

**Statement by Sweden on behalf of the Nordic Countries
(Denmark, Finland, Iceland, Norway and Sweden)**

at the

**General Assembly,
Eightieth Session**

Sixth Committee

Agenda item 80:

**Report of the International Law Commission on the work of its 76th session –
Cluster I**

United Nations, New York

27 October 2025

– CHECK AGAINST DELIVERY –

Madam/Mr Chair,

I have the honor to speak on behalf of the five Nordic countries: Denmark, Finland, Iceland, Norway – and my own country, Sweden.

As this is the first time I am taking the floor, please allow me to join others in expressing, on behalf of the Nordic countries, our condolences on the passing of Concepción Escobar Hernández, former member and Special Rapporteur of the International Law Commission. Her contributions to international law will be remembered.

Before I comment on the topics covered in Cluster I of the report, we would like to use this opportunity to also make some general remarks regarding chapters I, II, III and XII of the Report.

The Nordic countries reiterate our deep appreciation for the invaluable work of the ILC and its enduring contribution to the progressive development and codification of international law. We commend the Commission for its efforts during its seventy-sixth session, despite the exceptional challenges posed by the liquidity crisis affecting the entire United Nations system.

We deeply regret this crisis that has led to a shortened session and constrained the Commission's ability to advance its work as planned. The Nordic countries underscore the critical importance of paying our assessed contributions to the regular budget in full and on time, and we encourage all UN members to meet their financial obligations without delay.

The functions of the ILC lie at the very heart of the UN mandate, as inscribed in Article 13 of the Charter. The General Assembly, in resolution A/RES/79/121, emphasized the importance of a full 12-week session in 2025 to enable the Commission to fulfill its quinquennial programme of work. We note with concern that the ILC was subject to a 60% budget decrease in 2025 — reportedly higher than that of other Geneva-based bodies.

While highlighting that the ILC is not costly and that the decrease in time does not yield significant savings, the Nordic countries acknowledge that each UN institution must consider practical and targeted mitigating measures and we would therefore respectfully suggest some such measures be considered, including:

- Exploring alternative UN venues with lower costs, such as for example Vienna, during the Geneva Library renovation;
- Encouraging flexible use of teleworking and intersessional “break-out” pauses to reduce travel costs, as well as other cost-reducing travel measures as discussed in the General Assembly Fifth Committee;
- Supporting the Commission in fulfilling its five-year work plan and continuously ensuring that new topics on the agenda are relevant and reflect the priorities of States.

The Nordic Countries also support the Commission’s decision to hold its seventy-seventh session in New York, from 20 April to 29 May 2026 and in Geneva from 29 June to 7 August 2026.

These are only a few initial suggestions, and the Nordic countries remain open to discussing further solutions in a constructive spirit.

With regards to the Commission’s working programme, we welcome the inclusion of the topics “Compensation for Damage Caused by Internationally Wrongful Acts” and “Due Diligence in International Law” in the Commission’s programme of work, and congratulate Mr. Mārtiņš Paparinskis and Ms. Penelope Ridings on their appointments as Special Rapporteurs.

We also welcome the recommendation to include the following topics in the Commission’s long-term programme of work:

- The principle of non-intervention in international law;
- Identification and legal consequences of obligations *erga omnes* in international law;
- Legal aspects of accountability for crimes committed against United Nations personnel serving in peacekeeping operations.

The Nordic countries commend the Commission’s recognition of the need to ensure gender parity in national and international institutions, including within its own composition, and encourage continued efforts in this regard.

Sea-Level Rise in Relation to International Law

I will now turn to the topic of *Sea-Level Rise in Relation to International Law*.

The Nordic countries have consistently supported and emphasised the importance of the work of the Commission on this highly relevant topic. We welcome the Final report of the Study Group and take this opportunity to commend its co-chairs as well as all of its members for their thorough work.

Madam/Mr Chair,

The accelerating adverse impacts of climate change are felt across the globe. In the Nordic countries and elsewhere across the Arctic, temperatures are rising at a faster pace than the global average. Glacial melting, permafrost thaw and coastal erosion are some of the challenges affecting our region, which in turn contribute to the wider ecosystem disruption that climate change entails.

Climate change is a common concern of humankind, but its burdens are not evenly distributed. Few feel its adverse impacts as acutely and existentially as small island and low-lying coastal developing States where habitat, security and way of life are directly threatened by sea-level rise caused by climate change and its associated challenges.

