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Translated from Russian

**Practice of the Russian Federation regarding the topic
"Sea level rise
in relation to international law".**

Following its seventy-first session, in 2019, the International Law Commission requested States to provide any information on their practice regarding "Sea level rise in relation to international law".¹ Possible areas for consideration of the topic by the Commission have been grouped into three subtopics: issues related to law of the sea;² issues related to the protection of persons affected by sea-level rise; and issues related to statehood.

The Russian Federation wishes to provide the following information on existing practice, which might be of assistance to the Commission in its future work on the topic:

Practice relating to law of the sea

1. Possible legal effects of sea-level rise on the delimitation of maritime boundaries

1. The Russian Federation currently has a number of international maritime delimitation treaties (see Annex No. 1 to this document). None of them, however, explicitly provides for the possibility of adjusting the outcome of maritime delimitation as a consequence of sea-level rise.

2. There are no such provisions in the treaties of the Russian Federation on the delimitation of the Caspian Sea bed and waters.³

3. We would draw attention to the 2010 Treaty between the Kingdom of Norway and the Russian Federation concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean, the preamble of which states:

"The Kingdom of Norway and the Russian Federation (hereinafter "The Parties"),

...

Bearing in mind the developments in the Arctic Ocean and the role of the Parties in this region,

¹ See report of the International Law Commission on the work of its seventy-first session (A/74/10).

² See report of the International Law Commission on the work of its seventieth session (A/73/10).

³ See, for example, the 1998 Agreement between the Russian Federation and the Republic of Kazakhstan on Delimitation of the Seabed of the Northern Part of the Caspian Sea for the Purpose of the Exercise of Sovereign Rights to Subsoil Management (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/47141 [English: <https://www.ecolex.org/details/treaty/agreement-between-the-russian-federation-and-kazakhstan-on-delimitation-of-the-deep-seabed-of-the-northern-part-of-the-caspian-sea-for-the-purpose-of-the-exercise-of-sovereign-rights-to-subsoil-management-tre-150144>]); the Agreement between the Russian Federation and the Republic of Azerbaijan on Division of the adjacent areas of Caspian Sea Bed (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/46344 [English: [link.springer.com > pdf > bbm:978-3-662-44730-7 > 1.pdf](http://link.springer.com/pdf/bbm:978-3-662-44730-7_1.pdf)]); the 2003 Agreement between the Russian Federation, the Republic of Azerbaijan and the Republic of Kazakhstan on the junction point of lines delimiting adjacent zones of the seabed and subsoil of the Caspian Sea (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/47141); The 2018 Convention on the Legal Status of the Caspian Sea (has not entered into force) (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/47141 [English: <http://en.kremlin.ru/supplement/5328>]); note that the Caspian Sea has a special legal status due to its natural classification and the fact that the 1982 United Nations Convention on the Law of the Sea does not apply to it.

Desiring to contribute to securing stability and strengthen the cooperation in the Barents Sea and the Arctic Ocean,

...

Referring to the Agreement between the Kingdom of Norway and the Russian Federation on the Maritime Delimitation in the Varangerfjord area of 11 July 2007 (hereinafter “the 2007 Agreement”) and **desiring to complete the maritime delimitation between the Parties,**

...

Have agreed as follows...⁴

4. This provision is testament to the parties' desire to secure legal stability. It seems possible to conclude, however, that this intention of the parties is consistent with the practice and position of foreign States (e.g., the Maldives⁵, the United States⁶, Greece⁷, Papua New Guinea⁸ and Israel⁹) as well as the preliminary observation of the Study Group on sea-level rise in relation to international law ("the Study Group"), which noted:

"in order to preserve **legal stability, security, certainty and predictability**, it is necessary to preserve existing maritime delimitations, either effected by agreement or by adjudication, notwithstanding the coastal changes produced by sea-level rise".¹⁰

5. However, there is no reason to believe that the parties, when they concluded the Treaty concerning Maritime Delimitation and Cooperation in the Barents Sea and Arctic Ocean, had the intention to preserve the results of the delimitation in case of sea level rise.¹¹

6. Worthy of mention in addition to the above Russia-Norway treaty is the 2004 Complementary Agreement between the People's Republic of China and the Russian Federation on the Eastern Section of the China–Russia Boundary. Although it does not address the issue of maritime delimitation, it may be relevant for the purposes of this study. In particular, article 5 states:

⁴ Highlighting is our own.

⁵ United Nations General Assembly first issues paper by Bogdan Aurescu and Nilüfer Oral, Co-Chairs of the Study Group on sea-level rise in relation to international law, entitled "Sea-level rise in relation to international law". A/CN.4/740, 28 February 2020, para. 122 (hereinafter the "Issues Paper").

⁶ Ibid. para. 125.

⁷ Ibid. para. 128.

⁸ Ibid. para. 130.

⁹ Ibid. para. 131.

