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Draft report of the International Law Commission on the work of its seventy-sixth session

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Final report of the Study Group on sea-level rise in relation to international law

A. Introduction

1. In recent years, sea-level rise has become a subject of great importance for the international community. It is having an increasingly direct impact on many essential aspects of life for low-lying coastal States and small island developing States, and especially for their populations. Many other States are also likely to be indirectly affected, through, for example, the displacement of persons or lack of access to resources. Sea-level rise has become a global phenomenon that is creating global problems, with an impact on the international community as a whole.

2. According to scientific studies and reports,¹ climate change-related sea-level rise will accelerate in the future. As a result, the inundation of low-lying coastal areas and of islands will make these areas increasingly less habitable and, in some cases, even uninhabitable, resulting in their partial or full depopulation.

3. According to the 2030 Agenda for Sustainable Development, adopted, by the General Assembly in 2015:

Climate change is one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve sustainable development. Increases in global temperature, sea-level rise, ocean acidification and other climate change impacts are seriously affecting coastal areas and low-lying coastal countries, including many least developed countries and small island developing States. The survival of many societies, and of the biological support systems of the planet, is at risk.²

4. The factual consequences of climate change-related sea-level rise prompt a number of important questions in three main areas of international law: (a) the law of the sea; (b) statehood; and (c) the protection of persons affected by sea-level rise. These three subtopics reflect the legal implications of sea-level rise for the constituent elements of the State, are interconnected and should be examined together.

5. Sea-level rise has been the subject of discussions in the main organs of the United Nations. The Security Council considered the agenda item entitled “Sea-level rise: implications for international peace and security” at its 9260th meeting, on 14 February 2023,³ and the General Assembly held an informal plenary meeting on existential threats of sea-level rise amid the climate crisis on 3 November 2023.⁴ On 16 January 2024, the

¹ For example, Intergovernmental Panel on Climate Change, *Climate Change 2013: The Physical Science Basis – Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge, Cambridge University Press, 2013); Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability – Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge, Cambridge University Press, 2022); and Intergovernmental Panel on Climate Change, *The Ocean and Cryosphere in a Changing Climate: Special Report of the Intergovernmental Panel on Climate Change* (Cambridge, Cambridge University Press, 2022).

² General Assembly resolution 70/1, para. 14.

³ See [S/PV.9260](#) and [S/PV.9260](#) (Resumption 1). See also [S/2023/79](#).

⁴ See <https://www.un.org/pga/78/2023/10/20/letter-from-the-president-of-the-general-assembly-informal-plenary-meeting-on-sea-level-rise-3-nov-concept-note/>.

General Assembly decided to convene a high-level plenary meeting on 25 September 2024 to address the existential threats posed by sea-level rise.⁵

6. The high-level meeting was held in New York on 25 September 2024, on the overall theme of “Addressing the threats posed by sea-level rise”.⁶ During the high-level meeting, many delegations welcomed the work of the Commission on the topic, and the hope was expressed that the Commission’s work could constitute a foundational pillar to resolving open legal questions in relation to sea-level rise and providing practical solutions.⁷ The General Assembly acknowledged the ongoing work of the Study Group and encouraged States to share their views on the various aspects of the topic with the Commission.⁸ A one-day high-level plenary meeting of the General Assembly is due to be held at its eighty-first session to continue discussions with the intention of adopting a declaration on the issue of sea-level rise.⁹

7. Sea-level rise in relation to climate change has been addressed in regional and bilateral declarations and initiatives,¹⁰ and has been raised, *inter alia*, in advisory proceedings before the International Tribunal for the Law of the Sea,¹¹ the International Court of Justice¹² and the Inter-American Court of Human Rights.¹³

B. Mandate and work of the Study Group

8. At its seventieth session (2018), the Commission decided to recommend the inclusion of the topic “Sea-level rise in relation to international law” in its long-term programme of work.¹⁴ The Federated States of Micronesia had submitted a written request to that effect, which was taken into consideration by the members of the Commission who proposed the topic.¹⁵ Subsequently, in its resolution 73/265 of 22 December 2018, the General Assembly noted the inclusion of the topic in the long-term programme of work of the Commission.

