

Annex 1:

Statement by Belize on behalf of the Alliance of Small Island States  
(AOSIS) on Sixth Committee Agenda Item 80: Report of the  
International Law Commission on the work of its seventy-second  
session (27 October 2020)



**Statement by Belize on behalf of the Alliance of Small Island States (AOSIS) on Sixth Committee Agenda Item 80: Report of the International Law Commission on the work of its seventy-second session**

Sixth Committee  
Delivered by HE Lois Young, Permanent Representative  
Permanent Mission of Belize  
Tuesday, October 27, 2020

1. Mr. Chair, Belize, as Chair of AOSIS would like to thank the International Law Commission, and in particular the Study group on Sea-Level Rise in Relation to International Law for their work over the past year. Despite not having a written report from the ILC this year, we are thankful for the oral reports and the opportunity to engage on this vital topic. We also welcome the First Issues paper on law of the sea issues produced by two of the Co-Chairs of the Study Group and look forward to the ILC's formal consideration of the paper next year.
2. While sea-level rise is a global concern, the Member States of AOSIS will be specially affected. We are 39 small island and low-lying developing States that are deeply reliant on the ocean. Our fishing, tourism, and transportation industries make heavy use of the maritime zones allocated to us under UNCLOS. Rising seas threaten not only our physical structures, but our economies, our food security, our health and education prospects, and even our unique cultures and livelihoods.
3. Despite our efforts, we know that emissions are not being reduced fast enough to prevent a significant increase in global temperatures and the resulting sea-level rise. Current projections place us on track for at least 3 degrees Celsius of warming, which could lead to over 1 meter of sea-level rise by 2100.

4. This radical and relentless change to our oceans was not contemplated when UNCLOS was being drafted in the 1970s and 80s—a point made clear in the First Issues Paper. States were as likely to gain territory through accretion as they were to lose it through erosion or avulsion.
5. As such, we agree with the observation of the First Issues Paper that nothing prevents Member States from depositing geographic coordinates or large-scale charts concerning the baselines and outer limits of maritime zones measured from baselines, in accordance with the Convention, and then not updating those coordinates or charts, in order to preserve their entitlements. Among other things, as indicated in the First Issues Paper, an approach responding adequately to the need to preserve legal stability, security, certainty, and predictability is one based on the preservation of baselines and outer limits of maritime zones measured therefrom and their entitlements.
6. Further, as highlighted by the submissions to the ILC and the statements in this Committee, there is a body of State practice under development regarding the preservation of maritime zones and the entitlements that flow from them. Many small island and low-lying States have taken political and legislative measures to preserve their baselines and the existing extent of their maritime zones, through domestic legislation, maritime boundary agreements, and deposit of charts or coordinates and declarations attached thereto.
7. We suggest that this more recent State practice, made in the context of climate change and consistently rising sea levels, should be most relevant to the consideration of the Study Group.
8. This State practice is relevant in two main ways. First, the VCLT (Vienna Convention on the Law of Treaties) states that subsequent practice applying the treaty, which evinces parties' agreement on the treaty interpretation, shall be taken into account. This is

particularly useful where the treaty is silent on an issue, as the Convention is with the requirement to update coordinates or charts. This State Practice grounds the Co-Chairs' observation that State Parties are not obligated to update their coordinates or charts once deposited in order to preserve maritime zones and the entitlements that flow from them.

9. Second, recognizing that not all States are party to the Convention, State practice joined with *opinio juris* is evidence of customary international law. While we recognize that there may not yet be sufficient State practice and *opinio juris* to make a conclusion that there is a general customary rule, we think that the trend is in that direction.
10. Nevertheless, the absence of a general customary rule does not have an effect on the interpretation of the Convention, based on subsequent practice of its States Parties.
11. We thank the Study Group for its work so far, look forward to the discussions next year at the ILC and are ready to provide submissions on the other topics under consideration by the Study Group. As it continues its work on sea-level rise, we would encourage the ILC to continue to consider the perspectives of small island and low lying States who continue to place faith in equalizing role of international law. Only by doing so will the ILC be able to uncover legal solutions that respond effectively, and fairly, to the challenges of sea-level rise. I thank you.

