

Chapter III

Specific issues on which comments would be of particular interest to the Commission

A. General principles of law

24. The Commission considers as still relevant the request for information contained in chapter III of the report of its seventy-first session (2019) on the topic “General principles of law”⁴ and would welcome any additional information.

B. Sea-level rise in relation to international law

25. The Commission would welcome any information that States, international organizations and other relevant entities could provide on their practice, as well as other pertinent information concerning sea-level rise in relation to international law, and reiterates its requests made in chapter III of its reports on the work of its seventy-first (2019)⁵ and seventy-second (2021) sessions.⁶

26. At the seventy-fourth session (2023), the Study Group will focus on the subject of sea-level rise in relation to the law of the sea. In this connection, the Commission reiterates that it would appreciate receiving the following information by 1 December 2022:

(a) examples of practice relating to the updating, and frequency of updating, of national laws regarding baselines used for measuring the breadth of maritime zones; and of practice relating to the frequency of updating of national maritime zone notifications deposited with the Secretary-General of the United Nations;

(b) examples of practice relating to the updating, and frequency of updating, of charts on which baselines and outer limits of the exclusive economic zone and of the continental shelf are drawn, as well as lists of geographical coordinates prepared in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and/or national legislation, including those which are deposited with the Secretary-General of the United Nations and given due publicity; and examples of practice relating to updating, and frequency of updating, of navigational charts, including for purposes of evidencing changes of the physical contours of the coastal areas;

(c) any examples of the taking into account or modification of maritime boundary treaties due to sea-level rise;

(d) information on the amount of actual and/or projected coastal regression due to sea-level rise, including possible impact on basepoints and baselines used to measure the territorial sea;

(e) information on existing or projected activities related to coastal adaptation measures in relation to sea-level rise, including preservation of basepoints and baselines.

27. The Commission is further requesting:

(a) the Office of Legal Affairs, Division of Ocean Affairs and the Law of the Sea of the United Nations to undertake a survey of charts or lists of geographical coordinates deposited with the Secretary-General of the United Nations which have been modified or updated during the period 1990 to the present, and any additional explanatory information, by 1 December 2022;

(b) the International Hydrographic Organization and the International Maritime Organization to provide information regarding the implementation of paragraphs 43 and 44

⁴ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 10 (A/74/10)*, para. 30.

⁵ *Ibid.*, paras. 31–33.

⁶ *Ibid.*, *Seventy-sixth Session, Supplement No. 10 (A/76/10)*, para. 26.

of General Assembly resolution 58/240 of 23 December 2003 on oceans and the law of the sea, by 1 December 2022.

28. At the seventy-fifth session (2024), the Study Group will focus on the subject of sea-level rise in relation to statehood and protection of persons affected by sea-level rise. In this connection, the Commission would appreciate receiving, by 30 June 2023:

(a) in relation to the subtopic of statehood, information on the practice of States, international organizations and other relevant entities, and other pertinent information concerning:

(i) appraisals and/or practice on the requirements for the configuration of a State as a subject of international law and for the continuance of its existence in the context of the phenomenon of sea-level rise;

(ii) appraisals and/or practice regarding the nature of the territory of a State, including therein the land surface and the jurisdictional maritime zones, particularly in the context of the sea-level rise;

(iii) practice related to the protection of the rights of peoples and communities, as well as to the preservation of their identity, that may contribute with elements or be considered by analogy when addressing the phenomenon of sea-level rise;

(iv) practice regarding measures of a different nature adopted by States in relation to sea-level rise in order to provide for their conservation and with respect to international cooperation on the subject;

(b) in relation to the subtopic on protection of persons affected by sea-level rise, information on the practice of States, international organizations and other relevant entities, as well as other pertinent information concerning:

(i) measures relating to risk reduction specific to the mitigation of the adverse impacts of sea-level rise;

(ii) human rights implications of the adverse impacts of sea-level rise;

(iii) regulation of the displacement of persons affected by sea-level rise;

(iv) prevention of statelessness arising from the displacement of persons affected by sea-level rise;

(v) international cooperation regarding humanitarian assistance to persons affected by sea-level rise.

C. Subsidiary means for the determination of rules of international law

29. The Commission would appreciate receiving information from States, international organizations and others, by 1 December 2022, on the following elements in relation to the use of subsidiary means for the determination of rules of international law, in the sense of Article 38, paragraph 1 (*d*), of the Statute of the International Court of Justice, including such information as can be discerned from:

(a) decisions of national courts, legislation and any other relevant practice at the domestic level that draw upon judicial decisions and the teachings of the most highly qualified publicists of the various nations in the process of determination of rules of international law, namely: international conventions, whether general or particular; international custom, as evidence of a general practice accepted as law; and the general principles of law recognized by the community of nations;

(b) statements made in international organizations, international conferences and other forums, including pleadings before international courts and tribunals, concerning subsidiary means for the determination of rules of international law.

D. Prevention and repression of piracy and armed robbery at sea

30. The Commission would appreciate receiving information from States and relevant international organizations, by 1 May 2023, concerning:

(a) the legislation, case law and practice of States relevant to the topic, including in relation to articles 100 to 107 of the United Nations Convention on the Law of the Sea;

(b) the agreements entered into by States under which persons accused of piracy or armed robbery at sea are transferred with a view to prosecution; and

(c) the role of international, regional and subregional organizations regarding the prevention and repression of acts of piracy and armed robbery at sea.

E. Settlement of international disputes to which international organizations are parties

31. The Commission would appreciate receiving, by 1 May 2023, information from States and relevant international organizations which may be of relevance to its future work on the topic. A questionnaire to this effect will be communicated to States and relevant international organizations.