9. At its seventy-first session (2019), the Commission decided to include the topic in its programme of work. The Commission also decided to establish an open-ended Study Group on the topic, to be co-chaired, on a rotating basis, by Mr. Bogdan Aurescu, Mr. Yacouba Cissé, Ms. Patrícia Galvão Teles, Ms. Nilüfer Oral and Mr. Juan José Ruda Santolaria.¹⁶ The topic would include three subtopics: issues related to the law of the sea, issues related to statehood and issues related to the protection of persons affected by sea-level rise.

10. The mandate of the Study Group was to undertake a mapping exercise concerning the legal questions raised by sea-level rise and interrelated issues, in order to assist States in

⁵ General Assembly decision 78/544 of 16 January 2024. Seventy-eighth session, 53rd plenary meeting, 16 January 2024; see <https://press.un.org/en/2024/ga11258.doc.htm>.

⁶ General Assembly resolution 78/319 of 1 August 2024, para. 1. See also <https://www.un.org/pga/78/high-level-meeting-on-sea-level-rise>.

⁷ Secretary-General’s summary of the high-level meeting on addressing the threats posed by sea-level rise, para. 21.

⁸ General Assembly resolution 78/319, preamble. See also the oral statements by Ireland and Antigua and Barbuda at the high-level meeting, available at <https://webtv.un.org/en/asset/k1d/k1dftbxgfe>.

⁹ General Assembly decision 78/558 of 1 August 2024. See also the oral statement of the President of the General Assembly at the closing of the plenary segment of the high-level meeting, available at <https://webtv.un.org/en/asset/k1x/k1xrvxcm7f>.

¹⁰ A/CN.4/783, paras. 339–351.

¹¹ *Ibid.*, paras. 352–361.

¹² *Ibid.*, paras. 362–380.

¹³ *Ibid.*, paras. 381–384.

¹⁴ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 10 (A/73/10)*, para. 369.

¹⁵ *Ibid.*, annex B, para. 7.

¹⁶ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 10 (A/74/10)*, para. 265.

developing practicable solutions to respond effectively to the legal issues arising from sea-level rise.¹⁷

11. The protection of the environment, climate change *per se*, causation, responsibility and liability under international law were excluded from the topic, as provided in the syllabus for the topic prepared in 2018.¹⁸ Moreover, the aim of the topic would not be to propose modifications to existing international law, such as the United Nations Convention on the Law of the Sea.¹⁹

12. During the period from 2020 to 2024, the Co-Chairs examined each of the three subtopics in a series of four papers: the first issues paper,²⁰ the second issues paper,²¹ and an additional paper to each issues paper.²² All of the papers were issued with selected bibliographies.²³ Each paper presented a set of preliminary observations of the Co-Chairs, along with the summary of the debates of the Study Group, which were commented on by States in the Sixth Committee, as reflected in the annual reports of the Commission.

13. The open-ended Study Group convened in 2021, 2022, 2023, 2024 and 2025. Summaries of the work of the Study Group may be found respectively in: chapter IX of the 2021 annual report of the Commission, on the subtopic of issues related to the law of the sea;²⁴ chapter IX of the 2022 annual report of the Commission, on the subtopics of issues related to statehood and to the protection of persons affected by sea-level rise;²⁵ chapter VIII of the 2023 annual report of the Commission, on the subtopic of issues related to the law of the sea;²⁶ chapter X of the 2024 annual report of the Commission, on the subtopics of issues related to statehood and to the protection of persons affected by sea-level rise;²⁷ and chapter IV of the 2025 annual report of the Commission, referring to all subtopics.²⁸