¹⁰ Ibid. para. 141(b). Highlighting is our own. By its resolution 73/265 of 22 December 2018, the United Nations General Assembly included "Sea level rise in relation to international law" in the long-term programme of work of the International Law Commission. At its 3467th meeting, on 21 May 2019, the Commission decided to establish an open-ended Study Group on this topic. On 28 February 2020, the Study Group presented the Issues Paper.

¹¹ For details of the course and outcome of the negotiations, as well as the content and significance of the treaty, see R. A. Kolodkin, . Treaty with Norway: delineation for cooperation (URL: <https://interaffairs.ru/jauthor/material/381>).

"Any natural changes which might occur in the terrain and in the border strip shall not entail changes in the position of the line of the Russia-China State border demarcated on the ground in the areas referred to in Article 1 of this Complementary Agreement, or in the ownership of the islands, unless the Contracting Parties agree otherwise".¹²

7. Consequently, the border between the two States, drawn along the middle of the Amur River, will not be changed even if there are changes in the terrain and the border strip.¹³

8. Similar provisions are contained in a number of other land border treaties of the Russian Federation.¹⁴

¹² 2005 Complementary Agreement between the People's Republic of China and the Russian Federation on the Eastern Section of the China–Russia Boundary. Article 5. (URL: <http://docs.cntd.ru/document/901945334>). Highlighting is our own.

¹³ The possibility of such changes is evidenced by examples including Presidential Decree No. 693 of 31 August 2013, which instructed the Government of the Russian Federation together with the Russian Academy of Sciences to "ensure scientific research on extreme flooding in the Amur, Zeya, Bureya and Ussuri river basins in order to determine the impact of climate change on the hydrological regime of rivers and establish new requirements for the conditions of safety of territories and hydraulic structures" (URL: <http://kremlin.ru/acts/bank/37594>) (this Decree was issued in response to large-scale flooding in the territories of the Republic of Sakha (Yakutia), Primorsky and Khabarovsk territories, Amur and Magadan regions, and the Jewish Autonomous Region). See also *Extreme Floods in the Amur Basin: Hydrological Aspects*. Ed. V. Y. Georgievsky, foreword, p. 142 (URL: http://www.hydrology.ru/sites/default/files/Books/sbornik_amur_pod_red.georgievskogo.pdf).

¹⁴ For example, the 1994 Agreement between the People's Republic of China and the Russian Federation on the Western Section of the China–Russia Boundary, article 7 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-10/48060); the 1997 Agreement between the Russian Federation and the Republic of Lithuania regarding the Russia-Lithuania State border, article 3 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-18/47467); the 1998 Agreement between the Government of the Russian Federation, the Government of the People's Republic of China and the Government of the People's Democratic Republic of Korea determining the line of delimitation of the water borders of the three States on the Tumen River, article 2 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-2/50681); the 2003 Treaty between the Russian Federation and Ukraine regarding the Russian-Ukrainian State border, article 3 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-207/46278 [English: <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54132/Part/I-54132-0800002803fe18a.pdf>]); the 2005 Treaty between the Russian Federation and the Republic of Kazakhstan regarding the Russian-Kazakh State border, article 4 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-14/46011); the 2006 Agreement between the Russian Federation and Mongolia regarding arrangements at the Russian-Mongolian State border, article 3 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-17/45896); the 2007 Agreement between the Russian Federation and the Republic of Latvia regarding the Russia-Latvia State border, article 4 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-13/45700); the 2010 agreement between the Russian Federation and the Republic of Azerbaijan regarding the Russia-Azerbaijan State border, article 4 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/45113); the 2010 Agreement between the Government of the Russian Federation, the Government of the Republic of Belarus and the Government of the Republic of Latvia on defining the meeting point of the State borders of the Russian Federation, the Republic of Belarus and the Republic of Latvia, article 1 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/50221); the 2012 Agreement between the Government of the Russian Federation and the Government of the Democratic People's Republic of Korea regarding arrangements at the Russian-Korean State border, article 4 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-6/44608).

9. However, we would draw attention to the 1960 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning the regime of the Finnish-Soviet state frontier and the procedure for the settlement of frontier incidents (in force with amendments of 12 May 1997), article 3 of which provides as follows:

"1. On frontier rivers and streams the course of the frontier line shall vary with the displacement of their middle line caused by natural variations in the conformation of the banks of such rivers and streams."¹⁵

10. Similar provisions are contained in article 4 of the 1961 Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Polish People's Republic concerning the regime on the Soviet-Polish State frontier and concerning cooperation and mutual assistance on frontier issues.¹⁶

11. Such provisions in State border agreements show that boundaries stipulated by an international treaty can still follow changes on the ground.

