



**PERMANENT MISSION OF JAMAICA
TO THE UNITED NATIONS**

INTERVENTION BY

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**ON
THE REPORT OF THE INTERNATIONAL LAW COMMISSION (ILC) TO THE
UNITED NATIONS GENERAL ASSEMBLY**

**IN THE SIXTH COMMITTEE
SEVENTY-SEVENTH SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY**

CHAPTER IX: SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW

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Mr. Chair,

My delegation expresses its appreciation to the ILC for the Report of the International Law Commission on its seventy third session and to the Study Group for their work and report, a summary of which is included in the report of the ILC.

My delegation takes the opportunity to commend the co-chairs, Ms. Patrícia Galvão Teles, and Mr. Juan José Ruda Santolaria, for preparing the second issues paper which formed the basis of the discussion of the two subtopics on issues related to statehood and the protection of persons affected by sea-level rise.

Mr. Chair,

While there are no occurrences to date of States completely losing land territory because of inundation, it is a real threat due to sea level rise. By the end of this century, the United Nations Intergovernmental Panel on Climate Change (IPPC) projects a 0.9 metre (3 feet) increase in global sea levels. In the Caribbean, the rate of sea level rise is generally higher than the global average (3.3mm/year)¹. This can result in catastrophic consequences for Small Island Developing States, including submerging entire islands and the disappearance of land territory.

My delegation therefore wishes to commend the co-chair for recognizing the urgent need to consider the perspectives of Small Island Developing States where the future concerning statehood in the event of complete inundation of a State's land territory is concerned.

¹ <https://public.wmo.int/en/media/press-release/new-report-shows-impacts-of-climate-change-and-extreme-weather-latin-america-and>

Mr. Chair,

On the question of the future concerning statehood of States becoming submerged as a result of sea level rise, my delegation takes the view that the rules developed should support the maintenance of stability and protection of the most vulnerable states.

While it is critical to further elaborate the rules on the future concerning Statehood of affected States, implementing mitigation and adaptation measures is an important element in the collective effort to address the effects of sea- level rise.

With this in mind, Jamaica has made significant efforts to fortify its coastline, especially areas that are highly vulnerable to erosion due to rising sea levels. The general practice by Jamaica has been to use hard interventions to protect against beach erosion or storm damages. These interventions involve the use of coastal armouring techniques such as seawalls and revetments or sand-trapping structures such as groynes. (Jamaica Coastal Management and Beach Restoration Guidelines). For example, under the ongoing Montego Bay Waterfront Rehabilitation Project, groynes are being built and rehabilitated to reduce the loss of beachfront acreage to coastal erosion and protect valuable coastal resources along the Montego Bay waterfront and marine ecosystems in the area.

While Small Island Developing States make efforts to mitigate against the adverse effects of sea level rise, my delegation welcomes continued discussion by the ILC and the international community on the various ways international law can support efforts to address the wider causes and effects of sea level rise. This includes the continued refining of rules on reducing the effects of climate change and further discussion on how international law may best respond to the immediate and long term needs of States affected by sea level rise.

Mr. Chair,

On the question of whether the existing international human rights law legal frameworks are applicable to the protection of persons affected by sea-level rise, my delegation takes the position that principles can be derived from existing international human rights instruments, as well as, there is need for the existing framework to be strengthened to fill gaps and address the sea-level rise phenomenon.

The climate crisis affects those rights that are protected by human rights law. The International Covenant on Civil and Political Rights (ICCPR) confers a positive obligation on States to protect the right to life and the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates States to ensure adequate food, housing and improved standard of living². Undoubtedly, rising sea levels continue to cause loss of coastal and agricultural land which threatens the rights to food, drinking water and adequate housing for large groups of people.

Mr. Chair,

Sea level rise is a global phenomenon, and therefore the success of international cooperation, depends on collective and harmonized responses that take into account the positions of all States, including Small Island Developing States, in a fair and balanced manner.

In conducting its analysis on the scope of the principle of international cooperation, it is important that the ILC further elaborate on the obligations of non-affected States who

² Article 11.1

would be required to cooperate. Specifically, the ILC may wish to discuss when the obligation for cooperation arises, the threshold to be met to trigger the obligation, what the obligation entails and when the obligation to cooperate ends.

In conducting this analysis, my delegation believes that guidance may be obtained from other relevant areas of international law such as international humanitarian law and international disaster law. It may be useful for the ILC to also consider its work in relation to cooperation regarding disasters to include the Draft Articles. In addition, the International Covenant on Economic, Social and Cultural Rights is instructive. Article 23 of the ICESCR outlines ways in which States may cooperate to realize the rights contained in the Convention, to include, the provision of technical assistance and holding regional and technical meetings for the purpose of consultation.

In conclusion, my delegation looks forward to the continuation of the work of the Study Group on these important sub-topics in an effort to develop rules and principles in a manner that considers the position of all States and promotes stability and security in the international legal system.