14. The first issues paper,²⁹ on the subtopic of issues related to the law of the sea, was considered by the Study Group at the seventy-second session of the Commission (2021). Issues covered included the following: (a) the possible legal effects of sea-level rise on the baselines and outer limits of the maritime spaces measured from the baselines, on maritime delimitations, and on the exercise of sovereign rights and jurisdiction of the coastal State and its nationals, as well as on the rights of third States and their nationals in maritime spaces in which boundaries or baselines had been established, including the possible legal effects of sea-level rise on islands insofar as their role in the construction of baselines and in maritime delimitations was concerned; and (b) the possible legal effects of sea-level rise on the status of islands, including rocks, and on the maritime entitlements of a coastal State with fringing islands, and the legal status of artificial islands, reclamation or island fortification activities as response/adaptive measures to sea-level rise. A presentation on the practice of African States regarding maritime delimitation was given to the Study Group during the session. The first issues paper presented a number of preliminary observations.

15. At the seventy-second session of the Commission, the Study Group held eight meetings, from 1 to 4 June and on 6, 7, 8 and 19 July 2021. At its 3550th meeting, on

¹⁷ [A/73/10](#), annex B, para. 18.

¹⁸ *Ibid.*, para. 14.

¹⁹ *Ibid.* United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982), United Nations, Treaty Series, vol. 1833, No. 31363, p. 3.

²⁰ [A/CN.4/740](#) and [Corr.1](#).

²¹ [A/CN.4/752](#).

²² [A/CN.4/761](#) and [A/CN.4/774](#).

²³ [A/CN.4/740/Add.1](#), [A/CN.4/752/Add.1](#), [A/CN.4/761/Add.1](#) and [A/CN.4/774/Add.1](#).

²⁴ *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 10 (A/76/10)*, paras. 247–296.

²⁵ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10)*, paras. 153–237.

²⁶ *Official Records of the General Assembly, Seventy-eighth Session, Supplement No. 10 (A/78/10)*, paras. 128–230.

²⁷ *Official Records of the General Assembly, Seventy-ninth Session, Supplement No. 10 (A/79/10)*, paras. 331–417.

²⁸ *Official Records of the General Assembly, Eightieth Session, Supplement No. 10 (A/80/10)*, paras.

²⁹ [A/CN.4/740](#) and [Corr.1](#) and [Add.1](#).

27 July 2021, the Commission took note of the joint oral report of the Co-Chairs of the Study Group. During discussions on the first issues paper, members of the Study Group recognized the importance of the topic and the legitimacy of the concerns expressed by those States affected by sea-level rise, together with the need to approach the topic in full appreciation of its urgency. The discussions concluded with suggestions for additional study by the Co-Chairs.³⁰

16. The additional paper to the first issues paper³¹ was considered by the Study Group at the seventy-fourth session of the Commission (2023). On the basis of the exchanges of views during meetings of the Study Group in 2021, the following issues and principles were studied in the additional paper: the issue of “legal stability” in relation to sea-level rise, with a focus on baselines and maritime zones; the immutability and intangibility of boundaries; fundamental changes of circumstances (*rebus sic stantibus*); the effects of the potential situation whereby overlapping areas of the exclusive economic zones of opposite coastal States, delimited by bilateral agreement, no longer overlapped, and the issue of objective regimes; effects of the situation whereby an agreed land boundary terminus ended up being located out at sea; the judgment of the International Court of Justice in the *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* case;³² the principle that “the land dominates the sea”; historic waters, title and rights; equity; permanent sovereignty over natural resources; possible loss or gain by third States; nautical charts and their relationship to baselines, maritime boundaries and the safety of navigation; and the relevance of other sources of law. The additional paper presented a number of preliminary observations.

17. At the seventy-fourth session of the Commission, the Study Group held 12 meetings, from 26 April to 4 May and from 3 to 5 July 2023. At its 3655th meeting, on 3 August 2023, the Commission considered and adopted the report of the Study Group. During its discussions, the Study Group engaged in an exchange of views on the principles examined in the additional paper, as reflected in the annual report of the Commission.³³

18. The second issues paper,³⁴ on the subtopics of statehood and the protection of persons affected by sea-level rise, was considered by the Study Group at the seventy-third session of the Commission (2022). Issues covered on the subtopic of statehood included the criteria for the creation of a State, some representative examples of actions taken by States and other subjects of international law, concerns relating to the phenomenon of sea-level rise in relation to statehood and some measures that had been taken in that regard, and possible alternatives for the future in respect of statehood. With regard to the subtopic of the protection of persons affected by sea-level rise, the second issues paper contained a mapping exercise, covering the following: the existing legal frameworks potentially applicable to the protection of persons affected by sea-level rise, and State practice and the practice of relevant international organizations and bodies regarding the protection of persons affected by sea-level rise. Preliminary observations and guiding questions for the Study Group were presented on both subtopics.

