



Joining Land and Sea: Implications under a Law of the Sea Perspective

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Resolution adopted by the General Assembly on 5 December 2023

[without reference to a Main Committee (A/78/L.15)]

78/69. Oceans and the law of the sea

The General Assembly,

200. *Notes with concern* the impacts of climate change on the ocean and the cryosphere, including extreme sea level events and sea level rise, to which low-lying islands, in particular small island developing States, coasts and coastal communities are particularly exposed;



Meetings Coverage and Press Releases

Home Secretary-General ▾ General Assembly ▾ Security Council ▾ Economic and Social Council ▾ International Court of

Meetings Coverage
Security Council

9260TH MEETING* (AM & PM)

SC/15199
14 February 2023

Climate Change-induced Sea-Level Rise Direct Threat to Millions around World, Secretary-General Tells Security Council

Speakers Warn of Vanishing Coastlines, Endangered Nations, Forced Migration, Competition over Natural Resources



SEA-LEVEL RISE

HIGH-LEVEL MEETING
NEW YORK | 25 SEPTEMBER 2024



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9 de enero del 2023

Solicitud de Opinión Consultiva sobre Emergencia Climática y Derechos Humanos a la Corte Interamericana de Derechos Humanos de la República de Colombia y la República de Chile



**REQUEST
FOR ADVISORY OPINION**

transmitted to the Court pursuant
to General Assembly resolution 77/276
of 29 March 2023

**OBLIGATIONS OF STATES
IN RESPECT OF CLIMATE CHANGE**

**TRIBUNAL INTERNATIONAL
DU DROIT DE LA MER**



**INTERNATIONAL TRIBUNAL
FOR THE LAW OF THE SEA**

**REQUEST FOR AN ADVISORY OPINION
SUBMITTED BY THE COMMISSION OF SMALL ISLAND STATES
ON CLIMATE CHANGE AND INTERNATIONAL LAW**

21 May 2024

ADVISORY OPINION





INTERNATIONAL LAW COMMISSION

Last update: September 27, 2024

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Analytical Guide to the Work of the International Law Commission

Sea-level rise in relation to international law

See also: [Summary](#) | [Texts and Instruments](#)

Mandate

- › 2018 recommendation of the Working-Group on the long-term programme of work (see syllabus: [A/73/10](#))
- › 2019 decision to include the topic in its programme of work

Studies undertaken by the Secretariat and Reports of the Secretary-General

- › [75th session](#) of the International Law Commission (2024)
 - ♦ Memorandum prepared by the Secretariat: Elements in the previous work of the International Law Commission that could be particularly relevant to the topic

- › [Mandate](#)
- › [Secretary-General Reports](#)
- › [Working Group Reports](#)
- › [Special Rapporteur Reports](#)
- › [Drafting Committee Reports](#)
- › [Comments by Governments](#)
- › [Other](#)
- › [Reports of the ILC](#)
- › [General Assembly Action](#)
- › [Final Outcome](#)

› [A/CN.4/768](#)



