United Nations A/C.6/78/SR.24

General Assembly
Seventy-eighth session

Official Records

Distr.: General
11 December 2023

Original: English

Sixth Committee

Summary record of the 24th meeting
Held at Headquarters, New York, on Tuesday, 24 October 2023, at 10 a.m.

Chair: Ms. Lungu (Vice-Chair) . . . . . (Romania)

Contents

23-20398 (E)

In the absence of Mr. Chindawongse (Thailand), Ms. Lungu (Romania), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 79: Report of the International Law Commission on the work of its seventy-third and seventy-fourth sessions (*continued*) (A/78/10)
[0]

1. **The Chair** invited the Committee to continue its consideration of chapters I to IV, VIII and X of the report of the International Law Commission on the work of its seventy-fourth session (A/78/10).

2. **Mr. Popkov** (Belarus) said that the Commission's work on the various topics before it was important for the progressive development of international law. His delegation hoped that the Commission's conclusions and proposals would be duly enshrined in international law, primarily in international legal instruments.

3. His delegation was grateful to the Commission for its work on the topic "General principles of law". The draft conclusions on general principles of law, as adopted by the Commission on first reading, helped to clarify the legal nature of general principles of law as a secondary and autonomous source of international law, as provided for in Article 38 of the Statute of the International Court of Justice. Although general principles of law were not often invoked in practice by States or international judicial institutions, they nonetheless played a significant role in the development of certain areas of international law, such as international criminal law, international humanitarian law, international environmental law and international information law. It was therefore appropriate for the Commission to continue to examine the conceptual bases of the two categories of general principles of law that were significant in international law, namely those derived from national legal systems and those formed within the international legal system.

4. With regard to draft conclusion 2 (Recognition), his delegation welcomed the fact that the Commission, instead of referring to recognition "by civilized nations", had used a more universal and neutral concept. Any kind of discrimination or ranking of States on the basis of their being "civilized" or "uncivilized" should be antithetical to contemporary international law. At the same time, the Commission should consider further whether the term "community of nations" was adequate to emphasize the need for recognition of general principles of law by the vast majority of States, irrespective of whether they belonged to one or other group on the basis of their civilizational particularities and the characteristics of their national legal systems.

5. In the commentary to draft conclusion 4 (Identification of general principles of law derived from national legal systems), it was emphasized that the content and substance of a principle transposed to the international legal system might not be identical to the principle found in the various national legal systems. The same could be deduced from draft conclusion 6 (Determination of transposition to the international legal system). On the one hand, that approach correctly reflected the fact that, for a general principle found in the various national legal systems to become applicable in international law, it must conform to the characteristics of the international legal system and fit seamlessly into it. On the other hand, it was a matter of concern that, in the process of transposing a general principle of law into the international legal system, the original meaning of the principle, deriving from national legal systems, might be significantly distorted, or the way in which it was understood in the national legal systems of one small but influential group of States might become dominant in international law. In order to prevent such a scenario, it was important to identify in the draft conclusions, in particular draft conclusions 2, 5 (Determination of the existence of a principle common to the various legal systems of the world) and 6, the entities that usually participated directly in the transposition of a general principle of law from national legal systems to the international legal system, including in the context of the settlement of disputes by international judicial and arbitral bodies; and to establish clear criteria for considering that a general principle of law was legally logical and compatible with the international legal system, that it was recognized by the community of nations and that it was suitable for application in transposed form.

6. For the recognition of a general principle of law, particular attention should be paid to the international conduct of the majority of States from various regions, including in the context of international organizations, in order to obtain evidence of the application of the principle and the reflection thereof in international legal instruments. In addition, a comparative analysis of national legal systems conducted in accordance with draft conclusion 5 should be based on a common denominator found in national legal systems that represented a broad range of regions of the world from diverse legal families, such as civil law, common law and Islamic law.

7. With regard to subsidiary means for the determination of general principles of law, draft conclusions 8 (Decisions of courts and tribunals) and 9 (Teachings) were important. The decisions of courts and tribunals on questions of international law offered

valuable guidance for determining the existence or lack thereof of general principles. The teachings of eminent publicists were equally important for offering additional guidance for the determination of the existence, content and interpretation of general principles of law.

8. His delegation had doubts about the proposition in draft conclusion 11 that general principles of law were not in a hierarchical relationship with treaties and customary international law. As indicated in draft conclusion 10 (Functions of general principles of law), general principles of law were resorted to when other rules of international law were insufficient or needed to be interpreted in order to resolve an issue. That provision, like the practical legal substance of general principles, clearly demonstrated the subsidiary nature of general principles in comparison with the primary sources of international law – treaties and custom. There was no justification for ascribing to general principles of law a greater role in international law than they currently had.

9. Furthermore, the reference, in paragraph 3 of draft conclusion 11, to the idea of a possible conflict between a general principle of law and a rule in a treaty or customary international law, and the need to resolve such conflicts in accordance with the generally accepted techniques of interpretation and conflict resolution, threatened to weaken the established body of international law derived from treaties and custom. Rules of international law should be based primarily on the consent of States. Means of eliminating ambiguities and deficiencies in international law involving the borrowing of rules from national legal systems without the clearly expressed consent of States could be used only in strictly exceptional cases, if at all. Moreover, if any such borrowing of rules occurred, care must be taken to fully respect the purposes and principles of the Charter of the United Nations and not to undermine the integrity of the international legal system.

10. There was a lack of clarity in the draft conclusions as to the distinction between general principles of law and international custom, in particular with regard to general principles formed within the international legal system. The process for the identification of general principles of law formed within the international legal system, as described in the commentary to draft conclusion 7, was similar to the process for the identification of rules of customary international law. Therefore, in order to avoid general principles of law being substituted for customary rules in a given situation, it would be advisable to distinguish between the two in draft conclusion 11 or the commentary thereto. His delegation was of the view that, for a general principle of law formed within the international legal system to be recognized, it must be based on one of the principal sources of international law. Provisions on the relationship between general principles of law and peremptory norms of general international law should also be added to the draft conclusion. In the event of identification of a general principle of law derived from national legal systems, it was necessary to establish that the principle in question was not contradicted by a peremptory norm of general international law before it could be regarded as part of international law.

11. Given the importance and complexity of the topic, his delegation was in favour of a comprehensive analysis. General principles of law should represent the real universal basis of all legal systems without exception, both the international legal system and the legal systems of States. The Commission should consider including in the commentaries to the draft conclusions a greater number of illustrative examples of the use of general principles of law, as that could increase the practical value of its work on the topic. His delegation looked forward to a positive outcome of the Commission's work with regard to the methodology for the identification of general principles of law, taking into account the need to maintain consensus on the scope of the topic, the methods of studying it and the final form of the Commission's work.

12. His delegation attached great importance to the topic "Sea-level rise in relation to international law". Sea-level rise could have a major impact on the existence and development of island and coastal States, the preservation of the identity of their populations and the protection of the rights of those populations, raising questions not only in relation to the law of the sea but also in relation to a number of other areas of international law, including with regard to the protection of the environment, climate and security.

13. The disappearance of part of a State's territory would certainly raise questions regarding the determination of new baselines for the delimitation of maritime zones. In that connection, it was vital to ensure a uniform approach to the interpretation of the United Nations Convention on the Law of the Sea in the context of the determination of baselines and of the outer limits of the territorial sea, the contiguous zone and the exclusive economic zone, in particular the ambulation or freezing thereof. His delegation reaffirmed its view that the Convention was the principal source for regulating matters related to the delimitation of maritime zones in the context of sea-level rise. Other relevant rules of general international law should also be considered, however, including the principle that "the land dominates the sea" and the principle of freedom of the seas, the obligation to settle disputes peacefully and

the protection of the rights of coastal States and non-coastal States. Despite the diversity of views on codification in respect of the topic, it was clear that the final report of the Study Group on sea-level rise in relation to international law would be valuable in providing practical recommendations with regard to the preservation of statehood and the protection of persons affected by sea-level rise.

14. With regard to "Other decisions and conclusions of the Commission", his delegation welcomed the inclusion of the topic "Non-legally binding international agreements" in the Commission's current programme of work. The Commission's work on the topic would make it possible to better understand the legal nature of non-legally binding international agreements, identify how they differed from international treaties and examine their influence on the formation of rules of international law, with a view to determining more precisely the parameters of cooperation between States and other actors in international relations. It would also complement the Commission's study of the basic structure of the international legal framework and be of practical value.

15. The reconstitution of the Working Group on methods of work of the Commission would help to strengthen the Commission's cooperation with the Committee and other legal and expert bodies, including regional codification bodies, for the organization of regular intersessional virtual meetings and briefings. His delegation also supported the idea of commemorating the Commission's seventy-fifth anniversary in Geneva in 2024 with the participation of the Organization's leadership, legal advisers from Member States and representatives of regional organizations and academia. Such an event would provide an opportunity to highlight the Commission's importance, exchange views on matters of mutual interest and expand contacts among States.

16. **Mr. Bühler** (Austria), referring to the topic "General principles of law", said that his delegation congratulated the Commission on the adoption on first reading of the draft conclusions on general principles of law. The category of general principles of law as a source of international law was subject to divergent interpretations and therefore urgently required clarification.