Annex 2:

Statement by Antigua & Barbuda on behalf of the Alliance of Small  
Island States (AOSIS) under Agenda Item 82 – Report of the  
International Law Commission on the work of its seventy-second  
session (28 October 2021)



**Statement on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 82 –  
Report of the International Law Commission on the work of its seventy-second session**

Sixth Committee  
Thursday, 28 October 2021

Madam Chair,

1. I have the honour to present this statement on behalf of the members of the Alliance of Small Island States (AOSIS). We would like to thank the International Law Commission, and in particular the Study group on Sea-Level Rise in Relation to International Law, for their work over the past two years. With the postponement of last year's session, we have been waiting for this Report, have read it closely and welcome the present opportunity to enter into a dialogue with the Commission on the effect of sea-level rise on international law.
2. Last year in this Committee, Belize as then Chair of AOSIS stated that the 39 small island and low-lying developing States that make up AOSIS are specially affected by sea-level rise. The territories of SIDS encompass vast swaths of the ocean, and the maritime zones allocated to us under the United Nations Convention on the Law of the Sea (UNCLOS) are central to our statehood, economies, food security, health and education prospects, and even our unique cultures and livelihoods. But each of these things is under threat from relentless sea-level rise—a situation not even contemplated when UNCLOS was being negotiated almost 50 years ago.
3. As a result, SIDS have been particularly engaged in the discussions around sea-level rise and international law. SIDS requested this item to be put on the agenda of the Commission and made several submissions to the Commission—for some SIDS, it was

their first engagement with the Commission. We have also been engaged here in this Committee. We are determined to be engaged in the development of the international law that affects our States.

4. Last month, the 39 Heads of State and Government of AOSIS held a virtual summit and adopted a negotiated declaration, in which they “affirm that there is no obligation under the United Nations Convention on the Law of the Sea to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations, and that such maritime zones and the rights and entitlements that flow from them shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.”
5. This statement reflects AOSIS’ interpretation of a lack of an obligation under UNCLOS to review or update baselines and outer limits once deposited with the Secretary-General, and of the practice of many SIDS on this issue. This echoes the statement by the Heads of State and Government of the Pacific Islands Forum in August, and the preliminary observations in the First Issues Paper considered by the Commission this year.
6. For small island developing States, legal stability, security, certainty, and predictability in relation to our maritime zones are of paramount importance. As we stated last year, this is achieved through the preservation of baselines and outer limits of maritime zones measured therefrom and their entitlements. In their recent declaration, our Heads of State and Government have affirmed that our maritime zones and their rights and entitlements can be preserved.
7. Since our statement to this Committee last year, in which we noted that there is a body of State practice under development in this regard, we have seen additional examples of state practice. Many small island developing States have taken political and legislative measures to preserve their baselines and the existing extent of their maritime zones,

through domestic legislation, maritime boundary agreements, and deposit of charts or coordinates and declarations attached thereto.

8. As we further noted last year, this State practice can be both evidence of emerging customary rules (where joined by *opinio juris*), as well as considered subsequent practice useful to the interpretation of provisions of UNCLOS. And while we recognize that there may not yet be sufficient State practice and *opinio juris* to make a conclusion that there is a general customary rule concerning preservation of maritime zones, we think that the trend is in that direction.
9. Finally, concerning the future work of the Study Group, including the further identification of sources of law, as outlined in para. 294 of the Report, we recognize that there is a lacuna in UNCLOS concerning the nature of baselines in the context of climate change-related sea-level rise. As we suggested last year, recent State practice, made in the context of climate change and consistently rising sea levels, should be most relevant to the consideration of the Study Group. We are interested in understanding how the 1958 Geneva Conventions (and in particular their *travaux préparatoires*), which were negotiated when many of the SIDS were under colonial administration, are relevant to our interpretation of the law of the sea under the present circumstances.
10. We thank the Study Group for its work so far, look forward to the continued discussions by States and the ILC on the relationship between sea-level rise and the law of the sea, and are ready to provide submissions on the other topics under consideration by the Study Group.
11. Like last year, we would encourage the ILC to continue to consider the perspectives of small island developing States who continue to place faith in the equalizing role of international law.
12. I thank you.



