

Agenda Item: 79.

**REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE
WORK OF ITS SEVENTY – FIRST SESSION**

**CLUSTER II: CHPS: IV (Protection of the environment in
relation to armed conflicts), VIII (Immunity of the State
officials from foreign jurisdiction) and X (Sea-level rise in
relation to international law)**

Belize National Statement

5 November 2019 (10:00am – 1:00pm)

Trusteeship Council

1. Mr. Chair, Belize would like to thank the International Law Commission for submission of its Report on the work of the 71st session to the General Assembly. In particular, Belize welcomes the ILC's decision to establish a Study Group to examine the legal implications of sea-level rise, a topic of critical importance to our State.
2. Sea-level rise is a global concern, but its effects are felt most strongly in small island developing States and low lying coastal states like Belize. Our largest city sits at sea level, and our coastline is fringed with over 1000 low-lying islands and cayes. Over the next century, rising sea levels could inundate significant portions of our land, leaving vital infrastructure like airports and roads heavily impacted.
3. In its recent Special Reports on 1.5 C, and on the Oceans and the Cryosphere, the IPCC projects that the impacts of sea level rise will only worsen if we collectively fail to limit warming to 1.5 degrees. But we know that emissions are not being reduced fast enough to meet this target. Current projections place us on track

for at least 3 degrees of warming, which could lead to over 1 meter of sea-level rise by 2100.

4. With this future on the horizon, the impacts of climate change can no longer be treated as hypothetical. Rising seas may affect SIDS most acutely, but these effects will soon be felt by all States. It is time for international law to respond to this issue.
5. As it embarks upon its work on sea-level rise, the ILC must consider the perspectives of small island developing States. Belize, like other SIDS, is deeply reliant on the ocean. Our fishing, tourism, and transportation industries make heavy use of the maritime zones allocated to us under UNCLOS. As such, our economies depend on stable baselines from which these maritime zones are measured. If sea-level rise shifts our baselines inland, our maritime entitlements will be eroded.
6. As human-caused climate change is responsible for current sea-level rise, and as SIDS have contributed virtually nothing to this climate crisis, these consequences are manifestly unjust.

7. With this in mind, Belize calls upon the ILC to reflect on two key truths during its sea-level rise discussions.
8. First, moving towards fixed baselines *is* consistent with existing international law. In accordance with the language of UNCLOS Article 5, a number of SIDS have defined their baselines as those “marked on large-scale charts officially recognized by the coastal State.” Belize itself continues to recognize the relevance of official maritime charts in determining the exact placement of our baselines.
9. If official maritime charts, and not the actual low-water line, can serve as conclusive evidence of baselines, then legal baselines will shift only when their positions are updated on these charts. This practice gives coastal States greater agency in maintaining their maritime entitlements. Fixed baselines are the next step down the path that state practice has already begun to walk.
10. Second, while state practice may be moving in a productive direction, relying on current practice and existing international law alone will be **insufficient** to respond to this growing problem.

Existing rules and practice have developed to address baselines that shift *gradually*, as they have in the past. They are not equipped to handle the drastic future projections for climate change-induced sea-level rise, which could lead to the total extinction of many small island States. As continuity of States is a fundamental principle of international law, new approaches are necessary to address these **unprecedented** legal challenges in a way that preserves SIDS' existence.

11. Chair, by 2100 we could see millions displaced as States lose vast swaths of their territory or disappear altogether. In the coming years, the ILC will need to look beyond existing law and listen to the voices of the most vulnerable States in its progressive development of international law. Only by doing so will it be able to craft a legal solution that responds effectively, and fairly, to the challenges of sea-level rise. I thank you.