





Alliance of Small Island States (AOSIS), Pacific Islands Forum (PIF) and Asian-African Legal Consultative Organization (AALCO) Invite you to a Virtual Informal Discussion on Why it is Urgent to Register and Publish Maritime Zone Information in View of Rising Seas

29 October 2021, 1:15-2:30 pm (New York)

Concept Note

Objective

To provide information on the relationship between sea-level rise and maritime zones and the consequent need to deposit charts or lists of geographical coordinates of points with the United Nations Secretary-General.

Background

Climate change has proven to be a phenomenon that poses immeasurable risks and impacts to every nation on earth, affecting billions of people in a multitude of ways. While the effects of climate change are global, the impacts on Small Island Developing States (SIDS) are particularly acute, especially on low-lying island nations who face the dangers of sea-level rise.

Pursuant to article 5 and article 7 of the United Nations Convention on the Law of the Sea (UNCLOS), with some exceptions, the outer limits of maritime zones are measured from the low-water lines along the coast as marked on large-scale charts officially recognized by the relevant coastal States (also known as normal baselines) or from straight baselines. Therefore, such baselines are important factors for establishing the maritime zones of a state.

Pursuant to UNCLOS, States are required to deposit charts or lists of geographical coordinates of points concerning baselines, outer limits of maritime zones and maritime boundaries with the Secretary-General of the United Nations. UNCLOS does not explicitly address the impact on baselines or outer limits of maritime zones from loss of land territory resulting from sealevel rise. Shifting of the low-water line landward and variations of other features used to draw baselines could affect the area over which States have maritime entitlements, as well as the basis on which maritime boundaries were delimited. This, as stated in the Report of the Secretary-General on oceans and the law of the sea A/75/70, has potential consequences for coastal States' sovereign rights and jurisdiction in those areas, including sovereign rights to explore, exploit and conserve living and non-living resources, as well as on the rights and freedoms of other States.

Based on considerations of stability and certainty of international law as well as equity and fairness, several island states have committed to keep maritime zones fixed once they are delineated in accordance with the UNCLOS.

In 2021, in their Declaration on Preserving Maritime Zones in the face of Climate-Change related Sea-level rise, the Leaders of the Pacific Islands Forum (PIF) proclaimed that the maritime zones of PIF Members, as established and notified to the Secretary-General of the United Nations in accordance with UNCLOS, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

Additionally, in the 2021 Alliance of Small Island States (AOSIS) Leaders Declaration, members of the alliance expressed their will to see the continuity of maritime zones and the rights and entitlements that flow from them without reduction once such maritime zones are established and notified to the UNSG, notwithstanding any physical changes connected to climate change-related sea-level rise.

Similarly, on its 78th Conference, the International Law Association (ILA) took the position that baselines determined in accordance with UNCLOS should not be required to be recalculated should sea-level change affect the geographical reality of the coastline in the interest of legal certainty and stability.

Noting the low number of Member States who have submitted deposits of maritime zone information, AALCO, PIF and AOSIS is seeking to discuss the importance of submitting such information as well as address the relationship between climate change-related sea-level rise and maritime zones.

The discussion will address following issues:

- 1. Process in UNCLOS to deposit baselines/outer limits, and status of deposits
- 2. Legal implications of deposit, including updating
- 3. Potential issues with deposits
 - *Contested outer limits
 - *Adding observations to deposit
- 4. Overcoming technical barriers to deposit

Program:

Moderator: Dr. Roy S. Lee, Permanent Observer of AALCO to the United Nations

- 1. Opening remarks: H.E. Walton A. Webson, Chair of AOSIS
- 2. Introduction of the discussion and the panelists: Dr. Lee
- 3. Panel discussion
 - Professor Clive Schofield, World Maritime University
 - Professor Bogdan Aurescu, Co-Chair, ILC Working Group on Sea-Level Rise and International Law, ILC member
 - Professor Nilufer Oral, Co-Chair, Working Group on Sea-Level Rise and International Law, ILC Member
 - Professor Charles Jalloh, ILC member
- 4. Open Floor Discussion
- 5. Summary

Connection Details:

Topic: AOSIS/PIF/AALCO Virtual Side Event

Time: Oct 29, 2021 01:15 PM Eastern Time (US and Canada)

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Meeting ID: 874 7221 2259

Passcode: 180725