Annex 3:

Statement by Antigua and Barbuda on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 80 – Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm (19 October 2022)



**Statement on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 80 –  
Consideration of prevention of transboundary harm from hazardous activities and allocation  
of loss in the case of such harm**

Sixth Committee  
Delivered by Ms. Asha Challenger, First Secretary,  
Permanent Mission of Antigua and Barbuda  
Wednesday, 19 October 2022

Mr. Chair,

1. It is my honor to present this statement on behalf of the Alliance of Small Island States, the 39 small island developing states that are particularly vulnerable to the effects of climate change and other transboundary environmental harms with anthropogenic causes.
2. It has been many years now since the ILC completed its work on the draft “Articles on prevention of transboundary harm from hazardous activities” and the draft “Principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities”. While states have not yet decided to elaborate a convention on the basis of the Draft Articles and Draft Principles, AOSIS is of the strong view that there needs to be greater clarity on the obligations of states in the context of overlapping environmental crises. In this connection, we commend the ILCs work in addressing various environmental problems, including the protection of the atmosphere, sea-level rise in relation to international law, and the subject of our current agenda item.
3. Portions of both the Draft Articles and Draft Principles reflect existing customary law, in particular the duties to prevent significant transboundary harm and to compensate where these harms have occurred. Further, the ICJ has elaborated on the responsibility of States in preventing transboundary harm through the development of the obligation of due diligence. The Draft Articles and Draft Principles are particularly helpful in further

elaborating substantive obligations to minimize the risk of environmental harm and providing a concrete framework on how states should provide compensation when harms occur.

4. Small island developing states are specially affected by transboundary harms. Transboundary environmental harms with anthropogenic causes, such as plastic pollution, the effects of climate change, and sea-level rise, have and will continue to alter every aspect of life for the citizens of small island developing states. Freshwater salinization, an increasing number of extreme weather events, coastal erosion, and threats to biodiversity driven by rising temperatures are just a few of the climate-change-related challenges small island developing states face. Sea-level rise will inundate small islands, exacerbating threats to our infrastructure and security. The locations of small island developing states make us particularly susceptible to the dangers of the eleven million tonnes of global plastic waste that enter the oceans annually. All of these transboundary harms are significant to the small islands. They have enormous impacts on our economies, from fisheries to tourism, and on the health of our people.
5. AOSIS considers that the Draft Articles and Draft Principles and the customary obligations in this area must be interpreted in light of the general principle of equity in international law. Small island developing states contribute less than one percent of all global production of fossil fuels, and our share of marine plastic waste is estimated at less than 1.3 percent. However, the adverse effects of climate change, sea-level rise, and plastic pollution disproportionately affect our industries, infrastructure, health, and culture. Equity is vital – small islands have contributed almost nothing to these overlapping and significant transboundary harms. It is inequitable, and frankly unjust, to expect that small islands use their relatively small national budgets to respond to and remediate the effects of transboundary harm caused by others.
6. The Draft Articles and Draft Principles codify key principles of international environmental law that are already reflected in customary law. States must work together to prevent transboundary harms and handle losses equitably. AOSIS would

welcome discussions with other states on how we can add further precision and clarity to the duties which already exist in international law, enhance cooperation on preventing transboundary harms, and ensure an equitable allocation of losses.