17. With regard to draft conclusion 3 (Categories of general principles of law), his delegation had always been sceptical about the existence of general principles of law formed within the international legal system, as a category distinct from general principles of law derived from national legal systems. In practice, it seemed difficult to distinguish between general principles formed within the international legal system and rules of customary international law. Draft conclusion 7 (Identification of general principles of law formed within the international legal system) contained a more detailed definition, with examples in the commentary, which, in his delegation's view, were not convincing. For instance, the nature of the *uti possidetis* principle was controversial: while the Commission suggested that it was a principle formed within the international legal system, it also had roots in national legal systems and was considered by many to be part of customary international law. In addition, the principle of the freedom of maritime communication was often considered too vague to have acquired normative force. Moreover, the term "principles of international law" was to be understood differently from "general principles of law": the International Court of Justice had confirmed that the principles listed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations were part of customary international law. His delegation would thus be interested in other examples that might demonstrate the independent normative character of general principles of law formed within the international legal system.

18. The wording of draft conclusion 2 (Recognition) left open the exact nature of the recognition of general principles. His delegation therefore proposed that the draft conclusion provide that general principles of law must be recognized "as such" by the international community. His delegation wondered whether such recognition could take place instantly or whether it would have to evolve over a certain period of time. Furthermore, like others, his delegation preferred the term "international community" to "community of nations" because the term "nation" had different meanings and was disputed and politically sensitive. In addition, the term "community of nations" would exclude international organizations and other subjects of international law.

19. With regard to draft conclusion 4 (Identification of general principles of law derived from national legal systems), his delegation supported the view that the transposition of general principles of law derived from national legal systems to the international legal system did not require a "formal or express act", as stated in paragraph (5) of the commentary to the draft conclusion. As to the wording of subparagraph (a) of the draft conclusion, his delegation would prefer to add the word "national", so as to refer to "the various national legal systems of the world", in line with the title of the draft conclusion. In the same vein, the title of draft

conclusion 5 (Determination of the existence of a principle common to the various legal systems of the world) should be amended to refer to "the various national legal systems of the world".

20. Draft conclusion 6 (Determination of transposition to the international legal system) raised many questions. In particular, the meaning of the phrase "may be transposed" contained many elements of uncertainty. Compatibility with the international legal system pursuant to the draft conclusion seemed to be a condition for recognition as a general principle of law under draft conclusion 2. Since the two draft conclusions were closely connected, his delegation suggested that the compatibility test be incorporated into draft conclusion 2.

21. With regard to draft conclusion 8 (Decisions of courts and tribunals), his delegation suggested that the term "jurisprudence" be used instead of "decisions", because the word "decision" generally referred to binding acts of courts and tribunals, as could be seen, inter alia, in Article 59 of the Statute of the International Court of Justice. His delegation was in favour of advisory opinions being covered by the draft conclusion. That was also the intention of the Commission, but was not sufficiently reflected in the wording of the draft conclusion; it could be deduced only from the commentary. Furthermore, the Commission should consider whether bodies other than courts and tribunals that were empowered to decide disputes, interpret the law authoritatively or render advisory opinions should also be covered by the draft conclusion.

22. In draft conclusion 10 (Functions of general principles of law), paragraph 1 was phrased as a statement of fact and not as a rule. His delegation was aware of the explanation given in paragraph (3) of the commentary to the draft conclusion but would prefer wording of a normative nature. It appreciated the examples given in paragraph (14) of the commentary to the draft conclusion, but was not sure whether they all amounted to general principles of law. Some of them, such as the principle that no one could be judge in his or her own cause, stemmed directly from the rule of law and could be regarded as general principles of law. Others, however, appeared to be dependent either on the context or on the applicable procedural rules. In any case, Austria did not accept trial in absentia as a general principle of law because it was in conflict with the *ordre public* of a number of States.

23. Lastly, draft conclusion 11 (Relationship between general principles of law and treaties and customary international law) provided that there was no hierarchy between general principles of law and other sources of international law, whereas draft conclusion 10, paragraph 1, stated that general principles of law were mainly resorted to when other rules of international law did not resolve a particular issue. The latter provision seemed to rule out the existence of a general principle of law not in conformity with treaties and international law; therefore, at least to that extent, some sort of hierarchy seemed to exist. On the other hand, it was stated in the report of the Study Group on fragmentation of international law (A/CN.4/L.682) that "the rules and principles of international law are not in a hierarchical relationship to each other. Nor are the different sources (treaty, custom, general principles of law) ranked in any general order of priority." It would be helpful if the Commission could look into that issue further.

24. Turning to the topic "Sea-level rise in relation to international law", he said that, although Austria was a landlocked country and therefore not directly affected by sea-level rise, it attached the utmost importance to the issue, which was of great practical relevance for all States, either directly or indirectly. The additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on sea-level rise in relation to international law covered a number of fundamental questions of international law relating to legal stability, including the question of the immutability of boundaries. His delegation was pleased that the Study Group would continue its work at the next session of the Commission, focusing on the subtopics of statehood and the protection of persons affected by sea-level rise. Progress on the topic was urgent in view of the increasing effects of the human-made climate crisis.

25. The effects of climate change on borders were an issue not just for coastal and island States but also for landlocked countries. For instance, Austria was witnessing the large-scale melting of its glaciers, which might lead to questions in cases in which a treaty had established a watershed as the boundary between Austria and a neighbouring country at a time when the watershed had been covered by ice, but in which the watershed was now becoming visible and did not correspond to the legally fixed boundary. In such cases, Austria accepted the stability of boundaries fixed by bilateral border commissions.

26. As to the principle of *uti possidetis*, there was an inconsistency in the Commission's report (A/78/10): whereas the discussion on general principles of law included *uti possidetis* as a general principle formed within the international legal system, under the topic of sea-level rise in relation to international law, it was regarded by the Commission as a rule of customary international law. In any case, his delegation believed that the principle of *uti possidetis* applied only in cases

of State succession and would not contribute to a solution of the issue of sea-level rise.

27. His delegation agreed with the view reflected in the report that historic considerations did not create legal rights per se, but had primarily evidentiary value. Lastly, it believed that any future outcome of the discussion on sea-level rise should not lead to a change in the United Nations Convention on the Law of the Sea and was open to the idea of interpreting the Convention with a view to achieving legal stability, certainty and predictability.

28. Turning to the topic "Immunity of State officials from foreign criminal jurisdiction", he said that his delegation intended to submit written comments on the draft articles on immunity of State officials from foreign criminal jurisdiction adopted by the Commission on first reading (see A/77/10). While his delegation supported draft article 7 (Crimes under international law in respect of which immunity *ratione materiae* shall not apply) as a central provision of the draft articles and as a contribution to the fight against impunity, it remained of the view that the list of exceptions to functional immunity in the draft article was incomplete and should contain a reference to the crime of aggression. In accordance with Austrian practice and *opinio juris*, no functional immunity existed for international crimes, including the crime of aggression. His delegation therefore called upon the Commission and the newly appointed Special Rapporteur for the topic to revisit the matter and amend the draft article accordingly. In that context, his delegation supported the balanced approach taken in the draft articles; the text contained important procedural safeguards, which should make the whole project acceptable to the international community. His delegation encouraged the Special Rapporteur to proceed to the finalization of the draft articles in that spirit.

29. With regard to "Other decisions and conclusions of the Commission", his delegation welcomed the Commission's decision to address the topic "Non-legally binding international agreements". However, it proposed that the title of the topic be changed to "Non-legally binding international instruments" because the term "agreement" should be reserved exclusively for legally binding documents. The Committee of Legal Advisers on Public International Law of the Council of Europe had recently made a similar change in the title of a topic on its agenda. Regarding the Commission's future work and long-term programme of work, his delegation reiterated its view that the Commission should take up the topic "Universal criminal jurisdiction", as it could make a substantive legal contribution to the ongoing discussion on that issue.

30. **Mr. Majszyk** (Poland) said that his delegation appreciated the fact that the advance version of the Commission's report had been published in mid-August, thus giving States and international organizations much-needed time to assess the Commission's work. The Commission was currently in a unique situation in that half of its current programme of work consisted of entirely new topics, namely "Settlement of disputes to which international organizations are parties", "Prevention and repression of piracy and armed robbery at sea" and "Subsidiary means for the determination of rules of international law". His delegation hoped that the discussion of those topics, as well as the more familiar ones, by the Commission and the Committee would help to advance the development of international law and its codification. With regard to the topic "Immunity of State officials from foreign criminal jurisdiction", his delegation planned to submit comments and observations on the draft articles on immunity of State officials from foreign criminal jurisdiction adopted by the Commission on first reading (see A/77/10). His delegation took the view that draft article 7 should include the crime of aggression in the list of crimes to which immunity *ratione materiae* did not apply.

31. With regard to the topic "General principles of law", it was regrettable that the comments made by States the previous year had not been discussed in the Commission's report (A/78/10). His delegation continued to hold the view that draft conclusion 7 (Identification of general principles of law formed within the international legal system) and the commentary thereto required particular reconsideration by the Commission. There was a fundamental structural problem with the draft conclusion: its current wording was based on the premise that general principles of law could be formed within the international legal system if they fulfilled the criterion set out in paragraph 1, yet paragraph 2 envisaged the existence of other general principles of law formed within the international legal system to which that criterion was not applicable. As a result, it appeared that general principles of law could be formed within the international legal system, but that the Commission did not envisage any particular criteria for identifying them. The Commission was very specific, especially in draft conclusions 4 and 5, about general principles that could be derived from national legal systems, but with regard to general principles of law formed within the international legal system, it merely referred, in paragraph (11) of the commentary to draft conclusion 7, to other possible principles that might emerge from the international legal system, without providing any further explanation. His delegation was therefore of the view that paragraph 2 of the draft

conclusion, which had not been in any significant way elucidated in the commentary, should be deleted.

