

Permanent Mission of India to the UN

New York

6th Committee of the 78th Session of the UNGA

(Agenda item 79)

**Report of the International Law Commission on the work of its seventy-third and
seventy-fourth sessions**

(Cluster 1)

India Statement

We thank the Chairperson of the seventy-fourth session of the International Law Commission, for guiding its work at the session. We also thank all Members of the Commission for their valuable contribution to the work of the Commission.

2. Following the Clusters' arrangement of topics, our focus today would be on the topics of Cluster I and more particularly on the topics "**General principles of Law**"; and "**Sea-level rise in relation to international law.**"

3. On "General Principles of Law", we would like to express our deep appreciation for the efforts of the Special Rapporteur, Mr. Marcelo Vazquez-Bermudez, that have enabled the Commission to bring to a successful conclusion its first reading of the draft conclusions on general principles of law.

4. My delegation recognizes the importance of the topic and at the same time believes that before concluding work on the topic, proposed for the next session of the Commission in 2024, a careful approach should be taken with regard to the sources of international law.

5. Since the conclusions are based on the third report of the Special Rapporteur submitted last year and no further report had been submitted to the Commission this time, we would like to reiterate that the basis for any work on the topic should be Article 38,

11. We look forward to further work on the question of functions of general principles of law as a source of International law and its relationship with other sources of international law; the manner or method of its identification, transposition; its role in certain circumstance as interpretative or gap-filling.

Mr. Chairman,

12. Turning to the topic “**Sea-Level Rise in relation to International Law**”, we would like to thank the Commission and in particular Co-Chairs of the Study Group on sea-level rise in relation to international law, for their work over the past three years.

13. As a country having one of the long coastal lines, India is aware of the impact of sea-level rise, and the immense challenge of understanding complex legal and technical issues associated, in particular, law of the sea and international law, in general.

14. India notes that the additional notes to the first issues paper (2020), as prepared by co-chairs was deliberated by the Study Group in the last session. In this regard, we appreciate the in-depth analysis of the topic and the views expressed by members of the Study Group as well as the member States sharing their practices.

15. While there have not been any cases yet where the land territory of a State has been completely covered by the sea due to sea-level rise, India notes that some States, in particular small island developing States (SIDS), are currently facing the impact of sea-level rise. We are in alignment with the view of co-chairs that all States, regardless of whether they are currently facing the impact of sea-level rise or otherwise, should commence deliberations on finding the solution to this issue.

16. On the issue of statehood, we are of the view that greater caution needs to be exercised in considering the presumption of continuing statehood in favour of the States