12. Furthermore, it should be noted that neither maritime delimitation agreements nor State border treaties of the Russian Federation contain provisions on their termination. This fact may also indicate that the State considers these to be permanent treaties that ensure legal stability, security, certainty and predictability in international relations. A similar position was expressed by the Republic of the Maldives¹⁷ and considered by the Study Group as an argument "supporting the preservation of maritime delimitations in the face of sea-level rise".¹⁸

13. International treaties on maritime delimitation should be distinguished from State boundary treaties, which usually deal with boundaries on land and inland non-maritime waters. For the latter, natural changes in the terrain (e.g. landslides, formation of shallows, new islands, changes in channels, etc.) are more expected and are usually covered by a remark in the text of the treaty.¹⁹ In this connection, it does not appear to be necessary to infer the applicability of any of the practices that exist in relation to State boundary treaties to the situation of sea-level rise and its impact on the outcome of maritime delimitation.

¹⁵ 1960 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning the regime of the Finnish-Soviet state frontier and the procedure for the settlement of frontier incidents, article 3 (URL: <http://docs.cntd.ru/document/1901523> [English title: <https://treaties.un.org/doc/Publication/UNTS/Volume%20379/v379.pdf>]. Highlighting is our own.

¹⁶ 1961 Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Polish People's Republic concerning the regime on the Soviet-Polish State frontier and concerning cooperation and mutual assistance on frontier issues, article 4 (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-567/52546).

¹⁷ Issues Paper, para. 122

¹⁸ Ibid.

¹⁹ Consider, for example, the 2003 Treaty between the Russian Federation and Ukraine regarding the Russian-Ukrainian State border, article 3 (URL: <http://kremlin.ru/supplement/1653> [English: <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54132/Part/I-54132-08000002803fe18a.pdf>]).

2. The legal status of artificial islands, reclamation or island fortification activities under international law as a response/adaptive measures to sea-level rise

14. The legal status of artificial islands in the Russian Federation is regulated by the following national legal acts:

- Federal Law No. 155-FZ of 31 July 1998 "On Inland Sea Waters, Territorial Sea and the Contiguous Zone of the Russian Federation" (hereinafter "**Act on Inland Sea Waters, Territorial Sea and Contiguous Zone**");²⁰
- Federal Law No. 191-FZ of 17 December 1998 "On the Exclusive Economic Zone of the Russian Federation" (hereinafter "**Exclusive Economic Zone Act**");²¹
- Federal Law No. 187-FZ of 30 November 1995 "On the Continental Shelf of the Russian Federation" (hereinafter referred to as the "**Continental Shelf Act**").²²

15. According to Article 4.1 of the Act on Inland Sea Waters, Territorial Sea and Contiguous Zone, Article 4 of the Exclusive Economic Zone Act and Article 4 of the Continental Shelf Act, "artificial islands" means "objects (artificially-created installations) fixed in accordance with the project documentation for their creation at the appropriate location in inland sea waters, in the territorial sea of the Russian Federation, in the exclusive economic zone and on the continental shelf of the Russian Federation, and having accumulated, built-up, pile-supported and (or) other non-floating foundations appearing above the surface of the water at high tide".

16. According to Article 16 of the Continental Shelf Act, "artificial islands, installations and structures **do not have the status of islands and have no territorial sea, exclusive economic zone or continental shelf**".²³

17. The above provisions are consistent with the provisions of the 1982 United Nations Convention on the Law of the Sea, in particular its articles 60, 80 and 121. However, like the Convention, Russian legislation does not answer the question of whether the artificial preservation of a naturally formed island changes the latter's status. Research did not uncover any other evidence of Russian practice which could indicate a particular State position on this issue.

18. With regard specifically to artificial shoreline conservation, the Russian Federation's Seventh National Communication submitted in 2017 under Articles 4 and 12 of the United Nations Framework Convention on Climate Change (hereinafter "UNFCCC") and Article 7 of the Kyoto Protocol (the "Seventh National Communication") made several statements of interest for the purposes of this research:

²⁰ Federal Law No. 155-FZ of 31 July 1998 "On Inland Sea Waters, Territorial Sea and the Contiguous Zone of the Russian Federation" (URL: <http://base.garant.ru/2560484/>)

²¹ Federal Law No. 191-FZ of 17 December 1998 "On the Exclusive Economic Zone of the Russian Federation" (URL: <http://ivo.garant.ru/#/document/179872/paragraph/50323:0>)

²² Federal Law No. 187-FZ of 30 November 1995 "On the Continental Shelf of the Russian Federation" (URL: <http://ivo.garant.ru/#/document/179872/paragraph/50323:0>)

²³ Ibid. Highlighting is our own.

- "The rise in the level of the Black Sea in the coming decades will not create significant problems for the coastal zone of the Russian Federation, but very likely erosion of the coast, and the partial flooding of coastal infrastructure and settlements on the Sea of Azov;²⁴
- **"The construction of dams is a promising adaptive measure in view of rising sea levels due to global warming.** The effectiveness of this measure has been demonstrated many times on a local scale in coastal flood control."²⁵
- "The authority responsible for implementation of the comprehensive plan for the implementation of the Climate Doctrine of the Russian Federation for the period up to 2020 determined in 2017:

in connection with paragraph 15 "Minimizing the consequences of an increase in the number of floods due to changes in precipitation and rising levels of the World Ocean": **Development and implementation of a set of measures to be taken in view of the risk of increased precipitation, rising sea levels and floods - Ministry of Economic Development of Russia**, pursuant to Order No. 162-r of the Government of the Russian Federation, of 31 January 2017, "On amendments to Order No. 730-r of the Government of the Russian Federation, of 25 April 2011".²⁶

19. One of the documents underpinning the series of preventive measures referred to earlier is **Code of Practice 32-103-97 "Design of Marine Shore Protection Facilities"**,²⁷ which contains technical information and rules to be applied to measures to protect sea shores, large lakes and reservoirs from erosion by waves and currents, as well as from flooding during surges in sea level.