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United Nations

A/CN.4/761



General Assembly

Distr.: General
13 February 2023

Original: English

International Law Commission

Seventy-fourth session

Geneva, 24 April–2 June and 3 July–4 August 2023

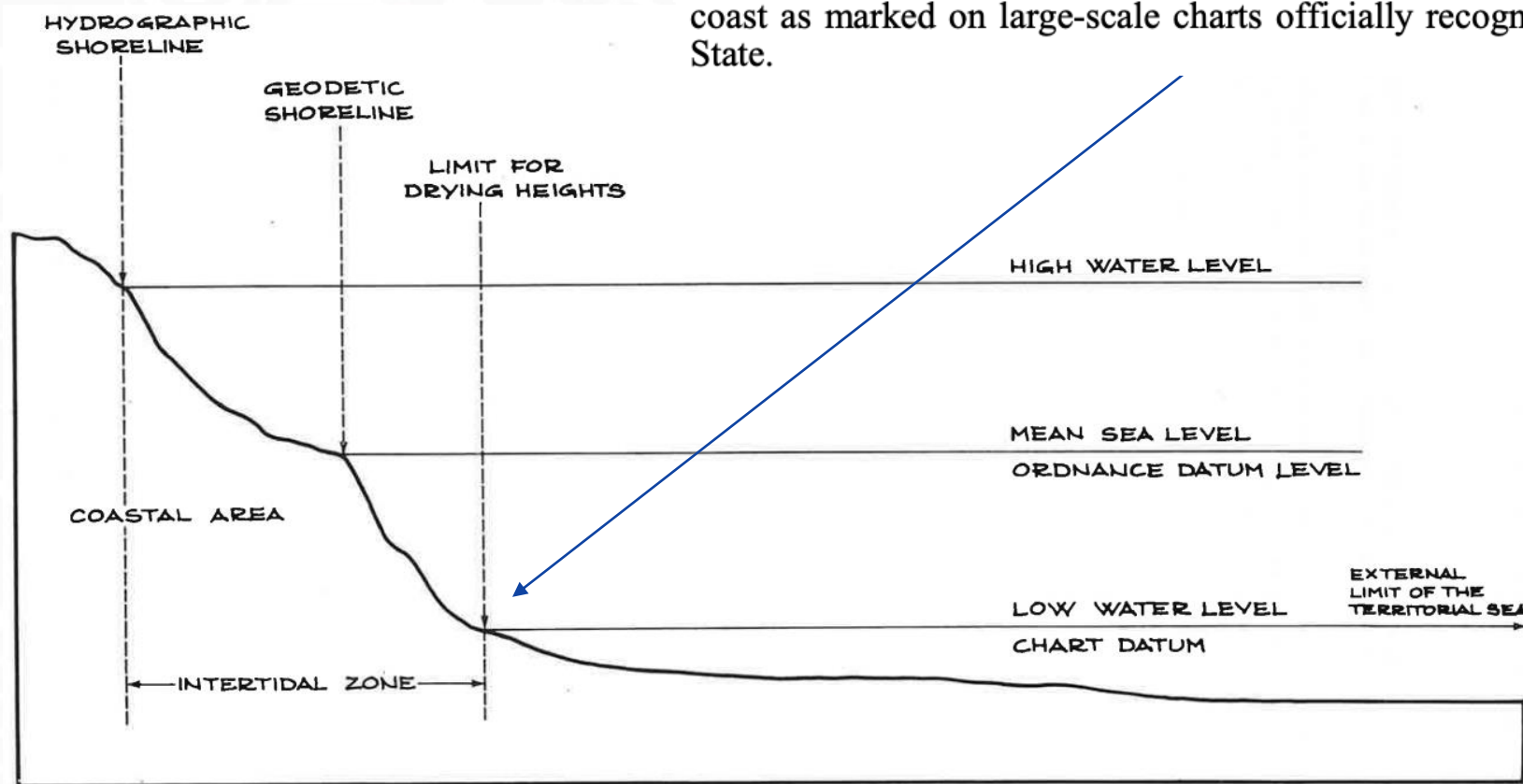
Sea-level rise in relation to international law

Additional paper to the first issues paper (2020), by Bogdan Aurescu and Nilüfer Oral,* Co-Chairs of the Study Group on sea-level rise in relation to international law



Article 5 Normal baseline

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.





