



United Nations General Assembly

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Report of the International Law Commission – Cluster 1

Sea-Level Rise and Arbitrary Detention

Statement delivered by

Canada

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Mr. Chair,

Canada thanks the International Law Commission (ILC) and the Study Group on sea-level rise in relation to international law for their dedicated work on this issue to date.

Globally, sea-level rise poses existential threats that put people in jeopardy, disrupt access to food, water and healthcare, and destroy economic prosperity and cultural heritage.

Sea-level rise and related climate events further disproportionately affect certain populations, including residents of Small Island Developing States, Indigenous Peoples, women, persons with disabilities, elderly persons, low-income groups, and minorities. Canada appreciates that the ILC has acknowledged as much in its work to date.

Having the world's longest and most diverse coastlines, including the perimeters of more than 52 000 islands, seventy-five percent of which are in the Arctic, Canada is already witnessing the adverse effects of sea-level rise on remote coastal Canadian communities.

We therefore share the profound concerns, in particular, of the member countries of the Pacific Island Forum and the Alliance of Small Island States, with respect to the stability of baselines and maritime zones in the face of sea-level rise. The lines of inquiry of the ILC study group are essential to develop a global understanding of the unprecedented legal implications of sea-level rise for statehood, displaced populations, and delimitation.

Canada reiterates the importance of maintaining stability of the jurisdiction of coastal states, of preserving the legitimacy of baselines and maritime zones, and the associated rights and entitlements, established in accordance with international law.

Mr. Chair,

In the context of discussions on general principles of law, Canada would also like to highlight the issue of arbitrary detention in State-to-State relations.

State-sponsored arbitrary detention, where individuals are held as leverage for political gain, is a serious and growing concern. This practice, often referred to as hostage diplomacy, not only endangers the safety of foreign nationals but also undermines fundamental human rights, erodes judicial independence, and

disrupts international relations. The implications of this practice extend beyond borders, placing at risk those who live, travel, or work abroad. There is a pressing need to address these challenges.

Since the launch of the *Declaration Against Arbitrary Detention in State-to-State Relations* in February 2021, support for the Declaration and the global movement condemning the practice continue to grow. With 78 Member States and the European Union now endorsing the Declaration, the movement has gained momentum through international partnerships among States, civil society, former detainees, and academia aimed at ending the use of arbitrary detention for political leverage.

Canada wishes to highlight the important role of the Independent International Panel on Arbitrary Detention in State-to-State Relations. Composed of eminent jurists from around the world, the Panel is analyzing the existing international law applicable to the practice of arbitrary detention in State-to-State relations, considering whether gaps exist in this legal framework, and developing recommendations. The Panel is expected to release its interim report in December 2024, and a final report in 2025. The report will help to chart a path to effective legal tools to end the use of arbitrary detention as a lever in state-to-state relations.

Mr. Chair,

We have made significant inroads in anchoring the issue on the multilateral agenda. In June, Argentina, Belgium, and Canada hosted the first-ever side event on hostage diplomacy at the UN Human Rights Council. This event highlighted the growing recognition of the seriousness of this issue.

In the same month, the General Assembly of the Organization of American States adopted language on arbitrary detention for political leverage as part of its omnibus resolution on international law. This is the first time this issue has been included in a multilateral resolution and we continue to explore areas to collaborate with other regional organizations to advance awareness and action.

As the Declaration's fourth anniversary nears, we continue to work to transform discussions into policy recommendations and action. Strengthening accountability and justice mechanisms, as advocated by former detainees, will be key to the ongoing challenges related to arbitrary detention in State-to-State relations.

The global community must uphold its commitments to protect citizens and strengthen the rules-based international order. Now is

the time to take collective action to end arbitrary detention for political leverage and to safeguard the safety, dignity, and human rights of all our citizens.

Thank you.