20. The Seventh National Communication also points to the possible positive impacts of sea-level rise, in particular on navigation:

"The expected and **already occurring sea level rise is beneficial to shipping** because, other things being equal, it provides increased navigational depth. However, an increase in average sea level will create additional difficulties for the port industry, as it will require redesign of berth walls and, in particular, of port breakwater installations. In winter, as the climate warms and the ice melts, the sea surface area free of ice is expected

²⁴ Seventh national communication of the Russian Federation submitted in accordance with articles 4 and 12 of the United Nations Framework Convention on Climate Change and article 7 of the Kyoto Protocol, 2017, p. 171 (URL:

https://www4.unfccc.int/sites/SubmissionsStaging/NationalReports/Documents/20394615_Russian%20Federation-NC7-1-7NC.pdf); Seventh national communication of the Russian Federation submitted in accordance with articles 4 and 12 of the United Nations Framework Convention on Climate Change and article 7 of the Kyoto Protocol, 2013, p. 137 (URL: <https://unfccc.int/sites/default/files/resource/opennabrief.pdf>)

²⁵ Seventh national communication, p. 156. Highlighting is our own. See also the sixth national communication, p. 204.

²⁶ Seventh national communication, p. 204–205. Highlighting is our own.

²⁷ Developed by the Sea Coast research centre, a branch of Research Institute for Transport Construction JSC, and approved by the Technical Standards Administration of the Ministry of Construction of Russia on 17 March 1997 (URL: <http://docs.cntd.ru/document/1200030723>). Highlighting is our own.

to expand, increasing the likelihood of storms and increased wave loads on port infrastructure and offshore platforms."²⁸

Practice on matters related to the protection of persons affected by sea-level rise

21. Global climate change and its consequences were highlighted in the Climate Doctrine of the Russian Federation approved by Decree No. 861-rp of the President of the Russian Federation, of 17 December 2009. Paragraph 8 of that document stresses the need to take into account the impact of climate change on migration patterns in international relations:

"The interests of the Russian Federation in connection with climate change are not limited to its territory, and are global in nature. This is driven both by the global character of climate change and by the **need to take into account in international relations the diversity of climate impacts and the implications of climate change in different regions of the Earth. When establishing climate policies, account must be taken not only of the direct, but also of the indirect and long-range, impacts of climate change on the natural environment, the economy, the population and its various social groups.** Indirect impacts of climate change include **their impact on migration patterns as a result of** the global redistribution of natural resources, including food and water, and the **reduction in the relative comfort of human habitation in some regions of the Russian Federation and beyond**".²⁹

22. One of the main directions of migration policy established in Decree No. 622 of the President of the Russian Federation, of 31 October 2018, regarding "the Framework for the State Migration Policy of the Russian Federation for 2019-2025". is the Russian Federation's commitment to international legal obligations in the field of assistance to foreign nationals seeking protection on the territory of the State. Accordingly, paragraph 27 of the framework states that:

"The main directions of migration policy in the field of assistance to foreign nationals seeking protection on the territory of the Russian Federation are to:

(a) maintain high standards and further develop mechanisms **for providing assistance to foreign nationals seeking protection in the territory of the Russian Federation in accordance with the international legal obligations of the Russian Federation** and taking into account the interests of Russian citizens...".³⁰

²⁸ Seventh national communication, p. 169 (URL:

https://www4.unfccc.int/sites/SubmissionsStaging/NationalReports/Documents/20394615_Russian%20Federation-NC7-1-7NC.pdf). Highlighting is our own.

²⁹ Climate Doctrine of the Russian Federation, approved by Decree No. 861-rp of the President of the Russian Federation of 17 December 2009, para. 8 (URL: <http://kremlin.ru/events/president/news/6365>). Highlighting is our own.

³⁰ Decree No. 622 of the President of the Russian Federation, of 31 October 2018, on the Framework for the State Migration Policy of the Russian Federation for 2019-2025, para. 27 (URL: <http://kremlin.ru/events/president/news/58986>). Highlighting is our own.

