

Sea-level rise in international law
Submission of the United Kingdom of Great Britain and Northern Ireland

1. The United Kingdom thanks the International Law Commission for the opportunity to submit information and views relevant to the topic ‘sea-level rise in international law’.
2. With regard to recognition of Statehood, the United Kingdom’s general practice has been to consider whether a State has, and seems likely to continue to have, a clearly defined territory with a population, a Government who are able of themselves to exercise effective control of that territory, and independence in its external relations¹.
3. With regard to the protection of collective rights, for completeness the United Kingdom reiterates its long-standing and well-established position (as set out in the United Kingdom’s annual explanation of position at the UN General Assembly on the rights of indigenous peoples) that human rights in international law are held exclusively by individuals. With the exception of the right of self-determination, the United Kingdom does not recognise collective human rights in international law.
4. With regard to the protection of persons affected by sea-level rise, the United Kingdom acknowledges that climate change phenomena, including sea-level rise, may impact on the enjoyment of human rights. The responsibility to protect human rights falls on the State within whose territory the person concerned suffers any such violation. The United Kingdom only accepts that international human rights obligations apply extraterritorially in very limited circumstances. That logic also applies in the context of climate change; the United Kingdom rejects a ‘cause and effect’ notion of jurisdiction, as the jurisprudence of the European Court of Human Rights has done (*Banković*² §75).
5. The United Kingdom continues to follow with interest the work of the International Law Commission on this topic, and may wish to make further contributions at a later date.

¹ See, for example, the reply to a Parliamentary question given by the Under-Secretary of State for Foreign and Commonwealth Affairs on 16 November 1989 - <https://hansard.parliament.uk/commons/1989-11-16/debates/1a3a131f-553a-42cb-9815-261275b39500/StateRecognition>

² *Banković v Belgium and ors* App no 52207/99 (Application No) ECHR 2001-xii