



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, OCTOBER 2021

CHECK AGAINST DELIVERY

GENERAL ASSEMBLY, SIXTH COMMITTEE

**AGENDA ITEM 82-II, CLUSTER II: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE
WORK OF ITS SEVENTY-FIRST SESSION (CLUSTER II)**

STATEMENT BY MR. MATTHEW EDBROOKE, POLITICAL AND SCIENTIFIC ADVISOR

PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Chairperson,

Liechtenstein welcomes this year's report of the International Law Commission and wishes to place on record our support for its important work. Under this cluster we wish to take the floor on the topic "Sea-level rise in relation to international law", given the Commission's important role in encouraging the progressive development of international law and its codification. The ILC can be assured of Liechtenstein's continued support. Rising sea levels pose a grave threat to the lives and livelihoods of millions of people in the vast majority of Member States. Efforts made by the ILC to address its wide ramifications for international law are befitting of its urgency. Liechtenstein appreciates in particular the decision to include subtopics on the protection of persons affected by sea-level rise and on statehood, which indicate the importance of a person-centered and human rights-focused approach.

Liechtenstein's perspective on this issue is grounded in our ongoing commitment to upholding the right of self-determination, which is a prerequisite for the enjoyment of human rights as a whole. In this respect, Liechtenstein stresses the novelty of the implications of sea-level rise for understandings of statehood. Legal challenges to the persistence of particular States and

countries have in the past arisen in situations of the loss of control over territory or over the population belonging to that State or residing in that territory. Instead, a different State or government assumes control over the aforementioned territory and population. Such a challenge to State persistence rests on the failure of the first State to fulfil the first three 'Montevideo Criteria' of a permanent population, a defined territory, and a government. Situations of territorial inundation due to sea-level rise differ in this respect, as the territory and the population residing therein does not necessarily fall under the control of a different State or government. Instead, in situations of sea-level rise, it can be presumed at the very least that the population, and thus the government with control over it, persists at the point of inundation.

Given the concerning trajectory for our world set out in the IPCC's latest report, those peoples most immediately affected must be able to rely on the presumption that international law will continue to uphold their right to self-determination, including its manifestation through statehood, as well as through civil and political, economic and social rights. Any discussion of statehood in the context of rising sea-levels should note that there is in practice a strong presumption of state persistence and disfavours the extinction of any State or country, including its rights and obligations under international law, for example in situations of belligerent occupation. Such a presumption should also apply to a situation of the full or partial inundation of the territory of a State or country, or of the relocation of its population. In such a case, the relevant people should still be able to determine the expression of their right to self-determination. In this respect, a people that has already expressed its right to self-determination through statehood would need to explicitly seek another form of expression of that right for statehood to cease. The international community may have a role to play in assisting relocated peoples in continuing to freely determine the expression of their right to self-determination.

We look forward to further contributing to the ILC's deliberations on this topic in due course.

I thank you.