32. The term "intrinsic", which was explained with a single sentence in the commentary, merited further elaboration, since it seemed to be of fundamental importance and could be associated with the process of deduction from well-established rules of international law. Given that international law did not envisage compulsory jurisdiction of international courts and tribunals, it was entirely unclear what kinds of rights and obligations for States could be derived from the Commission's proposed "principle of consent to jurisdiction". As to the principle of *uti possidetis*, the Commission's position needed more explanation. While the Commission, in its report, seemed to qualify *uti possidetis* as a general principle of law in the context of the topic "General principles of law", it stated in the context of the topic "Sea-level rise in relation to international law" that "several members disagreed with the view expressed in the additional paper that *uti possidetis juris* was considered a general principle of law".

33. Those examples illustrated a more general problem. His delegation considered that, in a similar vein to the Commission's work on customary law and peremptory norms of general international law (*jus cogens*), its work on general principles of law related primarily to the construction and mechanics of those principles. Thus, his delegation would be cautious about debating, even in the commentaries, whether a particular substantive rule could be considered to have the nature of a general principle.

34. As to the functions of general principles of law, his delegation was of the view that such principles should be resorted to only when a particular issue could not be resolved in whole or in part by other rules of international law. Thus, it should be more expressly indicated in the commentary to draft conclusion 10 that general principles should not replace customary or treaty rules in their regulatory function and could be applied as a basis for primary rights and obligations only in limited circumstances. Such an approach would also be applicable to the examples of general principles of law formed within the international legal system in the commentary to draft conclusion 7. For instance, the fact that the International Court of Justice had referred in the *Corfu Channel case* to "the principle of the freedom of maritime communication" and the principle of "every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States" should not lead to the conclusion that the Court considered those principles to be binding as general principles of law.

35. With regard to the topic "Sea-level rise in relation to international law", his delegation agreed with the view reflected in the Commission's report that one of the aims of the Commission's work was to interpret the United Nations Convention on the Law of the Sea in such a way as to effectively address sea-level rise in order to provide practical guidance to affected States. However, it should be remembered that the Convention did not enjoy universal acceptance. Therefore, to ensure a legitimate outcome, there was a pressing need for parallel analysis and discussion of customary rules applicable to the most pertinent emerging issues.

36. His delegation considered the issue of intangibility of boundaries, whether of national territory or of maritime areas, to be of fundamental importance because it concerned the much broader question of maintaining international peace and security. His delegation was of the view that the United Nations Convention on the Law of the Sea and corresponding customary law, as well as general principles of international law, were aimed at ensuring the stability of such boundaries. At the same time, his delegation believed that there was no self-standing, overarching principle of equity in the Convention. Rather, references to equity were embodied in specific rules of the Convention. Thus, equity applied as an element of those specific rules.

37. Turning to "Other decisions and conclusions of the Commission", he said that his delegation supported the Commission's decision to include the topic "Non-legally binding international agreements" in its current programme of work. However, since the term "international agreements" was primarily used with reference to binding instruments, his delegation would prefer the title of the topic to be changed to "Non-legally binding international instruments".

38. With regard to the Commission's working methods, there was a need for a clearer indication of the status of specific provisions within a particular topic. Careful analysis of the Commission's work showed that a provision or standard could go through several quasi-legislative phases that were not always clearly discernible. Thus, a provision might be proposed by the Special Rapporteur, remain pending in the Drafting Committee, be approved by the Drafting Committee, or be approved by the plenary session, with or without commentary. Within a particular topic, it was typical for different provisions to be at different stages of development. It would therefore be advisable for the Commission to consider inserting into its report a table for each topic, indicating the status of each provision in the standard-setting or rule-making process.

39. **Ms. Veski** (Estonia) said that her delegation intended to submit written comments and observations on the topic "Immunity of State officials from foreign criminal jurisdiction". With regard to the topic "General principles of law", her delegation considered that it was necessary to explain the nature, role and identification of general principles of law in the international legal system. It welcomed the fact that, in its draft conclusions on general principles of law, as adopted on first reading, the Commission had departed from the term "civilized nations" found in the Statute of the International Court of Justice and had instead adopted the term "community of nations". Her delegation believed that the draft conclusions should not use the term "international community of States as a whole", found in the Vienna Convention on the Law of Treaties in the context of *jus cogens* norms, because it set an unnecessarily high threshold. The essence of a general principle of law should not change, even if terminology was modernized. Although it was first and foremost the positions of State that needed to be assessed when determining whether a general principle of law had been identified and recognized, international organizations might also provide useful contributions.

40. The draft conclusions provided that general principles of law derived from national legal systems must be common to the various legal systems of the world. In her delegation's view, the word "various" was not the most appropriate choice. It was not the mere number of national legal systems that mattered, but whether those national legal systems were both numerous and representative. The Commission should revisit the phrase or provide further clarification in the commentaries to the draft conclusions.

41. The draft conclusions established conditions for determining the existence and content of a general principle of law. As a rule, to determine the existence and content of a general principle of law formed within the international legal system, the community of nations must recognize the principle as "intrinsic to the international legal system". However, as an exception, the draft conclusions provided for the existence of "other general principles of law formed within the international legal system". It was not clear how such other principles were to be identified. The Commission should explain in more detail the nature of and need for such other general principles of law, with relevant examples and supporting jurisprudence.

42. Her delegation agreed with the view reflected in draft conclusion 11 that general principles of law were not necessarily in a hierarchical relationship with treaties and customary international law and that they might exist in parallel with a rule of the same or similar content in a treaty or customary international law. Nonetheless, the Commission should further examine the relationship between general principles of law and peremptory norms of general international law; more detailed commentaries on that matter would be appreciated. Although her delegation did not view the relationship between general principles of law and treaties and customary international law as hierarchical in nature, it agreed with the view reflected in draft conclusion 10 that general principles of law were mainly resorted to when other rules of international law did not resolve a particular issue in whole or in part.

43. With regard to the topic "Sea-level rise in relation to international law", the additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on sea-level rise in relation to international law gave a good overview of the problems arising from the possible legal effects or implications of sea-level rise. Her delegation noted that the issue of legal stability in connection with delimitation agreements, especially in the context of analysis of the principle of fundamental change of circumstances (*rebus sic stantibus*) and the principle that "the land dominates the sea", was challenging.

44. Given that the United Nations Convention on the Law of the Sea established the overarching legal framework for all activities relating to the oceans and the seas, it must remain the framework for the current topic as well. Her delegation welcomed the conclusion of the Study Group that the principle of *uti possidetis* had had limited application in relation to maritime boundaries and that the principle of stability of and respect for existing boundaries – their immutability – was a rule of customary international law. The same principle of stability of and respect for existing boundaries would apply to maritime boundaries, which shared the same function of demarcating the extent of the sovereignty and the sovereign rights of a State. The need to preserve legal stability and prevent conflict in international relations must be kept in mind.

45. Fundamental change of circumstances (*rebus sic stantibus*) was a general rule of international law that had been codified in article 62 of the Vienna Convention on the Law of Treaties. Her delegation took the view that, if that rule were to apply in the case of sea-level rise, States would need to renegotiate their maritime boundaries, which would lead to changing rights and obligations and bring instability to international relations. The fundamental interest of ensuring stability of boundaries with a view to preserving peaceful relations was an object and purpose of paragraph 2 of the aforementioned article of the Vienna Convention. Her delegation shared the view, reflected in the

additional paper, that the same interest would apply to maritime boundaries, as underlined by the International Court of Justice and arbitral tribunals in cases addressing the issue. There were still many disputed maritime boundaries, and the prospect of new boundaries being created in addition to the boundaries that were already settled would create uncertainty. State practice already generally supported the preservation of existing maritime delimitations.

46. The real challenge for the future would be cases in which the territory of a State was completely covered by the sea or became uninhabitable. In such a situation, the United Nations Convention on the Law of the Sea and other relevant conventions would need to be read in a new light, and customary international law would need to be interpreted with an open mind. Her delegation would follow with interest future discussions about such cases.

47. With regard to "Other decisions and conclusions of the Commission", her delegation expressed its appreciation for the Commission's website, which should be kept up to date and be user-friendly and informative. It looked forward to the Commission's future work on the topic "Non-legally binding international agreements" and to the commemoration of the seventy-fifth anniversary of the Commission in 2024.

48. **Mr. Csergő** (Hungary), referring to "Other decisions and conclusions of the Commission", said that his delegation welcomed the inclusion of the topic "Non-legally binding international agreements" in the Commission's current programme of work. The Commission's work on the topic would be useful in addressing practical aspects of the conclusion of international agreements and the challenges posed by the fragmentation of international law.

49. His delegation also welcomed the Commission's decision to hold an event to commemorate its seventy-fifth anniversary in Geneva in 2024, including meetings with legal advisers of Ministries of Foreign Affairs dedicated to the work of the Commission. Such an event would provide a unique occasion for addressing questions of mutual interest and identifying timely topics in respect of which analysis by the Commission could either have practical value or lead to the adoption of draft articles. It was important to find the right balance among topics that led to different types of outputs of the Commission.