23. This assistance, in the form of granting asylum to foreign citizens and stateless persons, is based on the international obligations of the Russian Federation, assumed in connection with its accession in 1992 to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.³¹ The grounds and procedure for recognizing foreign citizens and stateless persons as refugees in the territory of the Russian Federation are laid down in Federal Law No. 4528-I of 19 February 1993 "On Refugees" (hereinafter the "**Law on Refugees**").³²

24. Article 1 of that law contains the following definition of a refugee:

"A person who is not a citizen of the Russian Federation and who, **owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality** and is unable to avail himself of the protection of that country or, owing to such fear, is unwilling to avail himself of the protection of that country; or, lacking any particular nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling, to return to that country".³³

25. This definition is consistent with that of the 1951 Convention and, according to D. V. Ivanov and D. K. Bekyashev, does not so far allow for the recognition of persons affected by sea level rise as refugees.³⁴ However, Article 12 of the Law on Refugees provides for the possibility of granting temporary asylum to foreign citizens and stateless persons:

"Temporary asylum may be granted to a foreign citizen or stateless person if they ... **have no grounds for recognition as a refugee** under the conditions provided for in this Federal Law, **but for humanitarian reasons cannot be expelled (deported) from the territory of the Russian Federation**".³⁵

26. The content of this provision was specified in paragraph 7 of Decision No 274 of the Government of the Russian Federation of 9 April 2001 'On granting temporary asylum in the territory of the Russian Federation':

"A decision to grant temporary asylum results when there are grounds for recognizing a person as a refugee after verification of information on the individual and accompanying family members, including the circumstances of arrival in the Russian Federation, or **the existence of humanitarian reasons requiring this person to stay**

³¹ Resolution of the Supreme Council of the Russian Federation "On the accession of the Russian Federation to the Convention Relating to the Status of Refugees and the Protocol relating to the Status of Refugees" of 13 November 1992 (URL: <http://docs.cntd.ru/document/278>)

³² Federal Law No. 4528-I of 19 February 1993 "on Refugees" (URL: <http://ivo.garant.ru/#/document/10105682/paragraph/28119:0>)

³³ Ibid., article 1. Highlighting is our own.

³⁴ See D.V. Ivanov and D.K. Bekyashev, - Environmental Population Migration: International Legal Aspects. Moscow: Aspect-Press, 2013, p. 35 (URL: <https://mgimo.ru/library/publications/1005645/>)

³⁵ Federal Law No. 4528-I of 19 February 1993 "on Refugees", article 12. Highlighting is our own.

temporarily in the Russian Federation (for example, state of health), until such reasons are removed or the person's legal status changes".³⁶

27. The list of humanitarian reasons for granting temporary asylum, a list necessary for granting temporary asylum, has been further expanded by judicial practice:

"The grounds on which temporary asylum may be granted on humanitarian grounds are: the serious state of health of the person to be expelled, if, in the State of his nationality (or former habitual residence) to which he is to be expelled, he cannot be given the necessary medical care, as a result of which his life would be in danger; **there exists a real threat to life or freedom due to famine, epidemics, natural or man-made emergencies** or internal or international conflict, covering the entire territory of the State of his nationality (or former habitual residence), to which he is to be expelled; or there exists a real risk that, if returned to the territory of the State of his nationality, the person could become a victim of torture and other cruel, inhuman or degrading treatment or punishment".³⁷

28. Article 1 of Federal Law No. 68-FZ of 21 December 1994 on the protection of the population and territory from natural and man-made emergencies

"An emergency situation is the situation in a particular territory resulting from an accident, a dangerous natural phenomenon, a catastrophe, the spread of a disease that poses a danger to others, or a natural or other disaster, which may cause or have caused human casualties, damage to human health or the environment, significant material losses and disruption of living conditions of people".³⁸

29. Accordingly, assistance of this kind, in the form of temporary asylum on humanitarian grounds, may be provided on the territory of Russia, but only if it is established that there is a real threat to the lives of such persons due to a natural emergency. We were unsuccessful in finding evidence of practice of the Russian Federation that would make it possible to establish whether sea-level rise and its consequences would be regarded as such an emergency.

30. In addition, the Russian Federation has been providing disaster relief assistance to Pacific island countries already for seven years. In that connection, the Russian Federation's second biennial report to UNFCCC, of 2015, noted that:

³⁶ Decision No 274 of the Government of the Russian Federation of 9 April 2001 'On granting temporary asylum in the territory of the Russian Federation' (URL: <http://base.garant.ru/12122574/>). Highlighting is our own.

³⁷ Supreme Court Determination No. 77-KG 18-9 of 8 July 2018, declaring the denial of temporary asylum unlawful (URL: <https://48.мвд.рф/document/13802079>). See also Decision of the Central District Court of Volgograd No. 2A-8748/2016 2A-8748/2016~M-8377/2016 M-8377/2016 of 7 October 2016 on refusal to recognize as illegal the decision to refuse temporary asylum in the Russian Federation (URL: <https://sudact.ru/regular/doc/9tlEKvvcuJUX/>); Decision of the Leninskiy District Court of Penza No. 2A-1244/2019 2A-1244/2019~M-1177/2019 M-1177/2019 of 20 May 2019 on refusal to recognize as illegal the decision to deny temporary asylum in the Russian Federation (URL: <https://sudact.ru/regular/doc/philsk9YR6Hr/>). Highlighting is our own.