19. At the seventy-third session of the Commission, the Study Group held nine meetings, from 20 to 31 May and on 6, 7 and 21 July 2022. At its 3612th meeting, on 5 August 2022, the Commission considered and adopted the report of the Study Group on its work at that session. The work of the Study Group during that session on the subtopics of issues related to statehood and to the protection of persons affected by sea-level rise is summarized in the annual report of the Commission.³⁵

³⁰ See A/76/10, chap. IX. See also *Ibid.*, para. 20.

³¹ A/CN.4/761 and Add.1.

³² *Maritime Delimitation in the Caribbean Sea and in the Pacific Ocean (Costa Rica v. Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*, Judgment, I.C.J. Reports 2018, p. 139.

³³ See A/78/10, chap. VIII. See also *Ibid.*, para. 18.

³⁴ A/CN.4/752 and Add.1.

³⁵ See A/77/10, chap. IX. See also *Ibid.*, para. 19.

20. The additional paper to the second issues paper,³⁶ was considered by the Study Group at the seventy-fifth session of the Commission (2024). Issues covered on the subtopic of statehood included the configuration of a State as a subject of international law and continued existence of the State, scenarios relating to statehood in the context of sea-level rise and the right of the State to provide for its preservation, and possible alternatives for addressing the phenomenon in relation to statehood. On the subtopic of the protection of persons affected by sea-level rise, the additional paper contained an analysis of the relevant legal issues and a set of 12 possible elements for legal protection of persons affected by sea-level rise. Preliminary observations were presented on both subtopics.

21. At the seventy-fifth session of the Commission, the Study Group held 10 meetings, from 30 April to 9 May and from 2 to 8 July 2024. The Study Group also had before it a memorandum prepared by the Secretariat identifying elements in the previous work of the Commission that could be relevant for its future work on the topic, in particular in relation to statehood and the protection of persons affected by sea-level rise.³⁷ At its 3694th and 3698th meetings, on 26 July and 30 July 2024 respectively, the Commission considered and subsequently adopted the report of the Study Group on its work at that session. The work of the Study Group during that session on the subtopic of issues related to statehood and to the protection of persons affected by sea-level rise is summarized in the annual report of the Commission.³⁸

22. In accordance with the syllabus,³⁹ the Co-Chairs of the Study Group prepared a final consolidated report on sea-level rise in relation to international law, which was based on their previous work, the debates in the Study Group and statements made by Member States in the Sixth Committee and other forums. In addition, the Co-Chairs addressed the possible interlinkages between the three subtopics.⁴⁰ A draft final report of the Study Group was contained in an annex to the final consolidated report.

23. At the seventy-sixth session of the Commission, the Study Group held six meetings, from 28 April to 5 May 2025. The Study Group had before it the final consolidated report of the Co-Chairs. At its ... meeting, on ... May 2025, the Commission adopted the present final report of the Study Group on the topic “Sea-level rise in relation to international law” and concluded its consideration of the topic.⁴¹

C. Conclusions of the Study Group

24. The following conclusions are to be considered within the context of climate change-related sea-level rise, and are intended as a summary of the key findings of the work of the Study Group. The conclusions are based on the issues papers by the Co-Chairs and the additional papers thereto; the discussions in the Study Group, as summarized in the annual reports of the Commission; comments and observations by States; other relevant developments, such as regional declarations, regional and bilateral initiatives, and discussions in United Nations bodies, that constitute evidence of State practice on the topic of sea-level rise in relation to international law; and international judicial proceedings and decisions.