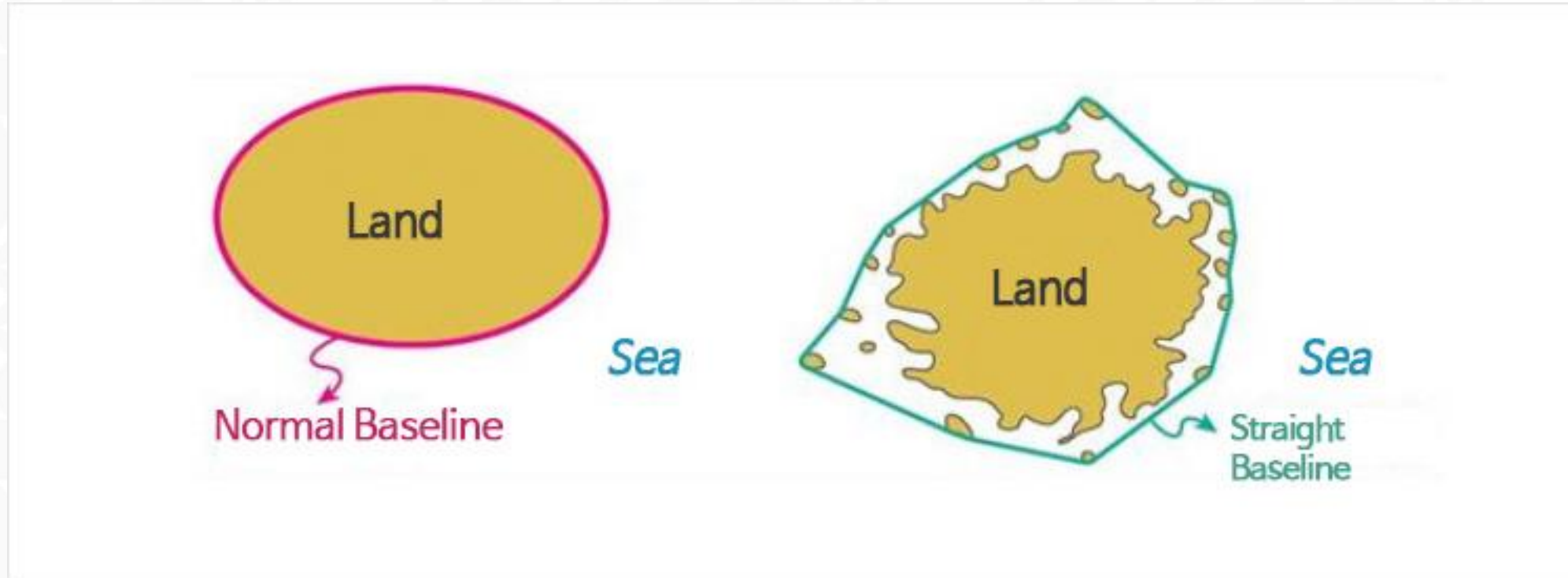
Article 16

Charts and lists of geographical coordinates

1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.







30th meeting

Thursday, 4 July 1974, at 3.40 p.m.

President: Mr. H. S. AMERASINGHE (Sri Lanka).

it would be highly advisable for any new treaty that was signed to include unified maps which could be used by all nations to establish such baselines.

Mr. AL-HUBAISHI (Yemen)





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Office for Ocean Affairs and the Law of the Sea
United Nations · New York, 1989

Baselines:

**An Examination of the Relevant Provisions
of the United Nations Convention
on the Law of the Sea**

It should be noted that on charts of small or intermediate scales the low-water line is not always discernible as a separate line distinct from the high-water line.





