



**PALAU**



***PALAU MISSION TO THE UNITED NATIONS***

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**STATEMENT**

**BY**

**THE HONORABLE JOHNSON TORIBIONG**

**PRESIDENT OF THE REPUBLIC OF PALAU**

**TO THE 66<sup>TH</sup> REGULAR SESSION**

**OF THE**

**UNITED NATIONS GENERAL ASSEMBLY**

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**New York**

Mr. President, distinguished Heads of State and Government, honorable delegates, ladies and gentlemen,

It is an honor and a privilege to address this Assembly once again on behalf of the people of Palau.

For thousands of years, Palau was blessed by a natural bounty that sustained our way of life and bound us together as a people. We lived in remoteness and isolation by respecting the environment and managing our natural resources for the benefit of every generation.

Today though, we find ourselves innocent victims of Transboundary Harm.

Forces beyond Palau's control and not of our own making are ravaging the oceans, damaging the land and reefs, and threatening our very survival. Though we do our best to act responsibly and sustainably, there is only so much my country can do on its own to protect itself. We rely on our partners, the international system and the international rule of law to provide a remedy.

I would like to speak to you today about three pernicious types of Transboundary Harm.

First, I point to the state of global fisheries. Palau's fish are among the most valuable in the world, but they are in danger. Distant water boats do not respect Palau's borders, laws and traditions. These boats come in great numbers for tuna in the Western and Central Pacific region, where Palau is located. At this time, our region's tuna is taken for pennies on the dollar. They also hunt, fin, and sell sharks for a tiny fraction of what tourists will spend to see those sharks alive in Palau.

Like the ocean's currents, efforts to protect the marine environment must flow across boundaries. It takes international cooperation to protect our marine resources.

Palau and other Pacific Small Island Developing States have undertaken innovative measures to ensure the continued viability of our stocks. We have limited purse seine fishing, agreed to close the donut holes between our jurisdictions and implemented a "vessel day scheme".

Two years ago, from this very podium, I declared the world's first shark sanctuary. Since that time, countries and territories from across the globe have joined Palau. Today, more than 2.7 million square kilometers are safe for sharks. Our ocean's health depends on sharks. And so I am delighted that so many heads of state and dignitaries joined me earlier today to declare our mutual commitment to conserve the ocean's vast biodiversity by developing and nurturing shark sanctuaries. But this is just the first step.

Global fisheries should be sustainable. Reckless practices that harm our fisheries and threaten our food security should stop. This means that shark finning should stop. Bottom trawling, which destroys the base of the marine food web, should also stop.

The UN Food and Agriculture Organization reports that 85 percent of global fish stocks are now fully or over exploited. These are the worst numbers on record. The international community must find a way to make Regional Fisheries Management Organizations more accountable so that the world can see whether countries are living up to their commitments.

And global fisheries should be fair. If distant water vessels want to come for fish that traverse Palau's waters, then they must respect our laws and those of our region. They should fish within our prescribed limits and share the benefits of our natural resources in a fair and equitable manner.

Fishing is not a right. It is a privilege. For too long, the exploitation of Tuna has overridden its conservation. This imbalance is not sustainable and must be reversed through the creation of a "Tuna Conservation Zone" to make conservation of this valuable resource paramount, and to maximize benefits to the nations in our region where tuna is harvested. We who live in the Pacific see the ocean as our farm. At the biggest Pacific islands conference on Tuna to be held in Palau in early December, this concept of a "Tuna Conservation Zone" shall be considered, along with our efforts to collectively maximize benefits to our island nations from sustainably harvesting our resources.

Second, we fear that, this year, nuclear radiation in amounts as yet un-quantified may have entered Palau's territory. This is a particularly insidious form of Transboundary Harm.

Mr. President,

I was involved in writing Palau's Constitution, which bans the presence of any nuclear material in our territory. We are proud to be the first in the world to make such a prohibition. But the supreme law of our land cannot protect us from potential radiation coming from outside our borders. We fear the possibility that some day our fish may be unsafe to eat and that our water may be unsafe to drink. And so we ask the world to redouble its efforts to eliminate the threat of nuclear radiation.

Third, Mr. President, as I speak, people are suffering from the impacts of climate change. As our corals die, shores erode and waters rise, people feel helpless – and hopeless.

Traditionally, we would appeal for divine intervention. But this is not a problem from above. It is man-made. And it poses an existential threat that exemplifies the issue of Transboundary Harm.

Today, I regret to say that we are nowhere close to a solution.

Next year will mark the 20<sup>th</sup> anniversary of the signing of the United Nations Framework Convention on Climate Change. But have we made progress? While sea levels have risen, emissions continue unabated. We are still without a binding agreement.

This past July, the Pacific Small Island Developing States banded together and put modest, achievable and prudent proposals to address the security threats of climate change in front of the Security Council. But our voices were drowned out by other states' priorities. I can only agree with views expressed at the Council by the United States: the failure of some states to acknowledge the clear-cut security implications of climate change is "pathetic".

