



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

INTERVENTION BY

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ON

AGENDA ITEM 79

**REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTY-FIFTH SESSION – CLUSTER I**

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

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Mr. Chair,

As this is the first time that Jamaica is taking the floor in this session, my delegation wishes to congratulate you on being elected to preside over the work of this Committee. We wish you every success during your tenure and we assure of our support in this regard. As the International Law Commission celebrates its milestone 75th anniversary, my delegation also wishes to express its appreciation to the ILC for the role it has played in the codification and progressive development of international law. We also wish to thank the Chair of the ILC for presenting the report on this agenda item which will guide our discussions during this session.

Turning to the substantive matters of the report, my delegation wishes to make brief comments in respect of Sea-level rise in relation to international law and Other Decisions and Conclusions.

Mr. Chair,

On the issue of Sea Level Rise, it is recalled that the General Assembly decided to convene a high-level plenary meeting on 25 September 2024 to address existential threats posed by sea-level rise. At that High Level Meeting, Jamaica's Minister of Foreign Affairs and Foreign Trade stressed the need for urgent, collective action to mitigate against the existential threat posed by sea-level rise. As a small island developing state, the situation is especially serious for Jamaica as approximately 70% of our population is concentrated along the coast, along with over 50% of critical infrastructure. Without shoreline defences, our capital city, Kingston, could permanently lose 5% or more of the city by the end of the century. My delegation is therefore grateful to the ILC for the continued importance being afforded to this issue. We take this opportunity to thank the two Co-Chairs of the study group for the preparation of the well thought out additional paper to the second issues paper on the topic.

On the issue of continuation of statehood, without expressing a view on the status of the Montevideo Convention as being representative of the entirety of custom on the criteria for the creation of statehood, my delegation agrees with the view expressed in the report that there is a distinction to be drawn between the criteria for the creation of a State on the one hand and those for its continuity on the other. The Montevideo Convention does not address the loss of statehood. As has been previously expressed by my delegation, under international law, there is a strong presumption of the continuity of statehood of States whose land surface could be partially or fully submerged owing to sea level rise. As noted in the additional paper, this position is reflected for example in the practice of states in certain situations where a state is presumed to and treated as continuing to exist even where there have been fundamental changes in, or the absence of, one or more of the elements required for the creation of statehood.

As a small island developing state and the host country of the International Seabed Authority, the law of the sea is of particular importance to Jamaica. Jamaica played a key role in the negotiation of the United Nations Convention on the Law of the Sea, or as it is sometimes referred to, the Montego Bay Convention. Regarded as the constitution of the oceans, we agree that discussions relating to maritime issues must be anchored in UNCLOS. In considering the issue of continuity of statehood, we share the view that legal stability, security, certainty and predictability must be prioritized. In this regard, we reiterate our view that maritime boundaries established in accordance with principles laid down under UNCLOS must be preserved, acknowledged and respected even in the context of sea-level rise. We also echo our prior sentiments that baselines established in accordance with UNCLOS and the maritime entitlements flowing therefrom, are not affected by any loss of territory owing to sea-level rise.

On the issue of protection of persons affected by sea-level rise, the ILC's report noted that the current international legal frameworks that were potentially applicable to the protection of persons affected by sea-level rise were fragmented and mostly not specific to sea-level rise. In this regard, we are of the view that the Commission's 2016 draft articles on the protection of persons in the event of disasters could serve as a good basis for the

Commission's further work on the subtopic on the protection of persons affected by sea-level rise. The 2016 Draft Articles have the potential to contribute to filling a significant gap in the law and provide a strong starting point for future work of the Commission. Building on the draft articles would further serve to bring coherence to the framework being elaborated, which would necessarily take into account other applicable and potentially applicable existing obligations of States in this context for example human rights obligations.

Mr. Chair,

It is recognized that Small Island Developing States are likely to suffer the greatest consequences of effects of sea-level rise even though such effects were not caused by those States. Therefore the importance of the duty to cooperate in addressing the effects of sea level rise as gleaned from the jurisprudence of international tribunals cannot be stated enough. To put the effects in practical terms, just this July, Hurricane Beryl brought storm surges that raised water levels by 6 – 9 feet above normal high tide levels in Jamaica, and caused over USD\$6.4 million in damage. Recognizing the scale of this threat, the Government of Jamaica has undertaken several initiatives. We have implemented coastal resilience projects, integrated climate change adaptation into our national development strategies, and continue to strengthen our disaster preparedness. However, the magnitude of the challenge far exceeds our national resources. International cooperation, including scientific and technical exchanges, technology transfer and the provision of adequate and appropriate financing towards risk reduction and disaster mitigation efforts of SIDS, is therefore a critical area in the consideration of the issue of sea level rise.

In concluding on this item Mr. Chair, my delegation wishes to express our appreciation to the Co-Chairs for their efforts in the preparation of the additional paper. We will continue to follow this issue closely.

Mr. Chair,

My delegation now wishes to make brief remarks on the other decisions and conclusions of the Commission.

In the report, it was noted that twenty-seven participants of different nationalities, from all regional groups, took part in the fifty-eighth session of the International Law Seminar which was held in Geneva in July 2024. In this regard, my delegation notes that Ms. Shelly Ann Thompson of the Attorney General's Chambers of Jamaica was one of the persons selected to participate in the session. We wish to thank Member States for their voluntary financial contributions to the Seminar and encourage the continued support in this regard as the Seminar enables young lawyers, especially those from developing countries, to familiarize themselves with the work of the Commission.

We share the concern of the Commission about the discontinuance of the live streaming service of the United Nations webcast of the ILC's plenary meetings. Against the background of limited financial resources for many member states, the webcast is an important tool in allowing delegates of the Sixth Committee or those located in their respective Capitals to follow the work of the Commission. This increased access provides States with a greater understanding of how the ILC functions, and will ultimately assist us in how we support the work of the Commission.

In that same vein, my delegation welcomes the decision to reconvene the Working Group on methods of work and procedures of the Commission, with Mr. Charles Jalloh as Chair. We appreciate the decision to prepare a handbook on the methods of work and procedures of the Commission. Tools such as the Webcast, Handbook and the Audio Visual Library play an important role in strengthening the relationship between Member States and the ILC.

Finally, Jamaica welcomes the recommendation to include in the Commission's long-term programme of work the topics of: (a) compensation for the damage caused by internationally wrongful acts; and (b) due diligence in international law. My delegation considers these topics to be important and they will make a significant contribution to

international law upon their conclusion. In particular, we thank Mr. Martins Pajarinskis for the comprehensive syllabus provided on the topic of compensation for the damage caused by internationally wrongful acts. In our view, the selection of this topic is in keeping with the mandate of the ILC and we believe that the final product will be of great value to member states.

Mr. Chair,

My delegation looks forward to the continued discussions of the ILC topics over the remaining days and we continue to follow closely the work of the Commission.