PERMANENT COURT OF ARBITRATION



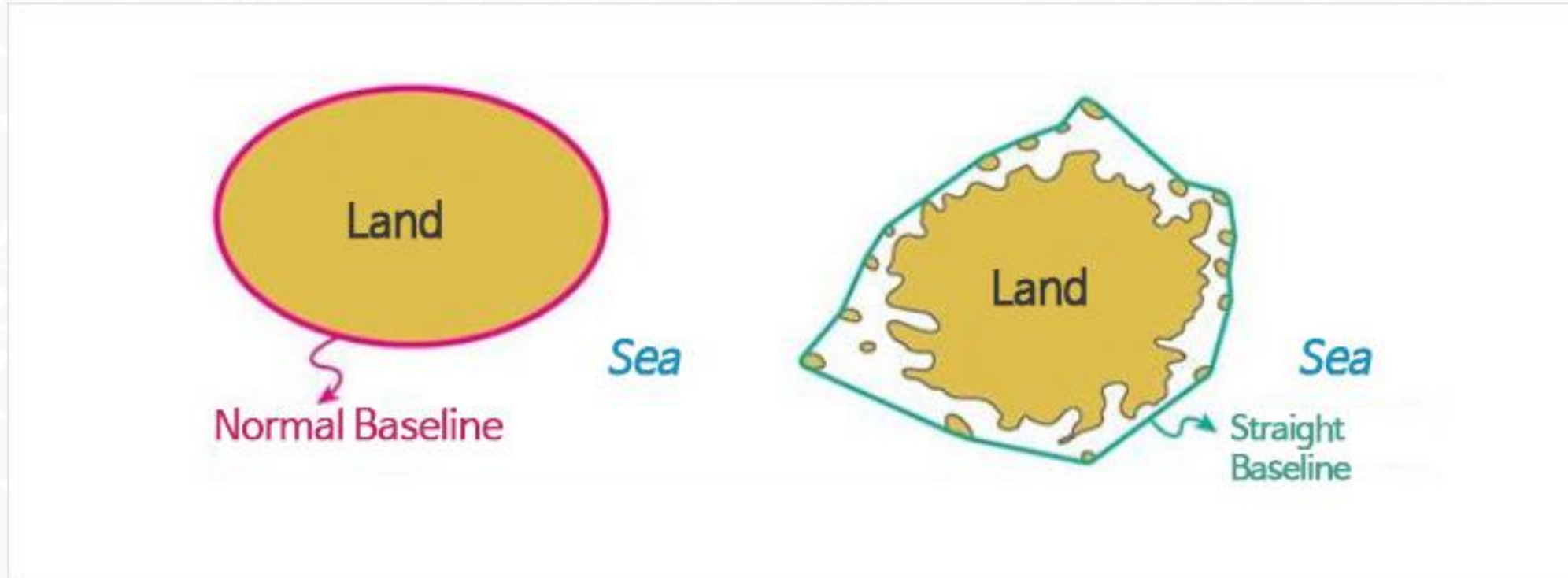
125th
1899-2024
anniversary

COUR PERMANENTE D'ARBITRAGE

The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)

330. The majority of the nautical charts of the South China Sea issued by different States, however, are to a greater or lesser extent copies of one another. Often, information is incorporated or outright copied from other, existing charts without express attribution. Where a chain of sources can be established, even very recent charts will often trace the majority of their data to British or Japanese surveys from the 1860s or 1930s. A more recently issued chart may, in fact, include little or no new information regarding a particular feature. Multiple charts depicting a feature in the same way do not, therefore, necessarily provide independent confirmation that this depiction accords with reality. Nor should differences between charts at different scales necessarily be considered significant. Only a few of the nautical charts in the record are large-scale, depicting some of the features addressed by the Philippines at a scale of 1:150,000 or less. This paucity of large-scale charting reflects the remoteness of many of the reefs, the limited amount of detailed survey work in the area, and the lack of a need for more detailed plans, except for military purposes. The Tribunal has identified some relevant evidence in nautical charts up to 1:250,000 scale. Beyond this, however, the Tribunal does not consider that small-scale charts at 1:500,000 or 1:1,000,000 offer meaningful evidence ...





