



# General Assembly

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## International Law Commission

### Seventy-first Session

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

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## Chapter X Sea-level rise in relation to international law

### Contents

	<i>Page</i>
A. Introduction .....	
B. Consideration of the topic at the present session .....	
Discussion of the Study Group .....	



## A. Introduction

1. At its seventieth session (2018), the Commission decided to include the topic “Sea-level rise in relation to international law” in its long-term programme of work.<sup>1</sup>
2. In its resolution 73/265 of 22 December 2018, the General Assembly subsequently noted the inclusion of the topic in the long-term programme of work of the Commission, and in that regard called upon the Commission to take into consideration the comments, concerns and observations expressed by Governments during the debate in the Sixth Committee.

## B. Consideration of the topic at the present session

3. At its 3467th meeting, on 21 May 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.
4. At its 3480th meeting, on 15 July 2019, the Commission took note of the joint oral report of the Co-Chairs of the Study Group.

### Discussion of the Study Group

5. The Study Group, co-chaired by Ms. Patrícia Galvão Teles and Ms. Nilüfer Oral, held a meeting on 6 June 2019. The Study Group considered an informal paper on the organization of its work containing a road map for 2019 to 2021. The discussion of the Study Group focused on its composition, its proposed calendar and programme of work, and its methods of work.
6. Concerning the composition, consensus was reached on establishing a membership-based Study Group which will be open to all members of the Commission. As members will be asked to join via a participation list each year, the membership of the Study Group could change from year to year.
7. With regard to the programme of work, over the next two years, the Study Group is expected to work on the three subtopics identified in the syllabus prepared in 2018,<sup>2</sup> namely: issues related to the law of the sea, in 2020, under the co-chairpersonship of Mr. Bogdan Aurescu and Ms. Nilüfer Oral; and issues related to statehood, and issues related to the protection of persons affected by sea-level rise, in 2021, under the co-chairpersonship of Ms. Patrícia Galvão Teles and Mr. Juan José Ruda Santolaria. Support was generally expressed by members of the Commission for this approach. It was also noted that the proposed programme of work of the Study Group might require adjustment in the light of the complexity of the issues to be considered.
8. As to the methods of work, it was anticipated that approximately five meetings of the Study Group will take place each session. It was agreed that, prior to each session, the Co-Chairs will prepare an issues paper. The issues paper will be edited, translated and circulated as an official document to serve as the basis for the discussion and for the annual contribution of the members of the Study Group. It will also serve as the basis for subsequent reports of the Study Group on each subtopic. Members of the Study Group will then be invited to put forward contribution papers that could comment upon, or complement, the issues paper prepared by the Co-Chairs (by addressing, for example, regional practice, case law or any other aspects of the subtopic). Recommendations will be made at a later stage regarding the format of the outcome of the work of the Study Group.

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<sup>1</sup> *Official Records of the General Assembly, Seventy-third Session, Supplement No. 10 (A/73/10)*, para. 369.

<sup>2</sup> *Ibid.*, annex B.

9. At the end of each session of the Commission, the work of the Study Group will be reflected in a substantive report, taking due account of the issues paper prepared by the Co-Chairs and the related contribution papers by the members, while summarizing the discussion of the Study Group. That report will be agreed upon in the Study Group and subsequently presented by the Co-Chairs to the Commission, so that a summary can be included in the annual report of the Commission.

10. The Study Group will also welcome the comments of States on specific issues to be included in chapter III of the report of the Commission. The possibility of requesting a study from the Secretariat of the Commission and other relevant units of the United Nations, such as the Division for Ocean Affairs and the Law of the Sea, was discussed in the Study Group as well. The knowledge of technical experts and scientists will continue to be considered, possibly through side events organized during the next sessions of the Commission.

11. Finally, with the assistance of the Secretariat, the Study Group will update the Commission on new literature on the topic and related meetings or events that might be organized in the next two years.

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