³⁶ A/CN.4/774 and Add.1.

³⁷ A/CN.4/768.

³⁸ See A/79/10, chap. X. See also *Ibid.*, paras. 40–45.

³⁹ A/73/10, annex B, paras. 19, 20 and 26.

⁴⁰ A/CN.4/774, para. 314.

⁴¹ See A/80/10, chap. IV.

1. Law of the sea⁴²

25. Climate change-related sea-level rise was not an issue of concern for the international community at the time of the negotiation and adoption of the United Nations Convention on the Law of the Sea. Consequently, no provisions were included in the Convention to address climate change-related sea-level rise in relation to baselines, the outer limits of maritime zones and the status of islands and of archipelagic waters.

26. Many States Parties have stressed that the United Nations Convention on the Law of the Sea is of fundamental importance, its integrity is to be preserved and any solution relating to climate change-related sea-level rise must be consistent with it.

27. The preservation of legal stability, certainty and predictability is directly linked to an interpretation of the United Nations Convention on the Law of the Sea and other rules of international law that allows for the preservation of baselines, the outer limits of maritime zones and associated entitlements notwithstanding changes to the coastline as a result of climate change-related sea-level rise. Bringing into question maritime boundaries agreed upon or otherwise duly established under international law owing to climate change-related sea-level rise would risk creating legal uncertainty and fresh disputes over maritime areas that had previously been settled.

28. An approach that required baselines and the outer limits of maritime zones to shift landward as a result of sea-level rise having led to the physical submergence of land territory could create an inequitable outcome whereby third States could gain rights in maritime zones, in particular in the exclusive economic zone, to the detriment of the coastal State.

29. There is no provision in the United Nations Convention on the Law of the Sea that imposes an obligation on States to update baselines, geographical coordinates or the outer limits of maritime zones once duly deposited with the Secretary-General in accordance with the Convention, and nor is there evidence of widespread State practice to that effect. Consequently, States are under no obligation to update baselines, geographical coordinates or the outer limits of maritime zones to account for changes as a result of climate change-related sea-level rise.

30. There is no provision in the United Nations Convention on the Law of the Sea or other rules of international law that imposes an obligation on States to update charts in relation to baselines, geographical coordinates or the outer limits of maritime zones, and nor is there evidence of widespread State practice to that effect. Consequently, States are under no obligation to update charts to account for changes as a result of climate change-related sea-level rise, without prejudice to issues relating to the safety of navigation.

31. There is no provision in the United Nations Convention on the Law of the Sea or other rules of international law that prevents States from preserving existing and lawfully established baselines, geographical coordinates and outer limits of maritime zones once duly deposited with the Secretary-General.

32. There is widespread support among States for the 2021 Pacific Islands Forum Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise.⁴³ General State practice exists, as evidenced by statements expressing widespread and consistent support, with regard to the preservation of baselines and the outer limits of maritime zones notwithstanding sea-level rise, in the interests of maintaining legal stability, certainty and predictability.

⁴² For the relevant sections of the reports of the Co-Chairs, see [A/CN.4/740](#) and [Corr.1](#), paras. 56–218; [A/CN.4/761](#), paras. 16–280; and [A/CN.4/783](#), paras. 12–26. For summaries of the relevant parts of the debate in the Study Group, as given in the annual reports of the Commission, see [A/76/10](#), chap. IX; [A/78/10](#), chap. VIII; and [A/80/10](#), chap. IV.

⁴³ Pacific Islands Forum Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise, 6 August 2021. Available at <https://forumsec.org/publications/declaration-preserving-maritime-zones-face-climate-change-related-sea-level-rise>.

33. The principle of fundamental change of circumstances (*rebus sic stantibus*), as codified in article 62, paragraph 1, of the Vienna Convention on the Law of Treaties,⁴⁴ does not apply to maritime delimitation agreements, as they are covered by the exclusion for treaties establishing boundaries under article 62, paragraph 2 (a).

34. The preservation of baselines and maritime entitlements notwithstanding sea-level rise is consistent with the principle of permanent sovereignty over natural resources.

