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MALDIVES

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**Statement by
Ms. Lauza Ali, Counsellor
Permanent Mission of the Republic of Maldives to the United Nations
At the Sixth Committee**

**On Agenda Item 82: Report of the International Law Commission on the Work of Its
Seventy-Second Session (Chapter IX: Sea level rise in relation to International Law)
October 2021, New York**

Thank you, Madam Chair,

1. I align my statement to those delivered by Guinea, on behalf of the G77 and China, and Antigua and Barbuda, on behalf of AOSIS.

At the outset, let me extend my appreciation to the International Law Commission and the Study Group on Sea Level Rise for continuing its work on this critical topic. The Maldives welcomes the inclusion of Sea Level Rise in the ILC's Report of the Seventy-Second Session and looks forward to its continued work on this topic.

Madam Chair,

2. Sea level rise is not a distant theoretical concern. It is something we are experiencing now. Low-lying coastal states and Small Island States, such as the Maldives, are especially vulnerable to the effects of sea level rise. As greenhouse gas emissions continue to drive sea level rise, countries such as the Maldives are threatened not only with the loss of territory, but also with the loss of livelihood and critical infrastructure.



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Adaptation efforts and disaster risk reduction measures can only partially address the threat of sea level rise. The issue requires international legal solutions that can provide the necessary stability and certainty to impacted states.

Madam Chair,

3. Given our vulnerability to the effects of sea level rise, the Maldives has long supported international action on this issue. In 1989, the Maldives hosted the first Small States Conference on Sea Level Rise, bringing together fourteen Small Island States to sign the Malé Declaration on Global Warming and Sea Level Rise. This early Conference led to the establishment of the Alliance of Small Island States, AOSIS. The Maldives remains committed to continuing our engagement with the international community on this issue through multilateral bodies such as the General Assembly, the Human Rights Council, the UNFCCC, and the ILC, in an effort to find durable and comprehensive global solutions to the pressing challenge of sea level rise.

Madam Chair,

4. The Maldives has undertaken extensive adaptation measures to combat the effects of sea level rise, including sea walls and beach replenishments. However, our efforts to preserve coastlines through artificial means is extremely costly, and yet only maintains the status quo. Adaptation alone cannot provide a sustainable solution to ongoing sea level rise. Our resilience building and fortification efforts are consuming an ever-increasing share of our limited fiscal space, a challenge that has been exacerbated by the



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strain that COVID-19 has placed on our national budgets. As many small islands and coastal states cannot afford to mitigate the effects of sea level rise on their own, it is essential that the international community cooperates to ensure adequate, predictable and accessible assistance to our states. Simultaneously, we must focus on reducing greenhouse gas emissions to prevent global warming, which eventually leads to sea level rise.

Madam Chair,

5. It is essential that the ILC continue to examine the practice of states most affected by sea level rise, in interpreting UNCLOS. As we stated last year, we understand UNCLOS to require states to deposit their necessary charts with the Secretary General. However, we do not interpret UNCLOS to require regular updates to those submissions. Once a state has deposited the relevant charts and maritime zones, baselines and maritime entitlements are fixed and cannot be altered by any subsequent physical changes to a state's physical geography as a consequence of sea level rise. This interpretation is necessary to support the goals of stability, security, certainty and predictability as outlined in the First Issues Paper and discussed in the Report.

Madam Chair,

6. The Maldives remains in agreement with the view expressed in the First Issues Paper that UNCLOS does not prohibit states from maintaining their previously



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established baselines and the associated maritime entitlements. We look forward to the ILC's continued work on this critical matter.

7. The ILC Report has asked for more evidence of state practice and *opinio juris* related to maritime entitlements. The Maldives agrees with the First Issues Paper that there is a trend in state practice suggesting that baselines are fixed and we encourage other states to support the work of the ILC as it examines the practice of states from various regions. Wherever possible, states should provide the ILC with examples of practice related to baselines and navigational charts.

In closing, Madam Chair,

8. I want to thank the Commission for its continued work on the legal issues related to sea level rise. These issues closely affect the Maldives and the findings of the Commission will be significant for our country. The Maldives remains firmly committed to working closely with the Study Group as they continue to address these difficult, but crucial questions.

I thank you.