50. On the topic "Sea-level rise in relation to international law", his delegation welcomed the additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on sea-level rise in relation to international law, which contained an analysis of issues and principles identified by Member States as the most important. Hungary was a landlocked country but nonetheless recognized the challenges caused by sea-level rise. It had been actively engaged in discussions concerning climate change and was of the view that a clear and transparent analysis of international legal regulations addressing climate change, including the related topic of sea-level rise, was essential in order to effectively tackle those phenomena.

51. In the additional paper, the Co-Chairs had undertaken a thorough analysis of the questions at hand and had managed to narrow down the scope of principles applicable to the aspects of sea-level rise discussed in the first issues paper. They had drawn several preliminary conclusions, most of which related to questions of maritime delimitation, the central conclusion being that there existed no obligation to regularly update baselines. While his delegation agreed with that conclusion and believed that it was essential to maintain legal stability, it considered that, in the final report on the topic, further thought should be given to finding the most appropriate form in which to reflect those conclusions. With regard to the Commission's future work on the issue, his delegation looked forward to discussing statehood and questions related to the protection of persons affected by sea-level rise in 2024 and the final report on the topic in 2025.

52. **Ms. Uslar-Gleichen** (Germany), referring to the topic "Sea-level rise in relation to international law", said that climate change posed an existential threat to States, individuals and international security. In her delegation's view, which had been set forth in a submission to the Commission in 2022 explaining how the German authorities interpreted the rules regarding the stability of baselines established in the United Nations Convention on the Law of the Sea, a contemporary reading and interpretation of those rules allowed for the freezing of baselines and outer limits of maritime zones once they had been duly established and, as applicable, published and deposited in accordance with the Convention. The Convention did not contain an obligation of coastal States to regularly review and update their baselines, charts or lists of geographical coordinates of the outer limits of maritime zones, even though they retained the right to do so should they so wish. Her delegation was pleased to note that an ever-increasing number of States seemed to share that view, as highlighted in paragraphs 141 and 142 of the Commission's report (A/78/10), and that no State had contested that approach, not even States whose own laws provided for regular reviews and updates of baselines and outer limits. Some States had made

express commitments not to challenge baselines and outer limits that were not updated after sea-level rise, and the majority seemed to share her delegation's view that there was no obligation to review and update them in the first place.

53. Her delegation noted that the Co-Chairs of the Study Group on sea-level rise in relation to international law had stressed the importance of further exploring the issue of submerged territories, which was potentially related both to the law of the sea and to statehood. Her delegation also believed that the principle of legal stability should apply to baselines and maritime zones derived from islands and rocks, pursuant to article 121, paragraphs 1 and 3, of the United Nations Convention on the Law of the Sea, when those natural land features were subsequently submerged owing to sea-level rise.

54. In accordance with article 121, paragraph 2, of the United Nations Convention on the Law of the Sea, the maritime zones of islands were determined in accordance with the provisions of the Convention applicable to other land territory. In addition to the fact that coastal States had no duty to regularly review and update their baselines and maritime zones derived from continental land territory, it seemed to follow from a contemporary reading and interpretation of the Convention that they also had no duty to regularly review whether naturally formed land features had changed their nature or become submerged after the maritime zones around them had been duly established, published and deposited in accordance with the Convention. Article 7, paragraph 2, of the Convention dealt with the fixing of baselines in areas where the coastline was highly unstable owing to the presence of "a delta and other natural conditions". The legal ideas encapsulated therein might serve as an additional basis for a contemporary interpretation of the Convention that allowed for the stabilization of baselines in coastal areas affected by climate change-induced sea-level rise, including low-lying islands.

55. Her delegation believed that all questions related to the law of the sea in connection with sea-level rise could and should be satisfactorily resolved. Maritime zones and the rights and entitlements of affected States should be preserved through a contemporary reading and interpretation of the Convention and its intent and purposes, rather than through the development of new customary law or the negotiation of new treaty rules. The precise way in which the Convention ought to be interpreted, and how such interpretation ought to be reflected in law and in practice – through, for example, a set of conclusions, an interpretative declaration or a resolution – might still require further work. Her Government would continue to engage with partners, international organizations and academic institutions to further contribute to the work of the Commission and its Study Group on the topic.

56. The root cause of sea-level rise – human-induced climate change – could be addressed only through international cooperation. Her Government had therefore submitted a comprehensive answer to the questions set out in chapter III of the report of the Commission on the work of its seventy-third session (A/77/10). It had outlined its State practice and its legal view on the continuance of statehood in circumstances in which island States were submerged and their previous territory physically ceased to exist or became uninhabitable. It remained committed to exploring all viable legal avenues to facilitate a constructive discourse on the matter. Although a clear answer could not be derived from existing international law, it was vital to develop a common understanding to address the future of affected States through a comprehensive examination of legal options, including a systematic analysis of historical precedents that had some bearing on the current legal and political challenges. A spectrum of viable solutions based on international law was conceivable in order to preserve the international legal personality of island States that were becoming submerged or uninhabitable.

57. **Mr. Lefeber** (Kingdom of the Netherlands) said that his delegation appreciated the valuable contribution of the International Law Commission to the codification and progressive development of international law and always strove to support the Commission's work by providing it with timely written contributions. It was pleased to note that its comments and observations had been taken into account in the Commission's report (A/78/10).

58. With regard to the topic "General principles of law", his delegation welcomed the adoption on first reading of the draft conclusions on general principles of law and the commentaries thereto, including the amendments and additions that had been made to the text in response to his Government's written comments and observations. His delegation welcomed in particular the retention of the category of general principles of law formed within the international legal system and appreciated the clarification in the commentary to draft conclusion 7 of the meaning of the phrase "intrinsic to the international legal system", but noted that the difference of opinion among members of the Commission as to the existence of general principles of law formed within the international legal system was referred to in the commentary to the draft conclusion. It would be more appropriate to refer to such disagreements among Commission members in the body

of a given report of the Commission rather than in a draft text itself; his delegation therefore suggested that that information be removed from the commentary to the draft conclusion. Following the adoption on first reading of the draft conclusions and the commentaries thereto, his Government had requested a report from its Advisory Committee on Public International Law and would take that report into consideration when preparing its comments and observations on the topic.

59. The topic "Sea-level rise in relation to international law" was of great importance to his entire country, in both Europe and the Caribbean. With regard to the additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on sea-level rise in relation to international law, his Government wished to clarify its position on a number of points. Several States had made statements on whether or not the United Nations Convention on the Law of the Sea contained an obligation to regularly review and update baselines and outer limits of maritime zones, and the Commission had observed that the Convention contained no explicit provision to that effect. His Government had not yet taken a position on that question. In addition, his Government had referred several times, in the comments and observations that it had submitted to the Commission, to the Dutch "basic coastline". That term should not be confused with the term "baselines". The concept of "basic coastline" referred to the country's sandy coastline, which was preserved with sand nourishments, a practical measure to prevent the coastline from moving too far landward. Without the annual sand nourishments, the Dutch coast would shift inland by an average of 1 metre per year. However, the country's legal baselines remained ambulatory and had not been fixed.

60. His delegation welcomed the additional study conducted by the Co-Chairs on the issue of the safety of navigation in relation to nautical charts. The data deposited by his Government with the Secretary-General of the United Nations, including information on its baselines, was not necessarily used for navigation. The nautical charts that were used for navigation did not reflect the country's baselines.

61. With regard to "Other decisions and conclusions of the Commission", his delegation welcomed the inclusion of the topic "Non-legally binding international agreements" in the Commission's current programme of work and the appointment of the Special Rapporteur for the topic. The subject had also been discussed by the Committee of Legal Advisers on Public International Law of the Council of Europe. His delegation hoped that the work being done in different forums would contribute to a better understanding of non-legally binding international agreements and the consequences thereof, without losing the flexibility for States to make use of them where appropriate.

62. In the context of the seventy-fifth anniversary of the Commission, his Government welcomed the initiative to convene meetings between Commission members and legal advisers of Ministries of Foreign Affairs involved in the Commission's work. In January 2023, his Government had hosted a symposium on independent advice to the Government on public international law, organized by the country's Advisory Committee on Public International Law. The comments made during the symposium by a member of the Commission would help to improve his Government's contributions to the Commission's work. For instance, when preparing written submissions on that work, his Government would now also provide the Commission with the relevant report of the Advisory Committee and the Government's response to it.

63. **Mr. Visek** (United States of America) said that his delegation continued to strongly support the work of the International Law Commission. Over the years, a number of its products had proved useful to the international community in determining the content of international law, while others had resulted in multilateral treaties. In that context, his delegation had been proud to join the more than 80 sponsors of General Assembly resolution 77/249, which provided for two resumed sessions of the Committee to consider further the draft articles on prevention and punishment of crimes against humanity, and had been pleased to participate in the first resumed session in April 2023. It looked forward to submitting written comments and observations on the draft articles and encouraged other Member States to do so. It also looked forward to the second resumed session to be held in 2024, at which it hoped the rich exchange of views among Member States would continue. A convention on crimes against humanity would fill an important gap in the international legal framework.

64. His delegation welcomed the Commission's efforts to address the important and challenging topic of general principles of law. It was mindful, however, of the possibility that litigants in international disputes might draw on the Commission's work to argue for obligations in ways that States did not agree with or intend. The Commission should therefore be careful not to engage in an exercise of progressive development on a topic concerning one of the sources of international law.