2. Statehood⁴⁵

35. With regard to States particularly affected by climate change-related sea-level rise, there is strong support among States for the continuity of statehood and sovereignty and the maintenance of international legal personality and membership of international organizations.⁴⁶

36. The continuity of statehood has been affirmed in the 2023 Pacific Islands Forum Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-level Rise⁴⁷ and the 2024 Declaration of the Heads of State and Government of the Alliance of Small Island States on Sea-level Rise and Statehood.⁴⁸ These declarations have received widespread support from other States and regional organizations.⁴⁹

37. State practice reveals a degree of flexibility in the interpretation and application of international law with regard to issues of statehood. Article 1 of the 1933 Convention on the Rights and Duties of States,⁵⁰ whose criteria are generally accepted for the purpose of identifying a State as a person or subject of international law, does not address the question of the continuity of statehood in the context of climate change-related sea-level rise.

38. The continuity of statehood in the context of climate change-related sea-level rise is based on the right of States to preserve their existence, the right of each State to preserve its territorial integrity and the right of peoples to self-determination. It is linked to legal stability, certainty and predictability, the sovereign equality of States, permanent sovereignty of States over their natural resources, the maintenance of international peace and security, equity and justice, and international cooperation. The continuity of statehood is essential to avoid situations of loss of nationality and statelessness.

39. In addressing situations regarding statehood in the context of climate change-related sea-level rise, the preservation of statehood correlates with the right of the populations concerned, including Indigenous Peoples, to self-determination, as they cannot be deprived of the continuity of statehood without their consent. Respect for the right to self-determination requires consultation in good faith as to alternatives that may be applied to preserve their identities and international legal personality.

40. In order to preserve their rights, States particularly affected by climate change-related sea-level rise are entitled to take the measures available to them under

⁴⁴ Vienna Convention on the Law of Treaties (Vienna, 23 May 1969), United Nations, *Treaty Series*, vol. 1155, No. 18232, p. 331.

⁴⁵ For the relevant sections of the reports of the Co-Chairs, see A/CN.4/752, paras. 72–226 and 417–424; A/CN.4/774, paras. 69–123 and 294–301; and A/CN.4/783, paras. 27–46. For summaries of the relevant parts of the debate in the Study Group, as given in the annual reports of the Commission, see A/77/10, chap. IX, in particular paras. 193–213, 228–231 and 235; A/79/10, chap. X, in particular paras. 349–394; and A/80/10, chap. IV, paras.

⁴⁶ A/CN.4/783, paras. 148–299 and 335.

⁴⁷ Pacific Islands Forum Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-level Rise, 9 November 2023. Available at <https://forumsec.org/publications/reports-communique-52nd-pacific-islands-leaders-forum-2023>.

⁴⁸ Declaration of the Heads of State and Government of the Alliance of Small Island States on Sea-level Rise and Statehood, 23 September 2024. Available at <https://aosis-website.azurewebsites.net/aosis-leaders-declaration-on-sea-level-rise-and-statehood/>.

⁴⁹ A/CN.4/783, paras. 35–46, 58–61, 345, 372, 402, 409, 414, 416–418, 421 and 423.

⁵⁰ Convention on the Rights and Duties of States (Montevideo, 26 December 1933), League of Nations, *Treaty Series*, vol. CLXV, No. 3802, p. 19.

international law, including adaptation measures, in response to different levels of submergence of land surface or challenges to habitability, while upholding their obligations under international law.

41. Regarding enjoyment of the benefits of statehood and the related practical aspects, international cooperation is essential, in particular between States particularly affected by climate change-related sea-level rise and other members of the international community. Such cooperation should be based on respect for the sovereignty of the affected States and considerations of equity and fairness.

3. Protection of persons affected by sea-level rise⁵¹

42. Although the current international legal frameworks that are potentially applicable to the protection of persons affected by sea-level rise are fragmented and not specific to sea-level rise, such persons remain rights holders and States have a duty to respect, protect and fulfil their human rights obligations, including with regard to civil, political, economic, social and cultural rights.