7. I thank you.

Annex 4:

Statement by Antigua and Barbuda on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 77 – Report of the International Law Commission on the work of its seventy-third session (1 November 2022)



**Statement by Antigua and Barbuda on behalf of the Alliance of Small Island States (AOSIS) under  
Agenda Item 77 – Report of the International Law Commission on the work of its seventy-third session**

Sixth Committee  
Delivered by Ms. Asha Challenger, First Secretary,  
Permanent Mission of Antigua and Barbuda  
Tuesday, 1 November 2022

Mr. Chair,

**Introduction**

1. I have the honour to deliver this statement on behalf of the members of the Alliance of Small Island States (AOSIS), the 39 small island developing States (SIDS) that are specially affected by the effects of sea-level rise.
2. We would like to thank the International Law Commission, and in particular the Study Group on Sea-Level Rise in Relation to International Law, for their work over the past three years. Their two issues papers have given us much to consider. We are grateful to continue the dialogue with the ILC and our fellow States to understand, develop, and apply international law in a manner that matches the urgency needed to confront the climate crisis.
3. In this era of unprecedented and relentless sea-level rise, SIDS have been particularly engaged in the discussions around anthropogenic sea-level rise and international law. SIDS requested this item to be put on the programme of work of the Commission and made several submissions to the Commission. We have made statements in this Committee outlining our understanding of the relevant international law. Our heads of state and government have issued declarations on this issue. We are determined to be engaged in the development and application of international law that affects our States.
4. We recall the AOSIS Leaders' Declaration of last September, which we have previously spoken about in this Committee. In that negotiated declaration, our AOSIS Leaders affirmed that there is no obligation under the United Nations Convention on the Law of the Sea to keep baselines

and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations, and that such maritime zones and the rights and entitlements that flow from them shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise. We are heartened to see that other states, including some of the largest coastal states, have adopted a similar understanding of international law, recognizing the need to ensure legal stability, security, certainty, and predictability.

5. Today, I would like to speak specifically on the issues covered in the Second Issues Paper, namely, the issues of statehood and protection of persons affected by sea-level rise.

### **Statehood**

6. On statehood, we think that the past two centuries of state practice are abundantly clear. The Montevideo Convention on the Rights and Duties of States is not relevant to the question of continuation of statehood. Rather, there is a fundamental presumption of the continuation of statehood in international law. This principle has existed since Westphalia and has been consciously applied multiple times in order to allow states to continue to exercise their statehood. This is logical as the continued existence of States is foundational to our current rules-based international order.
7. Over the past century, we have recognized governments in exile when their control of territory is lost. We have allowed states to resume independent statehood and reclaim their seats at the UN after they had chosen to merge with other states. And we have even allowed states to exist that no longer have defined land territory. This consistent and general practice of states illustrates that Montevideo does not apply once statehood is initially established and that it is the presumption of the continuation of states that governs these situations.
8. It is inequitable and unjust to now suggest that in the context of rising sea levels we should strictly apply criteria developed in a regional agreement signed almost a century ago and ratified by 16 countries. Such criteria, in our view, do not apply to the continuation of states. We note that the potential loss of land territory by small islands because of sea level rise is not a natural phenomenon, but rather is anthropogenic in cause. To make an analogy, our land territory is being invaded as a result of the actions or inactions of other states. To now deprive us of our sovereignty is contrary to a century of state practice and our interpretation of the relevant law in this situation.

9. It is, as well, an unacceptable exertion of power by larger states, contrary to the principle of self-determination. Common Article 1 of the ICCPR and the ICESCR states that the right of self-determination allows people to “freely determine their political status and freely pursue their economic, social and cultural development.”
10. Mr. Chair, it is our view that once a state is created by a people expressing their right to self-determination through statehood, that statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people. This is the only determinant of whether a state continues.