65. With regard to the draft conclusions on general principles of law adopted by the Commission on first reading, one area of concern was draft conclusion 7,

which reflected the proposition that a particular principle formed within the international legal system might be considered a general principle of law. His delegation was not yet convinced that there was sufficient State practice to assess whether or how general principles could be formed solely on the international plane. Some members of the Commission had expressed a similar concern. Given the differing views on that question, it might be preferable to include a "without prejudice" provision that would allow the question to be addressed in the future if State practice were to evolve.

66. Separately, his delegation questioned whether the draft conclusion set out an appropriate test for determining whether a general principle of law had emerged. The quality of being "intrinsic" to the international legal system seemed to have an element of automaticity to it that was difficult to square with the guidance in draft conclusion 2 that, for a general principle of law to exist, it must be recognized by the community of nations. Given the Commission's acknowledgement that the category of general principles formed within the international legal system might not exist, it would seem prudent to include in draft conclusion 7 an express requirement that States recognize a principle as legally binding, not simply as being "intrinsic" to the international legal system.

67. An additional area of concern was the test for assessing whether principles of law from municipal systems had been transposed to the international plane. Although the Commission acknowledged in the commentary to draft conclusion 6 (Determination of transposition to the international legal system) that recognition by States of transposition was required, it went on to state that such recognition by States was implicit whenever a principle was compatible with the international legal system. That suggested a level of automaticity that, in his delegation's view, was not supported.

68. Under Article 38, paragraph 1, of the Statute of the International Court of Justice, there was no hierarchy between treaties, customary international law and general principles of law as sources of binding law. His delegation therefore believed that State consent was required in order to identify a general principle, just as it was required for States to be bound by treaties or customary international law, even if such consent might be manifested differently. His delegation encouraged the Commission to examine the issue further. There needed to be some objective indication – for instance, in the form of State recognition of a principle through pleadings in international courts – that States considered a rule to be applicable on the international plane before it could be considered to have reached the status of a general principle of law. Notwithstanding its concerns, his delegation welcomed the fact that the Commission had taken on the topic.

69. With regard to the topic "Sea-level rise in relation to international law", his delegation appreciated the Commission's continuing efforts in respect of issues related to the law of the sea. The issues under consideration were complex, and his delegation recognized the efforts of the Study Group on sea-level rise in relation to international law to find reliable solutions. It was committed to working with others to preserve the legitimacy of maritime zones, and associated rights and entitlements, that had been established consistent with international law as reflected in the United Nations Convention on the Law of the Sea and that were not subsequently updated despite sea-level rise caused by climate change.

70. His delegation recognized that new trends were developing in the practices and views of States on the need for stable maritime zones in the face of sea-level rise. It also emphasized the universal and unified character of the Convention and encouraged States that had not yet done so to take steps to determine, memorialize and publish their coastal baselines in accordance with the international law of the sea as set out in the Convention. Such actions would assist other States in implementing their policies on sea-level rise. In that respect, his Government had undertaken not to challenge lawfully established baselines and maritime zone limits that were not updated despite sea-level rise caused by climate change. It urged States that had not made similar commitments to do so in order to promote the stability, security, certainty and predictability of maritime entitlements that were vulnerable to sea-level rise.

71. Sea-level rise posed a threat not just to maritime entitlements but to coastal communities and island States around the world. On a global scale, the combination of warming ocean waters and melting ice located on land was causing sea-level rise to occur at an ever-increasing rate. For some States, in particular low-lying island States in the Pacific Ocean, increasing sea levels posed an existential threat. His Government had therefore recently announced that it considered that sea-level rise driven by human-induced climate change should not cause any country to lose its statehood or its membership of the United Nations, the specialized agencies or other international organizations. It was committed to working with Pacific island States and others on issues relating to human-induced sea-level rise and statehood.

72. On “Other decisions and conclusions of the Commission”, his delegation noted the Commission’s decision to include the topic “Non-legally binding international agreements” in its current programme of work and welcomed the appointment of the Special Rapporteur for the topic. It suggested, however, that the title of the topic be changed to “Non-legally binding international instruments”, to reflect the position of many States that the term “agreement” was reserved for agreements of a legally binding nature.

73. With regard to the topic “Immunity of State officials from foreign criminal jurisdiction”, his delegation welcomed the appointment of a new Special Rapporteur for the topic but had long-standing concerns about the draft articles on immunity of State officials from foreign criminal jurisdiction, both in terms of the process by which they had been developed and in terms of the substance. For example, it did not agree that draft article 7 (Crimes under international law in respect of which immunity *ratione materiae* shall not apply) was supported by consistent State practice and *opinio juris*; consequently, it did not reflect customary international law.

74. Despite the concerns expressed by his delegation and others, the Commission had adopted the draft articles on first reading in 2022. His delegation expected to submit detailed written comments on the draft articles. It appreciated the Special Rapporteur’s emphasis on the importance of States’ comments and welcomed the Commission’s commitment to reflect further on the concerns raised by States in their written submissions. If the draft articles were not revised, the Commission should indicate in the relevant commentaries which draft articles reflected a proposal for the progressive development of international law rather than its codification. Furthermore, if the draft articles did not reflect customary international law and diverged from the expressed views of States, the likelihood of their being adopted by States as an international convention would be greatly reduced. His delegation urged the Commission to reconsider both the substance and the form of the draft articles in that light.

75. His delegation took note of the efforts of the Commission’s working groups and welcomed in particular the reconstitution of the Working Group on methods of work of the Commission. His delegation had raised concerns in the past about the Commission’s working methods, including the lack of clarity between codification and progress development, and the confusion surrounding the way in which the Commission chose the form of its work products. Both those issues affected how the Commission developed its work products and how they were to be understood by the broader community. His delegation was therefore interested in proposals such as the development of guidance on the nomenclature of the texts adopted by the Commission, such as draft articles, draft conclusions, draft guidelines and draft principles. It was also interested in the proposal to establish a mechanism for reviewing the reception by Member States of the Commission’s past products.

76. Lastly, given the Commission’s highly ambitious tentative schedule for its programme of work over the coming five years, his delegation urged the Commission to take a deliberative and measured approach to the important topics before it and to allow sufficient time to receive and reflect the input of Member States.

77. **Mr. Kowalski** (Portugal) said that his delegation was pleased that more women were being elected as members of the International Law Commission and that two women had been elected Co-Chairs of the Commission for its seventy-fourth session; they were the second and third women ever to have been elected Chair. However, Member States could and must do more to promote gender parity in the Commission.

78. With regard to “Other decisions and conclusions of the Commission”, his delegation welcomed the Commission’s decision to include in its current programme of work the topic “Non-legally binding international agreements”, which was of practical relevance for Governments in the conduct of foreign affairs. Nonetheless, like others, his delegation suggested that the title of the topic be changed to “Non-legally binding international instruments”. It welcomed the Commission’s recommendation that the first part of its seventy-seventh session, in 2026, be held in New York, as that would be a good opportunity to raise awareness in New York of the work of the Commission and to enhance its interaction with other bodies of the United Nations and with State representatives based in New York.

79. Referring to the broad issue of codification and progressive development of international law under the auspices of the United Nations, he said that the Organization and its Member States could do more at a time when international law was ever more necessary in order to cope with the challenges posed by environmental threats and climate change, armed conflicts and violations of human rights. Although the Commission’s products might have different forms and outcomes, in some cases where the Commission had expressly recommended the adoption of draft articles as a convention, the Committee had chosen not to act, prioritizing consensus even when only a few States had opposed moving forward. Article 13 of the Charter of

the United Nations conferred on the General Assembly responsibility for encouraging the progressive development of international law and its codification. It might be questioned whether the Assembly had been up to that task for the past two decades. Consensus was important, but in the process of achieving it, every delegation was expected to contribute in good faith to a common understanding. It was not a procedural rule or a dogma, and it could not be used as a veto. Unless that issue was addressed and the working methods of the Committee improved, the potential contribution of the Commission and the Committee might be severely impaired and undermined.

80. The topic "General principles of law" gave the Commission the opportunity to complement its work on other sources of international law and to provide additional guidance on the nature, identification and application of general principles of law, as well as on their relationship with other sources of international law. His delegation noted the adoption on first reading of the draft conclusions on general principles of law and the commentaries thereto. With regard to the issue of identification of general principles of law formed within the international legal system, which was dealt with in draft conclusion 7, his delegation had previously expressed its understanding that paragraph 2 of the draft conclusion and the commentary to the provision were not sufficiently clear as to the distinction between general principles of law and customary international law. Although an effort had been made to improve the commentary to the draft conclusion, questions remained. The Commission should therefore consider the issue further. In addition, and taking into consideration Part Five of the conclusions on identification of customary international law, his delegation would welcome draft conclusions, with commentaries, on the relevance of other subsidiary means for the determination of general principles of law, which could cover, for example, resolutions of the United Nations, documents of international expert bodies and outputs of the Commission.

81. With regard to the topic "Sea-level rise in relation to international law", his delegation believed that the United Nations Convention on the Law of the Sea did not explicitly require States parties to keep baselines and outer limits of maritime zones under constant review. Ambulatory baselines implicitly created legal uncertainty that could jeopardize international peace and security and friendly relations among nations, which were normative values that were inherently protected under article 7, paragraph 2, of the Convention. At the same time, it was essential to determine to what extent the principle of equity was legally relevant in the context of sea-level rise.

82. The legal relevance of the question of permanent sovereignty over natural resources was closely intertwined with the question of whether baselines were fixed or ambulatory under the Convention. If they were considered ambulatory, sea-level rise would inevitably affect the determination of maritime entitlements. As a result, the rights and obligations of States, including sovereign rights, associated with certain maritime areas were likely to be affected. If baselines were considered fixed, maritime entitlements remained unchanged, as did the rights and obligations associated with them.

