



United Kingdom
Mission to the
United Nations

One Dag Hammarskjöld Plaza
(885 Second Avenue)
New York, NY 10017

x.com/UKUN_NewYork

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
UNGA 80, AGENDA ITEM 80,
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS 76TH
SESSION: PART I (A/80/10)
CHAPTERS I-III (INTRODUCTORY PARTS) and XII (OTHER DECISIONS AND
CONCLUSIONS OF THE COMMISSION)
CHAPTER IV (SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW)
CHAPTER VI (GENERAL PRINCIPLES OF LAW)

STATEMENT BY MS SALLY LANGRISH
LEGAL ADVISER
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE

[28 OCTOBER 2025]

Check against delivery

Thank you Chair,

1. I wish to begin by thanking the Chair of the International Law Commission's 76th session, Mr. Mārtiņš Paparinskis, for his report to the Sixth Committee. I would also like to thank the Chair of the Drafting Committee, Mr. Mario Oyarzábal, all members of the Commission and the Codification Division of the Secretariat for their work this year. It has been a particularly difficult one for the ILC with budget constraints seriously impacting on the work of the Commission.

Chair,

2. Before turning to specific chapters in the Commission's report, I would like to make some general remarks regarding the value and working methodology of the ILC.
3. The United Kingdom views the work of the Commission as playing a critical role within the international legal order. Its contributions help shape the international rule of law, providing exceptionally high calibre legal analysis. This has the capacity to inform the content of future treaties, identify rules of

customary international law, and influence international adjudication.

4. We recognise the difficult financial conditions but also the need for the ILC to be adequately resourced to carry out its work. In the United Kingdom's view the ILC could strengthen its role by carefully considering its Programme of Work, including whether it might focus on fewer topics in parallel. We also encourage the ILC's Working Group on Methods of Work and Procedures to consider whether there are any other changes to the Commission's ways of working that could assist if future sessions are also reduced for financial reasons.
5. I turn now to Chapter XII of the Commission's Annual Report concerning **'other decisions and conclusions of the Commission'**. Slightly contrary to my general comment regarding the workload of the ILC, the United Kingdom welcomes the ILC's decision to introduce the new topics of 'compensation for damage' and 'due diligence'. We encourage the Commission to look at which topics may be brought to an early close in order to keep its Programme of Work manageable and on track.

6. Chair, turning to Chapter IV of the Commission's Annual Report and the topic of "**Sea-level rise in relation to international law**".
7. The United Kingdom is pleased to acknowledge the culmination of several years of work by the Commission on this important topic. We commend the Study Group and its Co-Chairs for their dedication to this topic.
8. I begin by offering some observations on the Commission's approach. The United Kingdom's consideration of this topic has benefited greatly from the Co-Chairs' analysis in their various issues papers. We would have liked to see more of that analysis in the Commission's final products, as well as the views and perspectives of other Commission members. This would have assisted in understanding areas of divergence and convergence, and in appraising the practices and conclusions that underpinned the Commission's final reports.
9. The United Kingdom observes that the Commission has done important work on the identification of customary international law, including the need to apply deductive reasoning cautiously. That work is particularly relevant to the conclusions of the Study

Group, as adopted by the Commission, on the continuity of statehood of States particularly affected by climate change related sea level rise. We note that several of the Study Group's conclusions are linked to principles of "legal stability, certainty and predictability", the status of which in international law is not clear.

10. Turning to the first sub-topic, on **Law of the sea**, the United Kingdom welcomes the Study Group's recognition of the fundamental importance accorded to the United Nations Convention on the Law of the Sea by many States Parties, and the imperative to preserve its integrity. It is the UK's position that UNCLOS provides, for States Parties, the complete and definitive rules on the drawing of baselines from which maritime zones are measured.