The Nordic countries have been resolute in affirming that finding solutions to these challenges is not only the concern of those States most affected by sea-level rise, but a common concern of humankind. We note with appreciation that the International Court of Justice has confirmed this in its advisory opinion issued on 23 July this year concerning the *Obligations of States in respect of Climate Change*. The Court found that the duty to co-operate assumes particular significance in this context, requiring States to take, in co-operation with one another, appropriate measures to address the adverse effects of this serious phenomenon. The Court stated that “[i]n this regard, co-operation in addressing sea-level rise is not a matter of choice for States but a legal obligation” (Advisory Opinion para. 364).

The Nordic countries continue to approach these questions from a place of empathy and resolve, and we have duly taken note of the references made by the Court to the Final report of the Study Group (notably para 361). The Court has also provided useful guidance as to the preservation of outer limits of maritime zones that have been duly established in conformity with the United Nations Convention on the Law of the Sea (paras 358-362), together with a strong presumption in favour of continued statehood (para. 363).

The Nordic countries note that the Study Group identified three main areas of international law: namely (a) the law of the sea; (b) statehood; and (c) the protection

of persons affected by sea-level rise, as interconnected subtopics reflecting the legal implications of sea-level rise— and are pleased to agree and support that approach.

Regarding the law of the sea:

When approaching the question of the legal implications of sea-level rise caused by climate change for the maritime entitlements of States, the Nordic countries recognise the importance of legal clarity regarding the preservation of baselines and maritime zones for the States experiencing this existential threat.

As we seek to realise that commitment in the legal context, we are guided by the universal and unified character of the United Nations Convention on the Law of the Sea. The Convention encompasses the legal framework within which all activities in the oceans and seas must be carried out; for this reason, it is commonly referred to as “the constitution of the oceans”. It follows that any solution adopted must be crafted in the context of and in compliance with the provisions of the Convention.

Madam/Mr Chair.

At the heart of the considerations of the law of the sea aspects of sea-level rise has been the question of whether the baselines of coastal States are to be considered ambulatory or fixed. The authors of UNCLOS did not specifically address the particular phenomenon of climate change-related sea-level rise. The completely unique and exceptional circumstances of sea-level rise caused by climate change call for a responsive approach.

As to the question of whether coastal States are required to update their charts or lists of geographical co-ordinates that show the baselines and outer limits of their maritime zones, once they have been duly established and deposited with the UN Secretary General in conformity with the Convention, the Final Report highlights that States are under no obligation under UNCLOS to undertake such updates to reflect physical changes resulting from climate change-related sea-level rise. This conclusion is supported by the International Court of Justice in the said Advisory Opinion. We note that the International Tribunal for the Law of the Sea, in its Advisory Opinion on climate change and international law, from 21 May 2024, expressed the view that the Request for its Advisory Opinion had not been explicitly formulated to solicit an opinion on the consequences of sea-level rise for base points, baselines, claims, rights or entitlements to the maritime zones

established under the Convention, or maritime boundaries – and therefore has not substantially commented on this aspect.

Madam/Mr Chair,

The Nordic countries agree that an interpretation of the Convention which allows for the preservation of baselines, the outer limits of maritime zones and associated entitlements notwithstanding changes to the coastline as a result of climate change-related sea-level rise, can indeed contribute to the preservation of legal stability, certainty and predictability, especially for States affected by sea-level rise. We further agree with the Study Group's conclusion that their preservation is consistent with the principle of permanent sovereignty over natural resources.

While the Convention does not set out a positive obligation for States to update their duly established baselines in the context of physical changes resulting from climate change, this is without prejudice to the principle that baselines correspond to a geographical reality of the natural environment. The formation of new territory as a result of natural phenomena, such as underwater volcanic eruptions or post-glacial rebound, can change baselines and the outer limits of maritime zones. It should be noted that this, of course, does not apply to human-made changes to the natural environment, as that would be inconsistent with the Convention.

The ILC and the International Court of Justice have contributed to informing how the applicable UNCLOS provisions are to be interpreted to respond to the urgent needs and circumstances caused by sea-level rise.

As expressed, one year ago by this group of States, it is “not sufficient to address these threats through creative interpretation of foundational legal instruments”. We believe that the advances now made constitute major contributions to legal clarity and certainty, which is what States affected by sea-level rise deserve.