43. In view of the absence of a dedicated legal framework, there is a need to develop legal and practical solutions to better protect persons affected by sea-level rise, including those who remain *in situ* and those who are internally or externally displaced by it.

44. On the basis of the current international legal frameworks, elements for legal protection of persons affected by sea-level rise include the protection of human dignity as a guiding principle for any action to be taken in the context of climate change-related sea-level rise.

45. Other elements for specific legal protection of persons affected by sea-level rise include the need for a combination of needs-based and rights-based approaches as the basis for protection, the need to delineate the human rights obligations of the different human rights duty bearers involved, namely the affected State and the host States, and the particular need to protect persons in vulnerable situations, who may be disproportionately affected.

46. There are various practical tools that may be used to address the protection of persons affected by sea-level rise, such as special climate mobility agreements, pathways and other alternative arrangements, humanitarian visas and similar administrative policies, and measures to prevent the loss of nationality and statelessness.

47. Affected persons and communities should be kept informed, be consulted and be encouraged to participate in decisions affecting them in the context of climate change-related sea-level rise.

48. As affirmed in the 2023 Pacific Islands Forum Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-level Rise⁵² and the 2024 Declaration of the Heads of State and Government of the Alliance of Small Island States on Sea-level Rise and Statehood,⁵³ international cooperation is required to protect persons and communities affected by sea-level rise, including to protect their culture, cultural heritage, identity and dignity and to meet their essential needs.

4. Cross-cutting issues and interlinkages between the subtopics⁵⁴

49. The three subtopics – the law of the sea, statehood and protection of persons affected by sea-level rise – are interconnected. The continuity of statehood is directly linked to the

⁵¹ For the relevant sections of the reports of the Co-Chairs, see [A/CN.4/752](#), paras. 227–416 and 425–437; [A/CN.4/774](#), paras. 124–293, 302–306; and [A/CN.4/783](#), paras. 47–56. For summaries of the relevant parts of the debate in the Study Group, as given in the annual reports of the Commission, see [A/77/10](#), chap. IX, in particular paras. 214–220, 232, 233 and 236; [A/79/10](#), chap. X, in particular paras. 395–413; and [A/80/10](#), chap. IV, in particular paras.

⁵² 2023 Pacific Islands Forum Declaration (see footnote 47 above), para. 10.

⁵³ 2024 Declaration (see footnote 48 above), eighth preambular paragraph.

⁵⁴ [A/CN.4/783](#), paras. 393–480.

preservation of maritime zones and entitlements and is integral to the preservation of existing rights, as the sovereignty of the State is the foundation for sovereign rights over natural resources. The preservation of maritime zones and entitlements is also directly linked to the economic well-being and livelihoods of the population, including present and future generations. At the same time, States have an important duty in ensuring the protection of their people, and continuity of statehood is necessary and fundamental to the provision of that protection, including to prevent situations of loss of nationality and statelessness. The ability of the State to continue to fulfil its human rights obligations is, therefore, also connected with the issue of continuity of statehood.

50. A common thread among the subtopics is the question as to how to preserve and protect existing rights in the face of the serious and unprecedented consequences of sea-level rise for States, especially small island States and low-lying coastal States.

51. Legal stability, certainty and predictability, as broadly recognized by many States, serve as cross-cutting principles for the preservation of maritime zones and their outer limits, together with their associated entitlements, the continuity of statehood, self-determination, permanent sovereignty over natural resources, the protection of affected populations, and the maintenance of international peace and security and avoidance of conflict.

52. The preservation of existing lawful rights in relation to sea-level rise is essential for the continuity of statehood, the preservation of maritime entitlements and the protection of persons affected. It is closely related to the principle of equity. A practical legal response to climate change-related sea-level rise should be one that prevents the loss of existing lawful rights, whether territorial or maritime. Sea-level rise cannot be a reason for any State to lose the rights associated with statehood, such as maritime entitlements, self-determination and permanent sovereignty over natural resources. Moreover, the preservation of such rights is fundamental for the State to be able to continue to promote, respect and fulfil the human rights of affected persons.

