



Republic of Cyprus

Statement

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**at the Sixth Committee
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**on the agenda item 80:
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Mr. Chairman,

Allow me, on behalf of the Republic of Cyprus, to express our gratitude to the ILC Chair, Mr. Mārtiņš Paparinskis, for his report to the Sixth Committee, and to all members of the Commission and the Special Rapporteurs for their work during this year's session.

We note with interest the inclusion of two new topics in the Commission's programme of work. With respect to the new topic regarding "compensation for the damage caused by internationally wrongful acts", we look forward to a study firmly rooted in the Articles on the Responsibility of States for Internationally Wrongful Acts, and in particular, Article 36. We also look forward to discussions surrounding the new topic of "due diligence in international law", which encompasses the obligation to prevent significant harm to the environment and to prevent harmful acts by non-State actors in territory occupied by a State.

Turning to the Commission's work at its seventy-sixth session, my delegation wishes firstly to comment on **Chapter IV: Sea-level rise in relation to international law**. We thank the Co-Chairs of the Study Group on sea-level rise in relation to international law for the preparation of the final consolidated report. Cyprus aligns itself with the statement made by the European Union and its Member States and further wishes to make the following brief points, mindful of the Chair's urge to delegations, due to time constraints, to abridge their oral interventions. Our full national statement will be submitted as per your guidance.

Cyprus supports the position suggested in paragraph 58(a) of the final report, that the existing legal framework governing the law of the sea may be interpreted and applied in a manner that effectively addresses the impact of sea-level rise, by following a contemporary interpretation that takes into account the fundamental principles of international law. This approach has been reinforced by the recent Advisory Opinions from both the ICJ and ITLOS, which emphasize the fundamental importance of UNCLOS and the need to preserve its integrity. Cyprus cannot emphasize enough the indispensability of fully respecting UNCLOS, which constitutes THE legal framework within which all activities in the oceans and seas must be carried out, the provisions of which reflect customary international law and, as such, are binding on all States. Thus, any interpretation of the applicable rules of international law should be made in conformity with and in full respect of the letter and spirit of the Convention.

Legal stability and certainty in relation to sea-level rise are vital for the preservation of the rights of States, including as to the preservation of their baselines and maritime zones. Cyprus, thus, welcomes the conclusions presented at Part C.1. of the Study Group's final report and reiterates its position that coastal States may designate permanent baselines pursuant to Article 16 of UNCLOS to withstand any subsequent regression of the low-water line caused by the climate-induced sea-level rise. Cyprus is fully aligned with the Study Group's conclusion at paragraph 30 of its final report and wishes to underscore that UNCLOS does not require States to update charts in relation to baselines, geographical coordinates or the outer limits of maritime zones to account for changes resulting from sea-level rise, nor is there evidence of widespread State practice to that effect, and that "[c]onsequently, **States are under no obligation to update charts** to account for changes as a result of climate change-related sea-level rise [...]". The International Court of Justice

has indeed expressly confirmed this conclusion in its recent Advisory Opinion on the Obligations of States in Respect of Climate Change.

In light of the overwhelming consensus in state practice, and especially in light of the aforementioned ICJ Advisory Opinion, Cyprus is of the view that **there is no necessity of either an interpretative statement or a subsequent agreement regarding the preservation of baselines and maritime zones**, as suggested as possible ways forward. The ICJ's Advisory Opinion came after the issuance and adoption by the ILC of the final report of the Study Group. Cyprus is of the view that the Advisory Opinion, issued by the UN principal judicial organ, **achieves the desired outcome** concerning the interpretation, elaboration and application of the existing international law, and in particular of UNCLOS, on the matter at hand.

On the doctrine of Statehood, Cyprus wishes to highlight the observation made in the Commission's report that the majority of States that had taken the floor during the Sixth Committee debates had considered that Article 1 of the Montevideo Convention dealt only with the creation of States and not with the continuity or extinction of existing States. Indeed, as the ICJ confirmed in its recent Advisory Opinion, "*once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood.*" In this regard, Cyprus welcomes the conclusion that States may take all necessary measures in order to preserve their statehood, sovereignty and maritime entitlements.

Cyprus agrees with the Study Group that the three subtopics - statehood, law of the sea and persons affected by sea-level rise - are deeply interconnected. The ability of a State to protect its population and fulfil its human rights obligations is directly connected with the issue of statehood. Sea-level rise threatens the existence of low-lying coastal, archipelagic, and small island States, putting millions at risk of displacement and loss of land, culture, and citizenship. We are of the view that that such challenges can only be addressed through effective international cooperation and we urge the international community to support vulnerable developing and small island States in their efforts to confront climate change-induced sea-level rise.

Finally, with regard to the right of self-determination, Cyprus reiterates that the Commission should aim to preserve the special historical and legal context of the right of self-determination under international law, and, in particular, that self-determination emerged as a rule of international law in the context of decolonization and has always been applied to situations of colonial rule or foreign occupation.

We would like to conclude our intervention on this topic by expressing our appreciation to the Study Group for their contributions to the final consolidated report on sea-level rise in relation to international law and to commend the International Law Commission for its comprehensive work on the applicability of the relevant rules and principles of international law.

Mr. Chairman, we will now briefly comment on **Chapter VI: General Principles of Law**.

Firstly, we thank the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for the preparation of the fourth report (A/CN.4/785), and for his commendable work in highlighting the main issues of the topic at hand. Cyprus aligns itself with the statement made by the European Union and would like to especially address the discussion concerning the relationship between general principles of law and customary international law.

Cyprus reaffirms the importance of respecting Article 38(1) of the Statute of the International Court of Justice, which recognizes the general principles of law as an autonomous source of international law, and establishes no hierarchy among the principal sources. Cyprus supports the view that the same norm can coexist in different sources of law - as is the case for customary and treaty law - examples of which are widely found in practice and are effectively addressed by international courts. Such parallel existence, however, should not blur the conceptual distinction between the general principles of law and customary international law.

In this regard, Cyprus is of the view that the ‘persistent objector’ rule should not be applied to general principles of law. We believe that the suggestion by some States of a possible relevance of the ‘persistent objector’ to general principles of law has no basis in state practice or in the jurisprudence of international courts and tribunals, and would unnecessarily conflate two distinct sources of international law. Cyprus affirms that such inclusion in the draft conclusions would offer no practical benefit and thus agrees with the Special Rapporteur that it should be avoided.

We would like to conclude our intervention on this topic by congratulating the International Law Commission and the Special Rapporteur for their excellent work so far and we look forward to continued constructive dialogue on this topic.

I thank you for your attention.