83. Regarding the future work of the Commission and the Study Group on sea-level rise in relation to international law, his delegation agreed with the view reflected in the Commission's report (A/78/10) that, on the basis of the research already conducted, the Commission could submit a road map outlining the form and content of its final report, expected to be issued in 2025, and propose specific guidance on practical problems, including by preparing an interpretative declaration regarding the nature of baselines. His delegation commended the Study Group for the quality of its work thus far. Sea-level rise was a pressing topic of the utmost importance to many States and human beings; the Commission's contribution was therefore much welcomed.

84. His delegation's full statement would be made available on the Committee's website.

85. **Ms. Rathe** (Switzerland), referring to the topic "General principles of law", said that her delegation welcomed the adoption on first reading of the draft conclusions on general principles of law and the commentaries thereto. It noted with satisfaction that the draft conclusions approached the topic in a conclusive, logical and comprehensive manner, covering all the essential issues, namely the definition, categories and functions of general principles of law and their relationship with the other sources of international law.

86. Her delegation welcomed the fact that draft conclusion 4 reflected the two-step analysis relating to the requirements for the identification of general principles of law derived from national legal systems and drew attention to the observation that not all principles derived from national legal systems were in whole or in part suitable to be transposed to the international legal system. That observation, which was also reflected in draft conclusion 6 (Determination of transposition to the international legal system), illustrated well the fact that national law and international law had similarities but were yet distinct.

87. With regard to draft conclusion 5, her delegation agreed with the Commission's approach of interpreting the term "principle common to the various legal systems of the world" as broadly as possible. It also shared the Commission's view, reflected in the commentary to the draft conclusion, that all branches of national law, both public and private, were relevant for the identification of a general principle of law, as shown by the case law collected in the commentaries to the draft conclusions. Her delegation appreciated the commentaries as a whole because they contained concrete examples to illustrate the draft conclusions and provided insight into the Commission's process of reflection.

88. Her delegation welcomed the Commission's ongoing work on the topic "Sea-level rise in relation to international law", which was a pressing issue, and on the topic "Subsidiary means for the determination of rules of international law", which was the final addition to the Commission's useful work on the sources of international law listed in Article 38 of the Statute of the International Court of Justice.

89. **Mr. Uddin** (Bangladesh), referring to the topic "Sea-level rise in relation to international law", said that article 7, paragraph 2, of the United Nations Convention on the Law of the Sea reflected the proposition that there was no need to change the baselines if it would result in a reduction of maritime zone areas as a result of the regression of the coastline. His delegation therefore reiterated its position that baselines and maritime zones established by any State in accordance with the Convention should remain unchanged in the event of sea-level rise.

90. Sea-level rise posed a significant threat to the inhabitants of low-lying coastal States, necessitating urgent measures to protect vulnerable communities. In that regard, his delegation welcomed the ongoing proceedings before the International Court of Justice and the International Tribunal for the Law of the Sea relating to advisory opinions on the legal implications of climate change and sea-level rise for the rights of present and future generations.

91. His delegation took note of the important discussions, reflected in the Commission's report (A/78/10), on a wide range of issues regarding sea-level rise in relation to international law, including the immutability and intangibility of maritime boundaries and the principle that "the land dominates the sea". Those issues warranted further deliberation among Member States. His delegation looked forward to the final report of the Study Group on sea-level rise in relation to international law, expected to be issued in 2025. The United Nations Convention on the Law of the Sea remained the foundational instrument for ocean governance, and all the Commission's opinions and observations regarding the interrelation between sea-level rise and international law must be in line with the fundamental principles set out therein.

92. **Mr. Troncoso Repetto** (Chile), referring to the topic "General principles of law", said that there was a need to make it clear that the general principles of law referred to in Article 38 of the Statute of the International Court of Justice constituted an autonomous source, independent from treaties and custom, in the manner in which they were constituted or formed. Although there were important relationships between all formal sources of international law, in that treaties and custom could be sources for concluding that a general principle of law consistent with Article 38 existed, they were not necessarily the means through which a general principle of law was created.

93. With regard to the draft conclusions on general principles of law adopted by the Commission on first reading, there had been general agreement within the Commission and the Committee that the expression "civilized nations" found in Article 38, paragraph 1 (c), of the Statute of the International Court of Justice, was anachronistic and should be avoided. His delegation therefore agreed with the Commission's decision not to use that expression in draft conclusion 2 (Recognition) and to instead use the expression "community of nations", as proposed by the Special Rapporteur on the basis of article 15, paragraph 2, of the International Covenant on Civil and Political Rights. His delegation was pleased to see that the latter expression, which better reflected contemporary international reality, was used in the text of the draft conclusions adopted on first reading.

94. The process of identification of general principles of law formed within the international legal system, as set out in draft conclusion 7, was different from that of general principles of law derived from national legal systems, which was formed of two steps: determination of the existence of the principle and transposition of the principle to the international legal system. For a general principle of law to be formed within the international legal system, it must be recognized as intrinsic to that system. His delegation was grateful to the Commission for making clear that, in the context of the draft conclusion, the term "intrinsic" meant that "the principle is specific to the international legal system and reflects and regulates its basic features". However, bearing in mind that definition, his delegation did not share the view of some Commission members, reflected in the commentary to the draft conclusion, that paragraph 1 of the draft conclusion was narrow and

might not encompass other possible principles that, while not intrinsic to the international legal system, might nonetheless emerge from within that system and not from national legal systems. Indeed, given that some States were hesitant about the very existence of the category of general principles of law formed within the international legal system, his delegation considered that the current state of international law on the matter did not allow for the existence of general principles of law formed within the international legal system that were not intrinsic to that system, in other words, that did not reflect its basic features, especially if recognition by the community of nations was required in order to confirm their existence. The relevance of paragraph 2 of the draft conclusion should therefore be reviewed. Lastly, his delegation agreed with the view of some members of the Commission, reflected in the Commission's report (A/78/10), that the Commission should not put forward a methodology for the identification of general principles of law formed within the international legal system that could overlap with the conditions for the emergence of rules of customary international law.

95. With regard to the topic "Sea-level rise in relation to international law", his delegation commended the Study Group on sea-level rise in relation to international law for its detailed work on a matter of vital importance and urgency. The devastating consequences of climate change were at the centre of legal discussions as never before: the presentation of oral statements had recently concluded in the advisory proceedings before the International Tribunal for the Law of the Sea concerning the obligations under the United Nations Convention on the Law of Sea relating to the effects of climate change, and advisory proceedings were also pending before the International Court of Justice and the Inter-American Court of Human Rights. In that context, the deliberations in the Commission and the Committee were highly topical.

96. Regarding the additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on the topic, his delegation noted with particular interest the conclusions on the issue of "legal stability" in relation to sea-level rise, with a focus on baselines and maritime zones. A large number of countries, including Chile, representing all regions of the world, considered legal stability to be "dedicated to, and inherently linked to, the preservation of maritime zones as they were before the effects of the sea-level rise, and the decision of the Member States affected by sea-level rise not to update their notifications of coordinates and charts, thus fixing their baselines even if the physical coast moves landward because of sea-level rise" (A/CN.4/761, para. 84). Even more tellingly, no States, not even those that had national legislation providing for ambulatory baselines, had contested the proposed interpretation of the Convention in favour of fixed baselines. Furthermore, his delegation agreed with those States that had expressed a preference for treating the matter as a question of interpretation of the Convention rather than as a question of the development of a new customary rule. There seemed to be agreement among the parties as to the interpretation of the Convention; therefore, subsequent practice existed for the purposes of article 31 of the Vienna Convention on the Law of Treaties. In fact, States had placed particular emphasis on legal stability as one of the main purposes of the United Nations Convention on the Law of the Sea and, on that basis, had concluded that the Convention did not prohibit the existence of fixed baselines once they had been determined in accordance with the Convention and deposited with the Secretary-General of the United Nations in the form of nautical charts or geographical coordinates. If that practice was not considered sufficiently uniform for the purposes of article 31 of the Vienna Convention, in accordance with the Commission's conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, it might meet the requirements of article 32 (Supplementary means of interpretation). In that light, his delegation requested the Study Group to consider, for the preparation of the consolidated final report expected to be issued in 2025, the implications of the detailed statements set out in the additional paper, and other statements that might be made before the preparation of the final report, for the purposes of the interpretation of the United Nations Convention on the Law of the Sea in the light of articles 31 and 32 of the Vienna Convention.

97. His delegation also appreciated the efforts made by the Study Group to analyse the various principles that might be applicable to the issue of the legal stability of maritime limits and suggested that the Study Group clarify in its consolidated final report whether those principles, such as the principle of *uti possidetis*, the principle of equity and the principle of permanent sovereignty over natural resources, would be relevant as an autonomous source of international law or rather as a tool for interpreting the United Nations Convention on the Law of the Sea that was to be taken into account for reasons of systemic integration under article 31 of the Vienna Convention, in accordance with which material sources external to a treaty, including applicable general principles of law, were to be taken into account in the interpretation of that treaty. In that regard, his delegation considered that the arguments put forward by the Study

Group were sufficiently persuasive, such as the argument for an interpretation of the United Nations Convention on the Law of the Sea that favoured the establishment of fixed baselines in the context of the impact of sea-level rise. Thus, preference should be given to interpretations of the Convention that allowed for the maintenance of the status quo of maritime entitlements established in accordance with international law and the Convention because, as noted by the Co-Chairs in the additional paper, that was also the only solution that would not result in any loss to either party.

