 2006.

The charts that New Zealand deposited with the Secretary General in 2006 are not used by mariners for navigation purposes. New **Zealand's** government agency Land Information New Zealand (LINZ) produces official nautical charts for safe navigation in New **Zealand's** EEZ. These charts are updated regularly based on the latest topographic and hydrographic data obtained by LINZ and are freely available to all mariners on the LINZ website.

Pacific Islands Forum Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise

On 6 August 2021, New Zealand Prime Minister Jacinda Ardern joined the other Pacific Islands Forum (PIF) **Leaders in issuing the "Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise"** (the Declaration). The Declaration **sets out our region's collective position on how the UNCLOS rules on maritime zones** apply in the situation of climate change-related sea-level rise, and makes clear our intention to maintain our zones, without reduction.

The Declaration records the position of Members of the PIF 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.

New Zealand notes that subsequent to the issuing of the Declaration, a large number of geographically diverse states have endorsed the approach and principles of the Declaration. New Zealand welcomed recent endorsements of the Declaration by the Climate Vulnerable Forum¹ and the Organisation of African, Caribbean and Pacific States (OACPS),² among other expressions of support from the international community.

Other relevant information

The Cook Islands is a self-governing territory in free association with New Zealand, and a party to UNCLOS in its own right. New Zealand notes that when the Cook Islands deposited its list of geographic coordinates to the Secretary General on 12 August 2021 in accordance with UNCLOS, it further transmitted a series of observations, including the following observation of relevance to this topic:

"The Cook Islands states its understanding that it is not obliged to keep under review the maritime zones reflected in the present official deposit of lists of geographical coordinates of points and accompanying illustrative maps, delineated in accordance with UNCLOS, and that the Cook Islands intends to maintain these maritime zones in line with that understanding, notwithstanding climate change-induced sea-level rise."³

New Zealand commends the valuable work of the International Law Commission on this topic to date. New Zealand looks forward to continuing working with the international community to ensure that maritime zones that are delineated in accordance with UNCLOS are preserved in the face of climate-change related sea-level rise.

¹ Dhaka-Glasgow Declaration of the Climate Vulnerable Forum, 2 November 2021 at [8]: "We call on all States to support the principles outlined in the Pacific Islands Forum 2021 Declaration on Preserving Maritime Zones in the face of Climate Change related Sea-level rise."

² Declaration of the 7th Meeting of the OACPS Ministers in charge of Fisheries and Aquaculture, 8 April 2022 at page 8: "We, the Ministers in charge of Fisheries and Aquaculture from the Member **states of the OACPS...** Support the 2021 Pacific Islands Forum (PIF) Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-Level Rise."

³ M.Z.N.153.2021.LOS of 16 August 2021