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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SEVENTY-EIGHTH SESSION, AGENDA ITEM 79,
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS 74TH SESSION: PART I (A/78/10)
CHAPTERS I – III (INTRODUCTORY PARTS) and X (OTHER DECISIONS
AND CONCLUSIONS OF THE COMMISSION)
CHAPTER IV (GENERAL PRINCIPLES OF LAW)
CHAPTER VIII (SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW)

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Mister Chair,

1. I would like to begin by thanking the Chairs of the International Law Commission's 74th session, Ms Nilüfer Oral and Ms Patrícia Galvão Teles, for their report to the Sixth Committee. I would also like to thank the Chair of the Drafting Committee, Mr Mārtiņš Pāparinskis, and all members of the Commission for their work this year.

2. The United Kingdom also commends and thanks the Codification Division of the Secretariat for their excellent work. I understand this is Mr Huw Llewellyn's final session as Director of the Division and I would like to thank him for his service and wish him well for this future.

Mister Chair,

3. Turning to Chapter X of the Commission's annual report concerning '**other decisions and conclusions of the Commission**', the United Kingdom welcomes the Commission's decision to include the topic 'Non-legally binding international agreements' in its programme of work and to appoint Mr Mathias Forteau as Special Rapporteur. As I stated last year, terminology is key when distinguishing non-binding instruments from treaties. The United Kingdom's practice is to use the terms non-legally binding "instrument" or "arrangement" and reserve the term "agreement" for treaties. Accordingly, the United Kingdom respectfully suggests the Commission amend the title of this topic to 'Non-legally binding international instruments and arrangements'.

Mister Chair,

4. On the topic '**General principles of law**', the United Kingdom welcomes the Commission's completion this year of the first reading of a set of draft conclusions and accompanying commentaries. The United Kingdom expresses its appreciation to the Special Rapporteur, Mr Marcelo Vázquez-Bermúdez, for his work, and is grateful to the Commission for its careful consideration of this interesting topic. The adoption of the draft conclusions and commentaries at first reading gives States the opportunity to look at the project as a whole. The United Kingdom will submit detailed written comments by the Commission's deadline of December 2024.
5. On the topic '**Sea-level rise in relation to international law**', the United Kingdom notes that this topic covers issues of fundamental and direct concern for many States – including the United Kingdom – and in particular for small island developing States. I thank the Study Group for its work in this important area.
6. The United Kingdom continues to consider carefully the implications of sea-level rise for maritime zones. It is open

to legitimate interpretations and applications of UNCLOS, including in principle adaptive interpretations. However, the United Kingdom considers it is important to be mindful of the potential risks and unplanned consequences of any change in interpretation.

7. The United Kingdom notes that among those States that are supportive of an outcome that preserves existing maritime entitlements, there are mixed views in respect of the legal underpinning for such an approach. It is important that States continue to discuss this matter directly and in relevant fora, with a view to maintaining the integrity of the interpretation and application of UNCLOS.
8. The United Kingdom also stresses that any emergent consensus on the preservation of existing maritime boundaries should not apply to those claims which are inconsistent with UNCLOS for reasons unconnected with sea-level rise.
9. The United Kingdom agrees with the calls made in the Study Group for caution when examining the applicability

of a principle of historic waters, title and rights in the context of sea-level rise.

10. In relation to the next steps to be taken by the Study Group, the United Kingdom recalls that the Study Group's mandate was a mapping exercise of the questions raised by sea-level rise, involving an analysis of existing law, and expressly excludes proposing modifications to existing international law, including UNCLOS.

11. Finally, the United Kingdom agrees with views expressed in the report that the Study Group should exercise caution when interpreting the silence of some States, as not necessarily reflecting a position on the interpretation of UNCLOS. In a similar vein, the absence of contest to the Study Group's preliminary observations in the first issues paper, or to other points raised by the Study Group in various strands of its work, should not be interpreted as agreement with them. This is particularly the case given the mandate of the Study Group and the stage its work has reached. States will of course wish to consider in the round the Study Group's consolidating report – expected

to be issued in 2025 – before reaching conclusions on it.

The UK looks forward to engaging with that report and all of the Study Group's further work on this important issue.

Thank you, Mister Chair.