³⁸ Federal Law No. 68-FZ of 21 December 1994 on the protection of the population and territory from natural and man-made emergencies Article 1. Highlighting is our own.

"Through the United Nations Development Programme (UNDP), the Russian Federation is co-financing the Enhancing Disaster Resilience, Response and Recovery for Pacific Small Island Developing States project. The project seeks **to strengthen the capacity of fifteen small Pacific island States to effectively prevent and manage natural disasters, including those related to climate change. The Russian Federation allocated \$7.5 million for the implementation of project-related activities in 2013 - 2014**".³⁹

31. In February 2016, during a briefing on the strategic partnership between Russia and UNDP, a new Russia-UNDP project on building the resilience of 14 Pacific Small Island Developing States to natural disasters was officially announced, for launch in June 2016, to help those States achieve the goals of the Sendai Framework for Disaster Risk Reduction and the Samoa Pathway Accelerated Small Island Development Programme of Action.⁴⁰ Russian Federation Deputy Foreign Minister M. Gatilov said:

"Today we would like to launch the regional project 'Disaster Resilience for Pacific Small Island Developing States' that was approved for funding from the Trust Fund in December 2015. **The overall project goal is to effectively address the consequences of, and responses to, climate-related natural hazards. At the outcome level it will strengthen early warning systems, climate monitoring capacity, preparedness and planning mechanisms, management tools for disaster recovery in countries of the region.** This project will focus on a few key niches and countries where Russian assistance can have maximum impact. [...] We are confident that our joint efforts will help us significantly improve the resilience of the Pacific SIDS to climate-related hazards."⁴¹

32. Information on the follow-up to the project can be found in the third and fourth biennial reports submitted by the Russian Federation to the UNFCCC in 2017 and 2020.⁴²

33. Statements by the Russian Federation may be of some relevance for the purposes of this research. Of particular interest in the context of the impact of climate change on migration

³⁹ Second Biennial Report of the Russian Federation, drawn up and submitted in accordance with Decision 1/CP.16 of the Conference of the Parties to the UNFCCC, 2015, p. 30 (URL: https://unfccc.int/files/national_reports/biennial_reports_and_iar/submitted_biennial_reports/application/pdf/2br_rus.pdf). Highlighting is our own.

⁴⁰ Ministry of Foreign Affairs of the Russian Federation press release: United Nations briefing on the strategic partnership between Russia and the United Nations Development Programme (UNDP), 25 February 2016 (URL: https://www.mid.ru/web/guest/programma-razvitiya-oon-proon-/-/asset_publisher/Zuc5DeW1p17y/content/id/2111098)

⁴¹ Permanent Mission of the Russian Federation to the United Nations press release: United Nations briefing on the strategic partnership between Russia and the United Nations Development Programme (UNDP), 24 February 2016 (URL: https://russiaun.ru/ru/news/br_undp50). Highlighting is our own.

⁴² Third Biennial Report of the Russian Federation, drawn up and submitted in accordance with Decision 1/CP.16 of the Conference of the Parties to the UNFCCC, 2017, p. 35 (URL: https://unfccc.int/sites/default/files/resource/russian_federation-br3-1-3br.pdf); Fourth Biennial Report of the Russian Federation, drawn up and submitted in accordance with Decision 1/CP.16 of the Conference of the Parties to the UNFCCC, 2020, p. 49 (URL: https://unfccc.int/sites/default/files/resource/124785_Russian%20Federation-BR4-2-4BR_RUS_rev.pdf).

patterns is the 13 December 2018 statement of the Russian Federation in connection with the Global Compact for Safe, Orderly and Legal Migration,⁴³ which indicated:

"We also believe that the reference to the activities and recommendations of the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change and the Platform on Disaster Displacement is inappropriate. There is so far no reliable and universally recognized scientific evidence that enables us to talk about a direct dependence between climate change and the movements of people or of environmental issues as dominant factors in forcing such movement. Besides that, the Platform's activities do not have the support of all countries, and its conclusions have not been approved by the relevant entity, the United Nations Framework Convention on Climate Change".

...

The Global Compact is not a legally binding instrument and does not impose legal or financial obligations on participating countries.

This is a Russian Federation statement regarding the Global Compact made at the time of the latter's adoption by the Russian Federation; the text was also transmitted to the Secretary-General of the United Nations for inclusion in the official Proceedings of the Conference".⁴⁴

Practice regarding issues related to statehood

34. Research did not uncover evidence of practice in the Russian Federation directly relating to issues of statehood in the context of sea-level rise.