53. Fundamental principles of international law, such as sovereign equality, respect for territorial integrity, the right of peoples to self-determination, permanent sovereignty over natural resources, and the promotion and protection of human rights are recognized as customary international law and should not be undermined by climate change-related sea-level rise. Any legal solutions to address the territorial and maritime consequences of climate change-related sea-level rise need to be based on considerations of legal stability, certainty and predictability, sovereign equality, equity and the right of peoples to self-determination.

54. Equity, as another cross-cutting principle, applies to sea-level rise as the States most affected, in particular small island developing States, have contributed the least to climate change-related sea-level rise but will suffer the impact disproportionately to other States. The preservation of maritime zones, continuity of statehood and protection of affected persons are therefore matters of equity and solidarity.

55. The duty to cooperate is a principle of international law. States have an obligation to work together, as appropriate, to address the adverse effects of climate change-induced sea-level rise, particularly on the States most affected. The duty to cooperate is rooted, *inter alia*, in the Charter of the United Nations,⁵⁵ the Universal Declaration of Human Rights,⁵⁶ the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,⁵⁷ and the United Nations Convention on the Law of the Sea. It is also a foundational principle of international human rights law, the law of the sea, climate change law, environmental law and disaster law. Cooperation among States and other members of

⁵⁵ Arts. 1 (3), 55 and 56.

⁵⁶ Universal Declaration of Human Rights, General Assembly resolution 217 A (III) of 10 December 1948, preamble.

⁵⁷ General Assembly resolution 2625 (XXV) of 24 October 1970, annex, para. 1.

the international community is critical to address the impact of sea-level rise in relation to the preservation of maritime zones, statehood and the protection of affected persons.

56. The interpretation and application of existing international law should be based on an approach that meets the needs of States and populations affected in the face of the possible adverse consequences of climate change-related sea-level rise to ensure legal stability, certainty and predictability, equity and the preservation of existing rights.

5. Possible ways forward

57. In the light of the above conclusions of the Study Group, the following approaches, individually or combined, may be considered by States, international organizations and other relevant actors in developing practicable solutions to effectively address the international legal issues arising from climate change-induced sea-level rise.

(a) Interpretation of existing instruments and rules of international law

58. An approach may be adopted that allows for the interpretation and application of existing instruments and rules of international law to take account of the adverse impact of sea-level rise. For example:

(a) Existing instruments and rules of international law may be applied in a manner that addresses the impact of sea-level rise so as to allow for a contemporary interpretation, and that takes into account the duty to cooperate, equity, solidarity, self-determination, permanent sovereignty over natural resources, the preservation of existing rights and the maintenance of legal stability, certainty and predictability as cross-cutting principles that apply to the legal consequences of sea-level rise;

(b) An interpretative statement or a subsequent agreement, as appropriate, may be adopted by the States Parties to the United Nations Convention on the Law of the Sea or by the General Assembly regarding the preservation of baselines and maritime zones under the Convention and other rules of international law;

(c) The elements for legal protection of persons affected by sea-level rise, as discussed in the Study Group, may be taken into account, as appropriate, in the interpretation and application of relevant instruments.

(b) Development of instruments and mechanisms specific to climate change-related sea-level rise

59. States, the General Assembly and other international organizations may, as appropriate, adopt binding or non-binding instruments and develop mechanisms that specifically address the legal issues arising from sea-level rise. For example:

(a) The General Assembly and the relevant organs of other international organizations may adopt resolutions or declarations in relation to the continuity of statehood, the preservation of sovereignty and the maintenance of membership of the United Nations and other international organizations;

(b) Binding or non-binding instruments applicable to the protection of persons affected by sea-level rise may be adopted at the bilateral, regional or international level, and may include, as appropriate and *inter alia*, the elements for legal protection of persons affected by sea-level rise, as discussed in the Study Group;

(c) Mechanisms may be developed within the United Nations or other international organizations and bodies, as appropriate, including at the regional level, to strengthen cooperation in addressing the adverse impact of climate change-related sea-level rise.