We will not be deterred. Leaders of the Pacific States have declared that the urgent social, economic and security threats posed by climate change require action in all international fora. And the General Assembly, in its consensus resolution 63/281, invited the relevant organs of the UN to intensify their efforts in considering and addressing climate change, including its possible security implications.

Bearing this in mind, Palau and the Republic of the Marshall Islands will call upon this General Assembly to seek, on an urgent basis, pursuant to Article 96 of the UN Charter, an advisory opinion from the International Court of Justice on the responsibilities of States under international law to ensure that activities carried out under their jurisdiction or control that emit greenhouse gases do not damage other States.

The case should be clear. The ICJ has already confirmed that customary international law obliges states to ensure that activities within their jurisdiction and control respect the environment of other States. Similarly, Article 194(2) of United Nations Convention on the Law of the Sea provides that States shall take all measures necessary to ensure that activities under their jurisdiction or control do not spread and do not cause damage by pollution to other States. It is time we determine what the international rule of law means in the context of climate change. The International Court of Justice is mandated to do just that.

Mr. President,

At the opening of last year's General Assembly, His Excellency, Secretary General Ban Ki-Moon, stated, "at the United Nations, we find the proper path in community, a global common cause, and a mutual responsibility for the destiny we share." This sentiment means first and foremost that countries must do no harm, particularly to the most fragile among us.

We should find our guidance in the international rule of law. Nations must respect fellow nations. Whether from destructive fishing practices, nuclear radiation or excessive emissions, nations must work together and cease to cause Transboundary Harm.

Mr. President,

I would like to share with you a number of important initiatives Palau is undertaking to connect with the international community – literally and in spirit.

Palau is currently connected to the Internet by satellite. However, the service is poor and the cost unaffordable for most Palauans.

Last year's Report of the International Telecommunications Union's Broadband Commission confirms that broadband access is a prerequisite to achieving the Millennium Development Goals. According to the Report, a 10% increase in broadband penetration in developing countries increases GDP by 1.4%. Imagine what a 100% increase could do.

In light of this report, I have signed Executive Order No. 297 establishing a Presidential Task Force to acquire a submarine fiber optic cable so that Palau will be better equipped to meet its Millennium Development Goals. I hope that others will cooperate with Palau to connect Palau to the world, and that leaders will answer the Commission's clarion call to ensure that all people have access to broadband networks by 2015.

Palau is also reaching out to the world on human rights. In February of this year, we began our Human Rights Council Universal Periodic Review. As a former practicing lawyer and human rights advocate, I was an ardent supporter of this process from the outset. And so I committed Palau's limited resources to ensuring a fulsome and meaningful outcome.

As evidence of this commitment, I established a Task Force chaired by our Minister of State and consisting of officials from across the government spectrum. Stakeholders from NGOs and civil society were invited to engage in the Task Force's operations and contributed significantly to Palau's national report.

By all accounts, Palau's Response was a great success. The Human Rights Council adopted our report unanimously. The most repeated recommendation from Human Rights Council members was that Palau should establish a National Human Rights Institution. I have taken this recommendation to heart and am pleased to announce that Palau will establish a National Human Rights Institution. I am also pleased to announce that, as of this week, Palau is now a signatory to all core international human rights conventions. I hope others will assist Palau as we build our institution and work to fulfill our obligations under these conventions.

Once again, I bring it to the world's attention that fierce battles fought by foreign armies on Palau's islands during World War II left explosives scattered across our land and in our waters. Some of these explosives are still live. I continue to appeal to the conscience of the world to help us remove this danger from our midst.

Mr. President,

I would like to thank the Secretary General for attending the recent meeting of the Pacific Island Forum in Auckland, New Zealand. This was the Forum's 40<sup>th</sup> anniversary, and the first trip by a UN Secretary General to our regional meeting and the first time a UN Secretary General visited a Pacific Small Island Developing State. I would like to thank

His Excellency, Mr. Ban Ki-moon, for his visit. It is a testament to the fact that the countries in our region, even the smallest and most vulnerable among us, have something important to contribute to our world.

I would also like to express Palau's gratitude for the strong support and friendship of all our partners – new and old. I would like to thank in particular the United States, Japan and the Republic of China (Taiwan).

In order to further promote the efficacy, goals and ideals of the UN, we recommend that Taiwan be invited to participate meaningfully in the UN system. The UN cannot fully and properly address the issues of health, aviation and climate change unless Taiwan is allowed to participate in the World Health Organization, the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change. Once again, I appeal to the world to allow Taiwan to participate in these important UN organizations.

Finally, Mr. President, Palau is a relatively new state, having joined the world community in 1994. So we remember well the jubilation of newfound freedom and independence. I take this opportunity to congratulate the people of South Sudan on attaining its independence and taking its seat here in United Nations.

Thank you.