35. In particular, there is no relevant practice in the Russian Federation under which Russia would make a legal assessment of situations where the territory of a pre-existing State had disappeared or become uninhabitable. Nevertheless, there was a period in Russian history when the State continued to maintain international relations with a State-like entity that had lost its territory. After the seizure of Malta by Napoleon in 1798, the Russian state continued to maintain relations with the Order of Malta for several more decades until 1817.⁴⁵

⁴³ The Intergovernmental Conference for the Adoption of the Global Compact for Safe, Orderly and Legal Migration took place in Marrakech, Morocco, on 10 and 11 December 2018 and concluded with the adoption of the Compact (URL: <https://undocs.org/ru/A/CONF.231/3> [English: <https://undocs.org/en/A/CONF.231/3>]). The conference was convened under the auspices of the United Nations General Assembly and was held in accordance with General Assembly resolution 71/1 of 19 September 2016, entitled "New York Declaration for Refugees and Migrants".

⁴⁴ Ministry of Foreign Affairs of the Russian Federation, Statement of the Russian Federation in connection with the Global Compact for Safe, Orderly and Legal Migration 11 December 2018 (URL: https://www.mid.ru/initiativ-rossii-v-oon/-/asset_publisher/lt9FJKw0JOXM/content/id/3440694). Highlighting is our own.

⁴⁵ See, for example, the Manifesto "On the Acceptance by the Emperor Alexander I of the Title of Protectorate of the Sovereign Order of St. John of Jerusalem" of 16 March 1801, Complete Collection of Laws of the Russian Empire, No. 19794; Supreme Decree "On the judgment of criminals who have the orders of St. John of Jerusalem in the military and civil courts, and the communication of verdicts to the Order Capitulus only for information and

International treaties of the Russian Federation on maritime delimitation

Multilateral treaties

1. 1989 Agreement between the Government of the Kingdom of Sweden, the Government of the Polish People's Republic and the Government of the USSR concerning the common delimitation point of their maritime boundaries in the Baltic Sea;⁴⁶
2. 2005 Agreement between the Government of the Republic of Lithuania, the Government of the Russian Federation and the Government of the Kingdom of Sweden on the common point of boundaries of the exclusive economic zones and continental shelf in the Baltic Sea.⁴⁷

Bilateral treaties

1. With the Democratic People's Republic of Korea:
 - 1985 Agreement between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea on the Delimitation of the Soviet-Korean National Border;⁴⁸
 - 1986 Agreement between the Union of Soviet Socialist Republics and the Democratic People's Republic of Korea on the Delimitation of the Economic Zone and the Continental Shelf;⁴⁹
2. With the Republic of Lithuania:

removal of criminals from the lists" dated 27 February 1802, Complete Collection of Laws of the Russian Empire, No. 20163; Nominative Supreme Decree issued to Field Marshal-General Count N.I. Saltykov "On the disposition of sums relating to the Order of St. John of Jerusalem" of 26 February 1810, Complete Collection of Laws of the Russian Empire, No. 24134; Supreme approval of the Regulations of the Committee of Ministers "On prohibiting those currently receiving the Order of St. John of Jerusalem from wearing it", of 20 January 1817, Complete Collection of Laws of the Russian Empire, No. 26626 (URL: http://nlr.ru/e-res/law_r/search.php). Relations with the Order of Malta were restored on 21 October 1992, by the Protocol on the Restoration of Official Relations between the Russian Federation and the Order of Malta (URL: <http://docs.cntd.ru/document/901866494>).

⁴⁶ United Nations delimitation treaties infobase (URL:

<https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/SWE-POL-RUS1989MB.PDF> [English: <https://treaties.un.org/doc/Publication/UNTS/Volume%201590/v1590.pdf>]).

⁴⁷ Legal Department, Ministry of Foreign Affairs of the Russian Federation, multilateral treaties (URL:

https://www.mid.ru/foreign_policy/international_contracts/multilateral_contract/-/storage-viewer/multilateral/page-1/50445 [English:

<https://treaties.un.org/doc/Publication/UNTS/No%20Volume/53411/Part/I-53411-080000028045a2f2.pdf>])

⁴⁸ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL:

https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/49141 [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/RUS.htm>]);

⁴⁹ Legal Department, Ministry of Foreign Affairs of the Russian Federation Bilateral treaties URL:

https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/49119 [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/RUS.htm>];

- 1997 Treaty between the Republic of Lithuania and the Russian Federation on the Delimitation of the Exclusive Economic Zone and the Continental Shelf in the Baltic Sea.⁵⁰
3. With the Kingdom of Norway:
- 1957 Agreement between the Royal Norwegian Government and the Government of the Union of Soviet Socialist Republics concerning the sea frontier between Norway and the USSR in the Varangerfjord⁵¹
 - 1957 Descriptive Protocol relating to the sea frontier between Norway and the Union of Soviet Socialist Republics in the Varangerfjord, demarcated in 1957;⁵²
 - 2007 Agreement between the Russian Federation and the Kingdom of Norway on the Maritime Delimitation in the Varangerfjord area;⁵³
 - 2010 Treaty between the Kingdom of Norway and the Russian Federation concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean⁵⁴
4. With the Kingdom of Sweden:
- 1988 Agreement on Principles for the Delimitation of the Sea Areas in the Baltic Sea between the Kingdom of Sweden and the Union of Soviet Socialist Republics;⁵⁵
 - 1988 Agreement between the Government of the Kingdom of Sweden and the Government of the Union of Soviet Socialist Republics on the delimitation of the continental shelf and of the Swedish fishery zone and the Soviet economic zone in the Baltic Sea⁵⁶

⁵⁰ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/47473 [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/LTU-RUS1997CS.PDF>]);

⁵¹ Electronic collection of legal and normative-technical documentation (URL:

<http://docs.cntd.ru/document/190087> [English:

<https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/NOR-RUS1957DP.PDF>].