11. UNCLOS imposes no express or affirmative obligation on States to keep their baselines, or the outer limits of maritime zones derived from them, under review, or to update them once established in accordance with UNCLOS. The United Kingdom notes the convergence of views expressed by States on this matter, in particular as set out in contributions to the Study Group's work. We also note the conclusions on this point by the

International Court of Justice in its Advisory Opinion on climate change obligations.

12. However, the UK does not accept that this can amount to a conclusion that baselines must remain fixed. UNCLOS permits States to update their baselines and the outer limits of maritime zones, subject to the obligation under article 76 of UNCLOS to permanently describe the outer limit of the continental shelf.
13. The United Kingdom also wishes to emphasise that there is no obligation on States parties to UNCLOS to deposit with the UN Secretary-General the charts on which its normal baselines in accordance with Article 5 UNCLOS are marked. It is the UK's view that such normal baselines, if lawfully established in accordance with UNCLOS, may in principle be preserved by States in the same way as other baselines, but without being deposited with the Secretary-General.
14. The United Kingdom also considers it essential that navigational charts continue to be updated as frequently as necessary for the purpose of safety. There would be value in further discussions between States on the development of practical approaches in this respect. This might take the form of

a practice of publishing and identifying separate charts for navigational purposes, and for the depiction of normal baselines.

15. Turning to **Statehood** the United Kingdom's starting point, in line with customary international law, is to consider whether a State has, and seems likely to continue to have, a clearly defined territory with a population, a government exercising effective control, and independence in external relations.

16. However, the United Kingdom also recognises that other factors may be relevant. We are acutely aware of the fundamental importance of this issue for many States. We note that paragraph 35 of the Study Group's report, with regard to States particularly affected by climate change-related sea-level rise, refers to the *strong support* among States for continuity of statehood.

17. This remains a complex issue on which many States may still be developing positions. The Commission's final report notes differing positions amongst States on whether international law recognises a presumption or a principle of continuity.

18. In relation to loss of territory as a result of climate change-related sea-level rise, it is the UK's view that international

practice has not yet sufficiently coalesced around whether a presumption or principle of continuity exists in international law. However, neither should it be the case that a State's people are rendered stateless due to climate change-related sea-level rise.

19. The United Kingdom commits to working closely with partners on how to address these issues. It is of fundamental importance that the practice of specially affected States is taken into account.

20. Finally, the issue of statehood raises questions about the status of, responsibility for, and solutions for the **protection of persons**, including those displaced by sea-level rise.

21. Statehood is a key concept in international law, granting legal personality and entailing various rights and obligations, including under human rights law. The UK agrees with the Commission that States must remain able to fulfil their human rights and other obligations in the context of sea-level rise. Such obligations primarily fall on the territorial State, as human rights obligations only apply extraterritorially in very limited circumstances.

22. However, given that loss of territory could impact a State's ability to meet its obligations, the United Kingdom supports

developing solutions to protect those affected by sea-level rise. Such solutions should take account of the needs of all affected persons, and whether individuals remain in situ, are in transit, or in a receiving state. The Commission might also consider this sub-topic further through its more traditional methods of work, to develop a concrete set of draft principles or guidelines that could help inform the development of legal and practical solutions by States.

23. The United Kingdom reiterates its thanks to the Commission and looks forward to continued collaboration on this important issue.

24. Finally, Chair, I turn to the topic of '**General Principles of Law**'. The United Kingdom expresses its appreciation to the Special Rapporteur, Mr Marcelo Vázquez-Bermúdez, for his fourth report. Regarding draft conclusion 7, the United Kingdom agrees with the Drafting Committee in connection with the deletion of the second paragraph of the draft conclusion. We also agree that the commentary needs to elaborate a clear methodology, particularly in distinguishing between general principles and customary international law. However, we reiterate previous comments that the United Kingdom remains

sceptical as to whether general principles exist at the international level beyond those derived from national law.

In conclusion, we thank the Commission for another very valuable report, despite the shortened session.

Thank you Chair.