

## RESOLUTION 5/2018

### COMMITTEE ON INTERNATIONAL LAW AND SEA LEVEL RISE

The 78th Conference of the International Law Association, held in Sydney, Australia, 19–24 August 2018:

**HAVING CONSIDERED** the Report of the Committee on International Law and Sea Level Rise submitted to the 78th Conference, as well as taking note of the Interim Report of the Committee submitted to the 77th Conference held in Johannesburg, South Africa, in 2016;

**APPRECIATING** that sea level rise is likely to have a major impact on the coastal features from which maritime zones are measured, causing uncertainties as to the determination of the breadth and extent of maritime zones in accordance with the law of the sea, as well as possible uncertainties regarding agreed or adjudicated maritime boundaries;

**ENDORSES** the views of the Committee that:

- any proposals in this area should aim to facilitate orderly relations between States and, ultimately, the avoidance of conflicts, bearing in mind that one of the principal motivations of the United Nations Convention on the Law of the Sea is to contribute to the maintenance of international peace and security; and
- in the formulation of proposals for the progressive development of international law, the dominant considerations should be the need to avoid uncertainty about the extent and limits of maritime zones and location of boundaries and to avoid incentives artificially to preserve baselines physically in order to keep the outer limits of maritime zones;

**NOTES** that the Committee has presented evidence of the emergence of State practice, particularly in the South Pacific region, indicating that small island States intend to maintain the baselines and limits of their current maritime zones established in accordance with the 1982 Law of the Sea Convention for the future, notwithstanding physical coastline changes brought about by sea level rise;

**ENDORSES** the proposal of the Committee that, on the grounds of legal certainty and stability, provided that the baselines and the outer limits of maritime zones of a coastal or an archipelagic State have been properly determined in accordance with the 1982 Law of the Sea Convention, these baselines and limits should not be required to be recalculated should sea level change affect the geographical reality of the coastline;

**ENDORSES ALSO** the Committee's proposal that the interpretation of the 1982 Law of the Sea Convention in relation to the ability of coastal and archipelagic States to maintain their existing lawful maritime entitlements should apply equally to maritime boundaries delimited by international agreement or by decisions of international courts or arbitral tribunals;

**CONFIRMS** that the Committee's recommendations regarding the maintenance of existing maritime entitlements are conditional upon the coastal State's existing maritime claims having been made in compliance with the requirements of the 1982 Law of the Sea Convention and duly published or notified to the Secretary-General of the United Nations as required by the relevant provisions of the Convention, prior to physical coastline changes brought about by sea level rise;

**REQUESTS** the Secretary-General of the International Law Association to forward this Resolution to the Secretary-General of the United Nations with the request that it be brought to the attention of States Parties to the United Nations Convention on the Law of the Sea, other interested States, and the International Law Commission;

**ALSO REQUESTS** the Secretary-General of the International Law Association to forward this Resolution to the Registrar of the International Court of Justice, the Registrar of the International Tribunal for the Law of the Sea, and the Secretary-General of the Permanent Court of Arbitration.