The Nordic countries stand ready to participate in any efforts that may contribute further to this end, for instance through the drafting of an interpretative statement, as suggested by the Study Group of the ILC.

Madam/Mr Chair,

Regarding statehood: The Nordic countries underscore and affirm the strong presumption in favour of continued statehood, the preservation of sovereignty and the maintenance of membership of the United Nations and other international

organizations in the face of sea-level rise caused by climate change. In the words of the International Court of Justice: “[I]n the event of the complete loss of a State’s territory and the displacement of its population, a strong presumption in favour of continued statehood should apply. In the view of the Court, once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood. “

Statehood correlates to the inalienable rights of the peoples that constitute it, including their right to self-determination, the human rights of every person, and the rights of Indigenous Peoples. We would highlight the importance of avoiding situations of loss of nationality and statelessness.

The Nordic countries stress that fundamental principles of international law, such as sovereign equality of States and the right of peoples to self-determination are recognized as customary international law and should not be undermined by responses to climate change-related sea-level rise.

Madam/Mr Chair,

Regarding the protection of persons affected by sea-level rise: The Nordic countries observe that the actions required will vary based on the different needs and circumstances of each State and community.

The Study Group highlights that, in the absence of a dedicated legal framework, there is a need to develop legal and practical solutions to better protect persons affected by sea-level rise, including those who remain *in situ* and those who are internally or externally displaced as a result. The Nordic countries recognise the need for further work on this issue.

While it may prove difficult to address all situations through a comprehensive legal framework, the rights and obligations set out in existing provisions of international law provide a foundation for ensuring the protection of affected persons. A catalogue is provided in the Final Report of the Study Group in this regard. The Nordic countries note the usefulness of non-legally binding documents, such as the Guiding Principles on Internal Displacement, that can inform States’ discussion regarding the way forward. Such documents may also provide useful guidance to processes that may lead to tailor-made responses at regional and local levels.

Madam/Mr Chair,

To conclude, the Nordic countries support further work of States and of the General Assembly, building on the findings made by the International Law Commission under this topic, as well as those of the International Court of Justice. We look forward to further engaging with colleagues on the matter and reiterate our determination and willingness to engage constructively as solution-oriented and active participants in the struggle against sea-level rise.

General Principles of Law

Turning to the topic of *General Principles of Law*, the Nordic countries wish to thank the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for his continued work. We congratulate the Commission for the significant progress made in the consideration of this important topic, and welcome the fourth report submitted to the ILC by the Special Rapporteur with the accompanying bibliography as well as comments and observations received from Governments.

We note that, due to time constraints resulting from the shortened session, the Commission was unable to finalize the commentaries and adopt the draft conclusions on the second reading. We understand that this work will continue at the seventy-seventh session, and reaffirm our commitment to engage constructively in that process. We also note that, following consideration of the fourth report, the Commission referred the draft conclusions to the Drafting Committee, which provisionally adopted its report during the session in May 2025.

The Nordic countries refer to the written comments submitted by us to the Commission on 1 December 2024. We continue to support the general approach taken by the Special Rapporteur, reiterating our view that a cautious approach remains essential, given the sensitivities, implications, and fundamental importance of the topic.

We commend the thoroughness of the Special Rapporteur's work and the broad survey of relevant State practice, jurisprudence and teachings. It is imperative that the Commission's work on this topic remains anchored in solid evidence of the existence and content of this primary source of international law, as recognized in Article 38(1)(c) of the Statute of the International Court of Justice. Conclusions must be adequately related to the practice and opinion of States, and avoid an overreliance on subsidiary means such as judicial decisions and the opinions of individual writers for the determination of law.

We also stress the importance of distinguishing clearly and systematically between: practice supporting the existence of a general principle, or general principles as a source of law; and instances where the invocation of the term ‘principle’ may not be intended or justifiable as a reference to a general principle within the meaning of article 38(1)(c) of the Statute of the ICJ.

While we recognize that there is no formal hierarchy among the primary sources of international law, we emphasize that - in practice - general principles of law play a subsidiary role—primarily as a means of interpretation, filling gaps or avoiding situations of *non liquet*. The ICJ has only rarely referred explicitly to principles of international law and generally limited to procedural obligations rather than substantive obligations.

Thank you.