



Statement on behalf of the European Union and its Member States

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Delegation of the European Union to the United Nations

at the Sixth Committee

on the Agenda item 79:

Cluster I: Report of the ILC on the work of its 75th session

Chp X (Sea-Level Rise in Relation to International Law)

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– CHECK AGAINST DELIVERY –

Mr Chairperson,

The European Union and its Member States have the honour to address the 6th Committee on the topic of **Sea-Level rise in relation to International Law**, which was considered by the International Law Commission (ILC). The progress made on this topic is reflected in Chapter X of the 2024 ILC report.

The Candidate Countries Montenegro*, Albania*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina* and Georgia, as well as Monaco align themselves with this statement.

The European Union and its Member States refer to the two issues papers and the additional paper to the first issues paper which were presented in 2020, 2022 and 2023 by the Co-Chairs of the Study Group, as well as the additional paper to the second issues paper, presented in 2024. These papers set out in great detail the main legal issues of sea-level rise in relation to the United Nations Convention on the Law of the Sea (UNCLOS) and other relevant international law instruments, as well as issues for consideration related to statehood and the protection of persons affected by sea-level rise. The European Union and its Member States would wish to congratulate the CoChairs in particular for the additional paper to the second issues paper.

As it has been stressed previously, the European Union and its Member States note the need to carefully consolidate results of the work on all the legal aspects of sea-level rise which is to be undertaken with the expectation of a joint final report on the topic as a whole with a set of conclusions to be submitted for consideration of the Study Group and subsequently of the ILC at the 2025 session.

* Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

At this stage, recalling their previous statements on the topic, the European Union and its Member States would like to draw attention to four points, which they consider to be particularly relevant for the issues at hand.

First, the European Union and its Member States would like to underline once more their resolute support for the integrity of UNCLOS. This Convention is recognized as the “Constitution for the oceans”. As recalled in the recent statement on behalf of the European Union and its Member States to the Thirty-fourth Meeting of States Parties to UNCLOS, its provisions generally reflect customary international law and are thus binding on all States. It imposes the general obligation to protect and preserve the marine environment, including against pollution. As confirmed in the recent advisory opinion of the International Tribunal for the Law of the Sea (ITLOS) on climate change and international law, the definition of “pollution of the marine environment” as set out in Article 1, paragraph 1, sub-paragraph 4, of UNCLOS includes greenhouse gas (GHG) emissions. As consistently reiterated in the annual General Assembly Resolution on Oceans and the Law of the Sea, the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out. Consequently, any suggestions that might be proposed in the report of the ILC on the topic of sea-level rise should uphold and strengthen the legal framework established by the Convention.

Second, the European Union and its Member States would like to emphasize that the recent advisory opinion of ITLOS on climate change and international law bears testimony to the centrality of UNCLOS for law of the sea matters. In particular, the advisory opinion demonstrates that, as a living instrument, UNCLOS lays down numerous specific law of the sea obligations on States in the context of climate change. Accordingly, States Parties to UNCLOS have, for instance, a specific and stringent due diligence obligation to take all necessary measures to prevent, reduce and control marine pollution from anthropogenic

GHG emissions. Specifically in relation to sealevel rise, ITLOS has held that the general obligation to protect and preserve the marine environment in Article 192 of UNCLOS provides for a broad obligation that can be invoked to combat any form of degradation of the marine environment, including climate change impacts such as sea-level rise, ocean warming and ocean acidification. The request for an advisory opinion from the International Court of Justice, adopted by consensus by the General Assembly in Resolution 77/276 of 29 March 2023, is still pending, with the public hearings scheduled to start on 2 December this year. The European Union and its Member States underline the need to articulate the work of the ILC in line with the two global advisory opinions.

Third, the European Union and its Member States note the aspect of international cooperation, as referred to in points 373 and 377 of the 2024 ILC report, in particular through the provision of technical or logistical assistance to states particularly affected by sea-level rise. In this regard it bears highlighting that, in its advisory opinion on climate change and international law, ITLOS has found that under Article 202 of UNCLOS, States Parties to the Convention have the specific obligation to assist developing States, in particular vulnerable developing States, in their efforts to address marine pollution from anthropogenic GHG emissions. This includes providing appropriate assistance, directly or through competent international organizations, in terms of capacity-building, scientific expertise, technology transfer and other matters. A detailed consideration of the provisions on cooperation in UNCLOS and other sources of public international law in the specific context of sea-level rise may require some further work of the Study Group. The European Union and its Member States therefore welcome the suggestion, reported in point 412 of the ILC report, that the Study Group could consolidate the existing rules on cooperation.

The European Union and its Member States participate and contribute financially to a number of initiatives in small islands developing states (SIDS), including the

GreenBlue Alliance for the Pacific, uniting 15 Pacific Island countries, and the Infrastructure for Resilient Island States (IRIS) programme which includes the aim of improved resilience of SIDS Infrastructure to climate change.

Fourth, the European Union and its Member States recall that the reports of the Intergovernmental Panel on Climate Change (IPCC) indicate that climate change affects the ability of certain peoples, including peoples inhabiting small islands developing states, to dispose of their natural resources.

In conclusion, the European Union and its Member States once again congratulate the ILC and the reconstituted Study Group for the excellent work done so far on a matter that is of very high importance for the international community as a whole. The European Union and its Member States look forward to further discussions on all aspects of this important issue, taking into account the crucial role vested in maintaining the integrity of the United Nations Convention on the Law of the Sea.

Thank you for your attention.