98. His delegation reaffirmed its view that the principle of *rebus sic stantibus*, enshrined in article 62 of the Vienna Convention, was not applicable to maritime boundaries as a result of sea-level rise because, under paragraph 2 (a) of that article, the principle did not apply to treaties establishing boundaries. That would include maritime boundaries, which were also stable and played a role in the maintenance of peaceful relations.

99. His delegation recognized the principle that "the land dominates the sea", in accordance with which "the land is the legal source of the power which a State may exercise over territorial extensions to seaward", as mentioned in the additional paper prepared by the Study Group. However, maritime spaces were calculated not on the basis of land mass itself but on the basis of the coast. In that regard, His delegation agreed with the Study Group's view, expressed in the additional paper, that the application of the principle in the context of a change in sea level was not absolute; therefore, the freezing of baselines and the outer limits of the other maritime zones would not be inconsistent with the principle. Accordingly, his delegation considered that it would be helpful to reconsider the application of the principle, and also that of the principle of permanent sovereignty over natural resources, in the context of the subtopic on statehood.

100. His delegation welcomed the appointment of a special rapporteur of the Inter-American Juridical Committee for the topic of legal implications of sea level rise in the inter-American regional context. The Commission should draw on work being done in regional forums to complement its own work. His delegation thanked the Study Group of the Commission for its work, which was vital for determining the regime applicable to States' baselines and maritime spaces in the context of climate change. It looked forward to the issuance of the consolidated final report on the topic and remained ready to participate actively in the future work of the Study Group.

101. With regard to "Other decisions and conclusions of the Commission", his delegation hoped that, under the new topic "Non-legally binding international agreements", and in accordance with the syllabus for the topic set out in annex I to the report of the Commission on the work of its seventy-third session (A/77/10), the work of the Special Rapporteur would lead to the identification of criteria to distinguish, in international law, non-legally binding agreements from those that were legally binding, and clarification of the potential legal effects, direct or indirect, of non-legally binding agreements. In his delegation's view, the topic should be limited to agreements between States, between States and international organizations, or between international organizations, that were concluded in writing, and whose structure indicated a convergence of will without producing binding effects, including agreements of an "uncertain" nature and norms or standards elaborated in informal frameworks.

102. Regarding the topic "Immunity of State officials from foreign criminal jurisdiction", his delegation welcomed the appointment of a new Special Rapporteur, who was the first Chilean national to be appointed a Special Rapporteur of the Commission. His Government planned to submit comments on the draft articles on immunity of State officials from foreign criminal jurisdiction adopted on first reading (see A/77/10) and encouraged other States to do so.

103. **Mr. Cappon** (Israel) said that the barbarous terrorist attack against the State of Israel on 7 October 2023 had cost the lives of more than 1,400 Israelis, brutally murdered by Hamas, and had led to more than 200 people – including men, women, children, babies and the elderly – being taken hostage in Gaza. Israel was still under attack, not just by the genocidal jihadist terrorist organization Hamas, but also by enemies on its northern front. Israel had the right and obligation to defend its citizens and its territory. While it stood firmly against terrorist organizations that employed the most terrible tactics, acting from within densely populated areas, it was committed to the rule of law, including international humanitarian law. It would continue to take all actions necessary, while complying with its international obligations, to protect its population and bring peace and security back to the region. Israel reiterated its demand for the immediate release of the 200 Israeli abductees, who were being held in blatant violation of international law. Their release was a critical humanitarian imperative that should be promoted by all Member States and humanitarian agencies; their freedom and safety must be prioritized in order to uphold international principles of human rights, as well as international peace and security. The current

events constituted the greatest test of the effectiveness and relevance of international law. The Committee, as the forum in which the international legal community convened, must condemn the atrocities committed by Hamas, which constituted grievous violations of international law, and support Israel as it fulfilled its obligation to defend its people and eliminate the threat from the region.

104. His delegation wished to thank the members of the Commission for their ongoing dialogue with Member States, which remained a critical component of the fulfilment of the General Assembly's mandate under the Charter of the United Nations to encourage the progressive development of international law and its codification. In his delegation's view, the measure of the Commission's success was whether Member States viewed its products as both authoritative and practical. In that connection, the Commission should pay due regard to the views and comments of Governments on its draft texts, and make the utmost efforts to incorporate them in those texts or the commentaries thereto. That was particularly important at the second-reading stage, before draft texts were finalized. It was also incumbent on the Commission, in accordance with its statute, and as repeatedly stressed by Member States in the Committee, to survey the practice of States as comprehensively and accurately as possible in its work on any topic. Furthermore, the Commission should continually bear in mind the critical distinction between codification and progressive development of international law, and should make that distinction clear, where appropriate, in its work. It should ensure that texts put forward by it as codification of existing law accurately reflected and were sufficiently underpinned by State practice and *opinio juris*, and it should indicate the extent of agreement on each point in the practice of States, as well as any divergences and disagreements that might exist.

105. His delegation considered the Commission's work on the topic "General principles of law" to be a valuable addition to its broader work on the sources of international law and intended to submit written comments and observations on the draft conclusions on general principles of law adopted by the Commission on first reading. His delegation wished to emphasize the significance of draft conclusion 5, in particular its call for a comparative and representative analysis of legal systems worldwide to determine the existence of a principle common to the various legal systems of the world. Such an analysis should include smaller States and systems with mixed legal traditions. His delegation also concurred with the idea expressed in draft conclusion 10 (Functions of general principles of law), which contributed to the coherence of the international legal system.

106. His delegation had reservations, however, about some of the draft conclusions. Along with several other Member States and members of the Commission, Israel maintained that the existence of the category of general principles of law formed within the international legal system, as referred to in draft conclusion 3 (b), lacked sufficient support in State practice and other sources of international law. His delegation was also concerned that the category might create confusion with other sources of international law, especially customary international law, that were different in scope and application. In his delegation's view, general principles of law remained primarily domestic, even though they might influence the work of international tribunals and were applied in international adjudication processes. The absence of general consensus, among States and even within the Commission, regarding the very existence of general principles of law formed within the international legal system as a source of international law necessitated careful consideration and might be a compelling reason in itself not to consider principles of that category a source of international law.

107. Nonetheless, his delegation appreciated the Commission's acknowledgement, in the commentaries to draft conclusions 3 and 7, of the divergent opinions within the Commission regarding the existence of and methods for identifying general principles of law formed within the international legal system. The commentaries should also reflect the divergent views on the issue among Member States in the Committee. With regard to paragraph 1 of draft conclusion 7, his delegation reiterated its concern that the proposed criteria for identifying general principles of law formed within the international legal system, while a good starting point, were overly vague and lacked objective elements for systematic application. His delegation also reaffirmed its position that paragraph 2 of the draft conclusion established a broad exception to the provision set out in paragraph 1, potentially allowing for the de facto development of "other" general principles with no basis in clear criteria or definitions. That could lead to confusion and incoherence in the draft conclusions. His delegation hoped that the Commission would engage in meaningful deliberations during the second reading to ensure that the final outcome of its work was as authoritative and practical as possible.

108. **Mr. Mousavi** (Islamic Republic of Iran), referring to the topic "General principles of law", said that it was well established that there was no hierarchy among the sources of international law listed in Article 38, paragraph 1, of the Statute of the International Court of

Justice. However, general principles of law were far less frequently invoked or referred to in international jurisprudence, including the Court's rulings and arguments, partly owing to their opacity in comparison with international conventions and international custom. Nonetheless, that did not mean that general principles of law were ancillary or subsidiary; they had made important contributions to the development of international law over the past century. For example, international courts and tribunals, in particular the International Court of Justice, had, for the sake of convenience, used concepts and principles of municipal law to fill certain lacunae in the international legal system. The Court had on a few occasions resorted to Article 38, paragraph 1 (c), of the Statute. Nonetheless, both the Court and its predecessor, the Permanent Court of International Justice, had in several cases based their legal reasoning on general principles that were derived from domestic legal systems, including the principles of estoppel, acquiescence and good faith. Those were general principles of law common to the various legal systems of the world.

109. With regard to the draft conclusions on general principles of law adopted by the Commission on first reading, subparagraph (a) of draft conclusion 3 indicated that general principles of law could be regarded as a source of international law if they were common to the various legal systems of the world, while subparagraph (b) of the draft conclusion suggested the possibility of the formation of a general principle of law within the international legal system. The question of how those two categories could be reconciled was not resolved by the explanation provided in the commentary to draft conclusion 7. A clear distinction should be observed between general principles of law, as referred to in Article 38, paragraph 1 (c), of the Statute, and principles of international law, as listed in various authoritative instruments such as General Assembly resolution 2625 (XXV). Unlike principles of international law, which were intrinsic to the international legal system and were assumed to enjoy the consent and consensus of the community of nations, general principles of law must necessarily derive from the various domestic legal systems of the world.

110. His delegation agreed with the proposition in draft conclusion 6 that a general principle of law that was common to the various legal systems of the world could be transposed to the international legal system if, and only if, it was compatible with the existing fundamental principles of that system. The consent of States was of major importance in international law; therefore, no new general principle could be transposed to the international legal system if it lacked or challenged in any manner that consent. The draft conclusion, underpinned and complemented by the related provisions in draft conclusions 4 (Identification of general principles of law derived from national legal systems) and 5 (Determination of the existence of a principle common to the various legal systems of the world), was key to determining general principles of law.