### **Protection of Persons**

11. Moving to protection of persons, this is an area in which there are clear legal obligations. The protection of persons in the face of sea-level rise is a global challenge that requires meaningful inter-state cooperation. However, cooperation is not only a policy imperative. It is a legal obligation for every state.
12. It is our view that the duty of cooperation is a general principle of international law. This principle establishes an obligation for the international community to assist the states that are most affected by sea-level rise.
13. The duty of cooperation is rooted in the U.N. Charter, the Universal Declaration of Human Rights and the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States. It is also a foundational principle of international human rights, environmental, and disaster law—the three legal regimes most relevant to sea-level rise.
14. First, in international human rights law, the duty to cooperate mandates developed States to assist developing States’ ability to realize human rights in their jurisdiction and this should be subject to developing States’ consent. This duty is extraterritorial, only limited by the maximum of each States’ available resources. This duty is also immediate, requiring States with readily available resources to act expeditiously to assist developing States.
15. This duty is found in multiple international and regional agreements, and is supported by significant state practice, including multiple resolutions in the Human Rights Council and General Assembly.



16. Second, there is a fundamental duty to cooperate in international environmental law. States must approach *all* international environmental issues in a cooperative manner, and provide meaningful assistance to meet shared environmental goals. Specifically, developed states have a duty to provide financial, technical, and scientific assistance, among other obligations.
17. The ICJ has recognized that states have a customary duty to cooperate in the prevention of transboundary environmental harm, and cooperation is also a cornerstone in numerous international and regional treaties, and international declarations.
18. Finally, in international disaster law, cooperation is again a foundational principle. It imposes a duty on states to help one another strengthen their resilience to disasters. While all states have a duty to cooperate, developed, non-affected states have an especially strong obligation to assist developing states directly affected by the disaster. International law requires this assistance to be adequate, timely, and sustainable, and tailored to meet the needs of the affected country.
19. The principle of cooperation spans across the international disaster agreements that form the backbone of the modern humanitarian system. Additionally, decades of state practice have established the principle of cooperation in the context of disasters. Since the 1960's, the General Assembly has played a leading role in facilitating cooperation on disaster risk reduction and response.
20. These three areas of international law illustrate that the duty to cooperate is a general principle of international law.
21. And while cooperation is a legal obligation, it is also a matter of equity. AOSIS members are among the lowest emitters of the greenhouse gases that drive climate change and sea-level rise. Yet, we face some of the most severe consequences of rising sea levels. To expect small island states to shoulder the burden of sea-level rise—without assistance from the international community—would be the pinnacle of inequity.
22. Finally, we would like to respond to the suggestion that sea-level rise can be considered under the Draft Articles on the Protection of Persons in the Event of Disasters. Notwithstanding commentary 4 to Draft Article 3, while the effects of sea-level rise are certainly “disastrous,” sea-level rise is not a “disaster.” Disasters are natural phenomena. Sea-level rise is caused by anthropogenic climate change and its impacts on human mobility result from multiple factors

including exposure, vulnerability, and lack of capacity. The draft articles were developed in the context of events for which there is no state responsibility. That is not the situation here. The responsibility for climate change is shared among the largest emitters in the international community. So to must be the legal duty to cooperate to ameliorate its effects.

23. I thank you

Annex 5:

Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 79 – Report of the International Law Commission on the work of its seventy-third and seventy-fourth sessions (27 October 2023)



**Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 79 –  
Report of the International Law Commission on the work of its seventy-third and seventy-fourth  
sessions**

Sixth Committee

Delivered by H.E. Mr. Fatumanava-o-Upolu III Pa'olelei Luteru  
Permanent Representative of Samoa to the United Nations  
Friday, 27 October 2023