⁵² United Nations delimitation treaties infobase (URL:

<https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/NOR-RUS1957DP.PDF> [English:

<https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/RUS.htm>])

⁵³ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL:

https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/45728 [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/RUS.htm>]);

⁵⁴ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL:

https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/45058; [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/NOR-RUS2010.PDF>])

⁵⁵ United Nations delimitation treaties infobase (URL:

<https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/SWE-RUS1988DS.PDF>)

⁵⁶ "Marine Regions" geographic information system (URL: <http://www.marineregions.org/documents/volume-1557-I-27075-English.pdf>).

5. With the Republic of Poland:

- 1957 Treaty between the Union of Soviet Socialist Republics and the Polish People's Republic concerning the Demarcation of the Existing Soviet-Polish State Frontier in the Sector Adjoining the Baltic Sea;⁵⁷
- 1958 Protocol between the Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republic's concerning the Delimitation of Polish and Soviet Territorial Waters in the Gulf of Gdansk of the Baltic Sea⁵⁸
- 1969 Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the boundary of the continental shelf in the Gulf of Gdansk and the south-eastern part of the Baltic Sea;⁵⁹
- 1985 Treaty between the Polish People's Republic and the Government of the Union of Soviet Socialist Republics on the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Fishery Zone and the Continental Shelf in the Baltic Sea⁶⁰

6. With the United States of America:

- 1990 Agreement between the United States of America and the Union of Soviet Socialist Republics on the maritime boundary (*provisionally applied from 15 June 1990*).⁶¹

7. With the Republic of Turkey:

- 1973 Protocol between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Turkey concerning the establishment of the maritime boundary between Soviet and Turkish territorial waters in the Black Sea;⁶²
- 1978 Agreement between the Government of the Republic of Turkey and the Government of the Union of Soviet Socialist Republics concerning the Delimitation of

⁵⁷ Garant legal reference system (URL: <http://base.garant.ru/2566878/> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/RUS-POL1957SF.PDF>])

⁵⁸ United Nations delimitation treaties infobase (URL: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/POL-RUS1958TW.PDF>)

⁵⁹ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/1901463> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/POL-RUS1969CS.PDF>])

⁶⁰ Garant legal reference system (URL: <http://base.garant.ru/2558093/> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/RUS.htm>])

⁶¹ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/48960 [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/USA-RUS1990MB.PDF>])

⁶² Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-12/57867 [English: <https://treaties.un.org/doc/Publication/UNTS/Volume%20990/volume-990-I-14475-English.pdf>]);

the Continental Shelf Between the Republic of Turkey and the Union of Soviet Socialist Republics in the Black Sea;⁶³

- Exchange of Notes constituting an Agreement on the Delimitation of the USSR and Turkey Economic Zone in the Black Sea, 23 December 1986 and 6 February 1987.⁶⁴

8. With the Republic of Finland:

- 1965 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning the boundaries of sea areas and of the continental shelf in the Gulf of Finland⁶⁵
- 1967 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning the boundary of the continental shelf between Finland and the Soviet Union in the north-eastern part of the Baltic Sea⁶⁶
- 1980 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics regarding the Delimitation of the Areas of Finnish and Soviet Jurisdiction in the Field of Fishing in the Gulf of Finland and the North-Eastern Part of the Baltic Sea;⁶⁷
- 1985 Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics regarding the delimitation of the economic zone, the fishing zone and the continental shelf in the Gulf of Finland and in the North-Eastern part of the Baltic Sea⁶⁸

9. With the Republic of Estonia:

⁶³ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/901744560> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TUR-RUS1978CS.PDF>]).

⁶⁴ United Nations delimitation treaties infobase (URL: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/RUS-TUR1987EZ.PDF>)

⁶⁵ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/1900591> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/FIN-RUS1965CS.PDF>])

⁶⁶ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/1900592> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/FIN-RUS1967CS.PDF>])

⁶⁷ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/1900593> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/FIN-RUS1980BS.PDF>])

⁶⁸ Electronic collection of legal and normative-technical documentation (URL: <http://docs.cntd.ru/document/1900594> [English: <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/FIN-RUS1985EZ.PDF>])

- 2014 Agreement between the Russian Federation and the Republic of Estonia on Maritime Delimitation in Narva Bay and the Gulf of Finland, 2014 (*has not entered into force*).⁶⁹

⁶⁹ Legal Department, Ministry of Foreign Affairs of the Russian Federation, bilateral treaties (URL: https://www.mid.ru/foreign_policy/international_contracts/2_contract/-/storage-viewer/bilateral/page-1/44210)