111. Neither general principles of law "that may be formed within the international legal system", as referred to in draft conclusion 3, subparagraph (b), and further elaborated in draft conclusion 7, nor principles of international law, fell within the ambit of Article 38, paragraph 1 (c), of the Statute of the International Court of Justice. His delegation tended to agree with those members of the Commission who seemed to believe that Article 38, paragraph 1 (c), did not encompass a category of general principles of law formed within the international legal system. The choice of the phrase "that may be formed" in draft conclusion 3, subparagraph (b), was indicative of the division or uncertainty within the Commission as to the existence of such a category. His delegation therefore wondered whether subparagraph (b) could be omitted altogether.

112. With regard to draft conclusions 8 and 9, it should be noted that decisions of courts and tribunals and teachings of the most highly qualified publicists of the various nations could not be put on an equal footing in terms of their possible ancillary role in determining general principles of law. As a matter of principle and as supported by State practice, judicial decisions should be given more weight than teachings for the purpose of determining general principles of law and could be invoked in determining a general principle of law if they were compatible with established principles and rules of international law and were widespread in that they reflected the various legal systems of the world. It should also be noted that the International Court of Justice had barely invoked teachings in its work, although some regional and municipal courts had relied on teachings to corroborate their judicial reasoning.

113. Turning to the topic "Sea-level rise in relation to international law", he said that many countries, in particular developing countries, the least developed countries and small island developing States, were vulnerable to the negative impacts of climate change and global warming. Sea-level rise was just one of those impacts; in the case of certain small island States, it threatened their very survival. Every possible measure should therefore be taken, in accordance with scientific findings, to prevent or mitigate the consequences of disasters associated with climate change.

114. The topic should be considered in line with the basic parameters of statehood under international law, including the law of the sea as codified in the United Nations Convention on the Law of the Sea. As generally recognized under international law, and in particular under the Convention on Rights and Duties of States, a defined territory was the principal component of a State. That was also evident from the United Nations Convention on the Law of the Sea, under which a State's sovereign rights and maritime zones were based on the size and form of its adjacent coastal territorial land.

115. Under international law, a State was entitled to certain rights at sea by virtue of the fact that it possessed a territory that had a coast. The International Court of Justice, in its judgment in the *North Sea Continental Shelf* cases, had expressed the principle that "the land dominates the sea". However, the question arose as to what would happen to delimitation lines when a State lost land territory.

116. His delegation noted the observation in the additional paper (A/CN.4/761 and A/CN.4/761/Add.1) to the first issues paper prepared by the Co-Chairs of the Study Group on sea-level rise in relation to international law concerning the role of the principle of *uti possidetis juris* in emphasizing the importance accorded to ensuring the continuity of pre-existing boundaries in the interests of legal stability and the prevention of conflict. It was questionable, however, whether the principle of *uti possidetis juris* could be relied on, mutatis mutandis, as a guiding principle for maintaining the immutability and continuity of existing delimitation lines. His delegation tended to share the view expressed by the Co-Chairs in the additional paper that the principle of *rebus sic stantibus* would not apply to delimitation lines, as they were subject to the exclusion set forth in article 62, paragraph 2 (a), of the Vienna Convention on the Law of Treaties. The principle of territorial integrity of States was of fundamental importance in international law. The nature and status of the principle, as well as the practice of States and international organizations, indicated that no derogation from it was permitted. The application of the principle of equity to sea-level rise in the context of climate change to ensure the preservation of existing maritime entitlements merited further consideration.

117. Under the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman, warships and certain other vessels, in particular those carrying nuclear or other dangerous or noxious substances, were required to receive prior authorization to engage in innocent passage through the country's territorial sea. Merchant vessels were not required to seek prior authorization.

118. The General Assembly, in its resolution 77/276, had requested the International Court of Justice to render an advisory opinion on the obligations of States in respect of climate change. The resolution included a reference to, inter alia, the issue of sea-level rise. Although the resolution was focused on one assumed cause of climate change, his delegation expected the Court to consider the matter in a comprehensive and holistic manner.

119. The Islamic Republic of Iran attached great importance to addressing climate change and its environmental impacts. However, the imposition of unilateral coercive measures prevented the countries targeted by such measures from meeting their environmental obligations. Such unlawful measures had jeopardized his country's efforts to combat environmental problems, including by impeding its access to new technologies, know-how and financial resources. In certain situations and circumstances, States were not able to fulfil their environmental obligations in whole or in part. In such cases, the principle of common but differentiated responsibilities, as set out in the Rio Declaration on Environment and Development, must be taken into account.

120. With regard to "Other decisions and conclusions of the Commission", his delegation looked forward to the work of the Commission on the new topic "Non-legally binding international agreements" and took the view that the title of the topic should be changed to "Non-legally binding international instruments". His delegation also took note of the appointment of a new Special Rapporteur for the topic "Immunity of State officials from foreign criminal jurisdiction". Given the importance and multifaceted nature of the topic, it required a holistic approach. His delegation therefore proposed that a working group be established at the seventy-fifth session of the Commission, well before the second reading of the draft articles on immunity of State officials from foreign criminal jurisdiction (see A/77/10). His delegation welcomed the Commission's initiative to hold meetings with legal advisers of Ministries of Foreign Affairs dedicated to the work of the Commission but proposed that, instead of one and a half days of meetings, the Commission conduct two or three days of meetings.

121. Lastly, speaking in exercise of the right of reply, he said that it was regrettable that the representative of the occupying regime in the territory of Palestine had attempted to politicize the work of the Committee and to whitewash the atrocities that had been perpetrated against the Palestinian people, in particular those living in Gaza. The regime had killed children and women, and was imposing an inhuman blockade against innocent

people; it abided by no principles or rules of international law and did not respect the serious work of the Committee. His delegation once again condemned in the strongest possible terms the war crimes and crimes against humanity being committed by the Israeli regime, whose brutal and indiscriminate attacks amounted to the collective punishment of the Palestinian population.

122. **Mr. Escobar Ullauri** (Ecuador), referring to the topic "General principles of law", said that his delegation welcomed the adoption on first reading of the draft conclusions on general principles of law and the commentaries thereto. The text clarified various aspects of general principles of law as a source of international law, such as their nature, their scope in terms of how they emerged and the categories of general principles of law, the methodology for identifying them, their functions and their relationship with other sources of international law.

123. His delegation agreed with the Commission's view, reflected in its report (A/78/10) and based on the analysis of practice, jurisprudence and teachings, that there were two categories of general principles of law: those derived from national legal systems and those formed within the international legal system. It also agreed with the two-step approach to identifying general principles of law derived from national legal systems – the existence of a principle common to the various legal systems of the world and its transposition to the international legal system – and with the statement that a principle common to the various legal systems of the world could be transposed to the international legal system insofar as it was compatible with that system. It was important not to be overly prescriptive in that regard; there should be flexibility, allowing for a case-by-case analysis for the determination of transposition. Recognition by the community of nations of transposition could be considered implicit when the principle was suitable for application within the framework of the international legal system, when conditions for that application existed. In his delegation's view, there might also be cases in which a principle derived from national legal systems could be considered suitable for application in one area of international law but not in another.

124. His delegation considered appropriate the methodology consisting of two steps – inductive and deductive – proposed by the Commission for the identification of general principles of law formed within the international legal system, based on the analysis of practice, jurisprudence and teachings. In addition to the examples analysed in the commentary to draft conclusion 7 (Identification of general principles of law formed within the international legal system), other examples would be worthy of analysis, such as the Nuremberg principles, which included the general principle of the direct applicability of international law in respect of individual responsibility for crimes under international law and the general principle of the autonomy of international law in relation to national law in that regard; the principle of cooperation, which was intrinsic to the international legal system and was applicable in different areas of international law; and the general principle of due diligence, which could be applied in different areas of international law and could give rise to obligations of due diligence. With regard to paragraph 2 of the draft conclusion, it was appropriate to leave open the possible existence of other general principles formed within the international legal system that were not necessarily considered intrinsic to it.

125. Draft conclusions 8 (Decisions of courts and tribunals) and 9 (Teachings) and the commentaries thereto provided important information and examples on the role of subsidiary means for the determination of general principles of law. His delegation supported draft conclusion 10, which provided necessary clarification as to the functions of general principles of law. Furthermore, draft conclusion 11 correctly reflected the relationship between general principles of law and the other sources of international law. There was no hierarchy between the three sources, namely treaties, custom and general principles of law. A general principle might exist in parallel with a rule of the same or similar content in a treaty or customary international law. Importantly, the draft conclusion also provided that any conflict between a general principle of law and a rule in a treaty or customary international law was to be resolved by applying the generally accepted rules and principles for interpretation and conflict resolution in international law. His delegation hoped that the second reading of the draft conclusions and the commentaries thereto would be completed in 2025.

126. The topic "Sea-level rise in relation to international law" was a complex topic of vital importance for the international community and encompassed issues relating to maritime spaces, maritime limits, continuity of statehood and human rights. His delegation welcomed the progress made by the Study Group on sea-level rise in relation to international law, which should analyse the topic on the basis of sources of international law, namely applicable treaties, such as the United Nations Convention on the Law of the Sea; customary rules; and any general principles of law that might apply.

The meeting rose at 12.55 p.m.