Article 7 *Straight baselines*

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

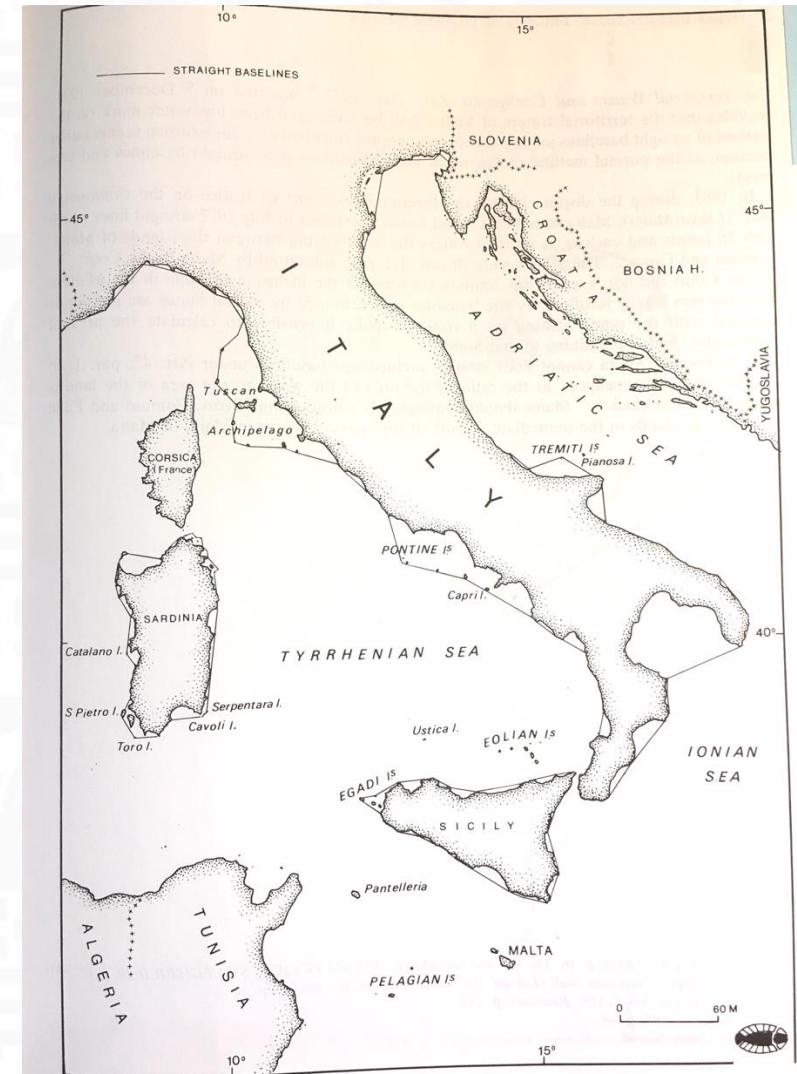
2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention.

3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.

4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.

5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.

6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.





Article 16

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International Law Commission

Seventy-fourth session

Geneva, 24 April–2 June and 3 July–4 August 2023

Sea-level rise in relation to international law

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PACIFIC ISLANDS FORUM

DECLARATION ON PRESERVING MARITIME ZONES IN THE FACE OF CLIMATE CHANGE-RELATED SEA-LEVEL RISE

Recognising the principles of legal stability, security, certainty and predictability that underpin the Convention and the relevance of these principles to the interpretation and application of the Convention in the context of sea-level rise and climate change,



ALLIANCE OF SMALL ISLAND STATES LEADERS' DECLARATION, 2021

41. *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;





Dhaka-Glasgow Declaration of the Climate Vulnerable Forum

Adopted

8. Maritime Zones: We call on all States to support the principles outlined in the Pacific Islands Forum 2021 Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level rise, in a plea to authorities at all levels to support the protection and preservation of maritime zones from the threats of climate change. The Declaration preserves maritime zones in the face of their erosion due to the detrimental effects of climate change-driven sea-level rise on territorial integrity, while upholding the centrality of the UN Convention on the Law of the Sea.





Organisation of African,
Caribbean and Pacific States
(OACPS)



Organisation des États
d'Afrique, des Caraïbes et
du Pacifique (OEACP)

**7TH MEETING OF OACPS MINISTERS
IN CHARGE OF FISHERIES AND AQUACULTURE**

Accra, Ghana, 8 April 2022

DECLARATION

Mobilise additional financial and technical support for innovative interdisciplinary adaptation strategies to address the multiple and complex issues arising from climate change-related sea-level rise and consequent shifting of maritime zones.

Support the 2021 Pacific Islands Forum (PIF) Declaration on Preserving Maritime Zones in the face of Climate Change-Related Sea-Level Rise.





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References to the need of legal stability are the most numerous

UNCLOS interpreted as it does not forbid the freezing of baselines

No States have contested the option of fixed baselines





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Future work of the Study Group

281. In 2024, the Study Group will revert to the subtopics of issues related to statehood and those related to the protection of persons affected by sea-level rise. In 2025, the Study Group will then seek to finalize a substantive report on the topic as a whole by consolidating the results of the work undertaken.





UN-GGCE International Workshop

JOINING LAND AND SEA

The Integration of Terrestrial, Maritime, Built, and Cadastral Domains

Thank you!



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