Mr. Chair,

**Introduction**

1. I have the honour to deliver this statement on behalf of the members of the Alliance of Small Island States (AOSIS), the 39 small island developing States (SIDS) that are specially affected by the effects of sea-level rise.
2. We would like to thank the International Law Commission, and in particular the Study Group on Sea-Level Rise in Relation to International Law, for their work over the past years. Their issues papers have given us much to consider. We are grateful to continue the dialogue with the ILC and our fellow States to understand, develop, and apply international law in a manner that matches the urgency needed to confront the climate crisis.
3. In this era of unprecedented and relentless sea-level rise, SIDS have been particularly engaged in the discussions around anthropogenic sea-level rise and international law. This is the fourth statement made by AOSIS to this committee since 2020. These statements and the declarations by our Leaders reflect our ongoing commitment to engaging in the development and application of international law on an issue that deeply affects each of our nations.
4. In September, the Heads of State and Government of AOSIS emphasized our concern that we remain uniquely vulnerable to the multiple global crises and external shocks of the past few years, which undercut the foundations of our economic and social development, and in turn

erode the livelihoods of our peoples. We depend on international law to secure our rights in a constantly changing world.

5. Today, I would like to speak specifically on the issues covered in the Additional Paper to the First Issues Paper, as well as provide some comments on the issue of statehood.

## **Law of the Sea**

6. Most importantly, we have repeatedly and at the highest levels of our governments made our interpretation of the law of the sea exceptionally clear. UNCLOS does not obligate states to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once they are deposited with the UN Secretary General. Such maritime zones and the rights and entitlements that flow from them shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.
7. This interpretation extends beyond our region and finds support in views from many nations, including large coastal states such as the United States, who have recognized the pressing need for member States to have continued access to their maritime resources and ensure legal stability, security, certainty, and predictability.
8. I'd like to turn to the Additional Paper and make comments on several of the sections.
9. First, on the applicability of the principle *uti possidetis juris* to the situation of sea level rise. The call from the international community to ensure legal stability, security, certainty, and predictability in light of sea level rise undergirds our view that borders and maritime zones should remain unchanged. We note that during the wave of decolonization in the 20th century, this principle served to preserve existing boundaries under international law to maintain legal stability and prevent the eruption of conflict. In the context of anthropogenic climate change, that principle reminds us that it remains vitally important to guarantee legal stability and reduce the risk of potential conflict arising out of sea-level rise.
10. Second, the principle of permanent sovereignty over natural resources also continues to be integral to the economic development of the developing member States of the UN. As a widely recognized principle of customary international law that has been affirmed by the International Court of Justice, this principle is significant in reinforcing the need to preserve the maritime rights and entitlements of AOSIS members, including with respect to the resources therein. Marine resources are fundamentally important components of the natural resources afforded to

small island developing States under international law. The principle is a robust one that has been incorporated in various international instruments.

11. Finally, on the principle of equity. The climate crisis is not one that has been caused by the action of SIDS. We account for some of the lowest emissions of greenhouse gas, but experience some of the most devastating effects of sea level rise. The principle of equity is enshrined in many international agreements, and fundamentally, expressed in the UN Convention on the Law of the Sea. For AOSIS, the preservation of baselines and maritime zones and the rights and entitlements that flow from them is not merely a matter of legal certainty and political stability, but also a matter of equity.
12. The equitable core of the object and purpose of the Law of the Sea Convention should therefore guide the consideration of the Committee's Study Group on the question of sea-level rise. The special needs and interests of our small island developing States, given our acute vulnerabilities to sea-level rise caused largely by the conduct of other States, must not be forgotten as the Committee continues to determine how that Convention should be interpreted.

