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MALDIVES

Statement by

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At the Sixth Committee

**On Agenda Item 80: Report of the International Law Commission on
the Work of Its Seventy-Second Session**

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Thank you, Mr. Chairman.

I would like to begin by aligning ourselves with the statement made by Belize on behalf of AOSIS.

I would like to thank the International Law Commission and the Study Group on Sea Level Rise in relation to International Law for their work and appreciate the opportunity to comment on their work here. The Maldives especially welcomes the First Issues paper and looks forward to the Commission's consideration of the paper next year.

While sea-level rise has global impacts, low-lying coastal states and Small Island States are particularly vulnerable to this phenomenon. For countries like ours, the impacts of sea-level rise are no longer the future, but are our lived reality. However, the threat of sea-level rise cannot be solved by the adaptation efforts of these states alone; it is a problem requiring the intervention of international law.



As a small island country with low-lying coasts, the Maldives has long advocated for action by the international community and sought to draw attention to the severe impacts of sea-level rise on SIDS. In 1989, the Maldives hosted the first-ever Small States Conference on Sea Level Rise, where fourteen Small Island States, including the Maldives, signed the Malé Declaration on Global Warming and Sea Level Rise. This was instrumental in the founding of the Alliance of Small Island States (AOSIS), and for the negotiation of the United Nations Framework Convention on Climate Change. Our commitment to multilateral and global solutions to global problems has not waned in the intervening years, as shown by our extensive engagement at the GA, HRC, the UNFCCC and now with the ILC on this issue.

At home, we have already implemented projects building sea walls, undertaking beach replenishment and revetments. Despite our best efforts, we recognize that artificial measures to preserve coastal areas, islands, and baselines cannot be a sustainable solution for developing states vulnerable to sea-level rise. These measures are incredibly costly



at the best of times, and the COVID-19 pandemic has further impeded our ability to make further adaptation measures due to the strain on national budgets. This is not a problem specific to the Maldives. As the First Issues paper recognizes, many developing countries vulnerable to sea-level rise are not in a financial situation to fortify their coasts. It is essential for the international community to pursue a progressive legal solution to sea-level rise.

The Maldives' submission last year was based on our continuous involvement and past experience on this issue. As explained in our submission, our interpretation of UNCLOS is that once a state deposits the appropriate charts and/or geographic coordinates with the Secretary-General, these entitlements are fixed and will not be altered by any subsequent physical changes to a state's geography as a result of sea-level rise. Baselines and maritime entitlements remain consistent. Stability, certainty, equity and fairness all require it.

Our submission, widely cited in the First Issues paper, is entirely consistent with the First Issues paper's observations. As the paper



correctly stated, States are not prohibited under UNCLOS from maintaining previously established baselines, and other limits of maritime zones measured from those baselines, in order to preserve their maritime entitlements.

The Maldives also agrees with the observation of the First Issues paper that there is a state practice freezing baselines and outer limits of maritime zones and increasing *opinio juris* on these maritime entitlements. We recognize that while the Issues paper identified a trend, it did acknowledge any matured customary international law on preservation of baselines. We would encourage other Member States to further engage with the Study Group and take the opportunity presented in the Issues Paper to provide examples of state practice on this topic.

In conclusion, let me reiterate the significance of the Commission's work on sea-level rise issues and of the cooperation of all states for



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their work. The Maldives will remain committed to supporting the Commission's work on this issue.

I thank you.