### **Statehood**

13. On statehood, we think that the past two centuries of state practice are abundantly clear. There is a fundamental presumption of the continuity of statehood in international law.
14. AOSIS's position is also similarly clear. Sea level rise related to anthropogenic climate change does not threaten the sovereignty and statehood of small island developing States. No matter the physical changes wrought by the climate crisis, we will remain sovereign states. Change to our sovereignty will only happen if we as individual states freely decide it.
15. We have been clear that the Montevideo Convention on the Rights and Duties of States is not relevant to the question of continuity of statehood once established. Therefore, it would be inequitable and unjust to now suggest that in the context of rising sea levels we should strictly apply criteria developed in a regional agreement almost a century ago, contrary to state practice.
16. Mr. Chair, it is our view that once a state is created by a people expressing their right to self-determination through statehood, that statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people. This is the only determinant of whether a state continues.
17. I thank you

Annex 6:

Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) at the Informal Plenary Meeting of the General Assembly on Existential Threats of Sea-level Rise Amidst the Climate Crisis  
(3 November 2023)



**Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) at the Informal Plenary Meeting of the General Assembly on Existential Threats of Sea-level Rise Amidst the Climate Crisis**

Delivered by H.E. Mr. Fatumanava-o-Upolu III Pa'olelei Luteru  
Permanent Representative of Samoa to the United Nations  
Friday, 3 November 2023

Mr. President,

1. I have the honour to deliver this statement on behalf of the members of the Alliance of Small Island States (AOSIS), the 39 small island developing States (SIDS) that are specially affected by the effects of sea-level rise.
2. We would like to thank the President of the General Assembly for convening this informal plenary and highlighting the impacts that sea level rise will have on all states.
3. In this era of unprecedented and relentless sea-level rise, AOSIS has been deeply engaged in the discussions around sea-level rise and international law. Here at headquarters, we have engaged with the International Law Commission and our colleagues in Sixth Committee. And for 30 years, we have been the world's moral compass in the international climate negotiations. This reflects our ongoing commitment to engaging in the development and application of international law on an issue that deeply affects each of our nations.
4. For AOSIS members, the ocean permeates every aspect of life. It defines our livelihoods, cultures, and indeed our ways of life. Although sea level rise is a global phenomenon, its full impact on AOSIS members is particularly severe. Our small island developing States face a plethora of physical issues such as the risk of inundation, land erosion, flooding and salinization, which affect our drinking water and the economic activities and wellbeing of our people.



## Existential Threats and Statehood

5. Turning to the specific topic for this informal plenary, we urge caution in characterizing climate change as an existential threat to nations, particularly the small islands. We must not conflate the physical reality of land territory disappearing or becoming uninhabitable, with the legal rules concerning statehood and sovereignty, including permanent sovereignty over natural resources. On the latter point, we are exceptionally clear.
6. No matter the physical changes wrought by the climate crisis, we will remain sovereign states. Change to our sovereignty will only happen if we as individual states freely decide it. It is our view that once a state is created by a people expressing their right to self-determination through statehood, that statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people.
7. Over the past decade, SIDS have taken several steps to secure our legal rights in the face of climate change. The Heads of State and Government of AOSIS and the Pacific Islands Forum have made three declarations now confirming what is becoming an accepted interpretation. UNCLOS does not obligate states to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once they are deposited with the UN Secretary General. Such maritime zones and the rights and entitlements that flow from them shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise. In this connection, we reject the notion that climate change-related sea-level rise poses an existential threat to such maritime zones, and the rights and entitlements that flow from them.

## Protection of Persons

8. We know that the seas will continue to relentlessly rise. People will lose their lands and their access to freshwater. Families will need to move, either within their own countries or abroad. All states bear responsibility to ensure the protection of their people and respect for their human rights.
9. The protection of persons in the face of sea-level rise is a global challenge that requires meaningful inter-state cooperation. However, cooperation is not only a policy imperative. It is a legal obligation for every state, drawing from the U.N. Charter, the

Universal Declaration of Human Rights and the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States. It is also a foundational principle of international human rights, environmental, and disaster law—the three legal regimes most relevant to sea-level rise.

10. Equity demands that the duty of cooperation should assist the states that are worst affected by sea-level rise.
11. Again, I thank the President of the General Assembly for convening this important meeting and we look forward to continued discussion on our responses as states to the climate crisis.