

**Submission from the United States to the International Law Commission  
on “Sea-level rise in relation to international law”**

**December 1, 2022**

**Introduction**

The United States welcomes the opportunity to provide this submission in response to the International Law Commission’s request for certain information related to “sea-level rise in relation to international law.”<sup>1</sup> The United States is grateful for the work of the several Co-Chairs of the study group on sea-level rise in relation to international law, Mr. Bogdan Aurescu, Mr. Yacouba Cissé, Ms. Patrícia Galvão Teles, Ms. Nilüfer Oral and Mr. Juan José Ruda Santolaria. The below information is not intended to be exhaustive; the United States welcomes further discussion with and queries from the Commission or Study Group on this topic.

**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;**

The United States has issued Presidential Proclamations relating to its Exclusive Economic Zone,<sup>2</sup> territorial sea,<sup>3</sup> and contiguous zone.<sup>4</sup> These proclamations established or extended the maritime zones of the United States, consistent with the international law of the sea as reflected in the United Nations Convention on the Law of the Sea. Subsequent U.S. policy relating to its maritime zones has been carried out consistent with these proclamations. The United States has, from time to time, published notices regarding the limits of its maritime zones.<sup>5</sup> The United States established in 1970 the U.S. Baseline Committee, which consists of U.S. Federal agencies with administrative interests and responsibilities related to maritime zones. The U.S. Baseline Committee coordinates U.S. policy relating to baselines from which the outer limits of U.S. maritime zones are determined.

The United States does not have a regular practice of depositing changes to its maritime limits with the Secretary-General of the United Nations for publication in maritime zone notifications. From time to time, the United States has submitted documentation to the United Nations Division for Ocean Affairs and the Law of the Sea, including U.S. legislation relevant to

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<sup>1</sup> UN Doc. A/77/10 at 26.

<sup>2</sup> Proclamation 5030, March 10, 1983, available at [https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA\\_1983\\_Proclamation.pdf](https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA_1983_Proclamation.pdf)

<sup>3</sup> Proclamation 5928, December 27, 1988, available at [https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA\\_1988\\_Proclamation.pdf](https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA_1988_Proclamation.pdf)

<sup>4</sup> Proclamation 7219, September 2, 1999, available at [https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA\\_1999\\_Proclamation.pdf](https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/USA_1999_Proclamation.pdf)

<sup>5</sup> E.g., 60 FR 43825, August 23, 1995, available at <https://www.federalregister.gov/documents/1995/08/23/95-20794/exclusive-economic-zone-and-maritime-boundaries-notice-of-limits>

the law of the sea, published notices regarding its maritime zones, and maritime boundary delimitation agreements to which it is a party.<sup>6</sup>

**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;**

The United States agency responsible for charts depicting the limits of its maritime zones is the National Oceanic and Atmospheric Administration (NOAA). NOAA updates its suite of nautical chart products based upon new source as it is received. The prioritization of chart updates is based upon the criticality of the new source and resources available to action this new source. The U.S. Baseline and Maritime Limits are updated on NOAA charts as changes are noted from incoming source and when those changes are reviewed by the U.S. Baseline Committee. For further information on NOAA's processes related to the U.S. Baseline and maritime limits and boundaries, please see <https://nauticalcharts.noaa.gov/data/us-maritime-limits-and-boundaries.html>.

The United States's practice is to publicize changes to its baselines and its maritime zone limits through the update of NOAA nautical charts. Information and data regarding U.S. maritime zones is available at the NOAA website mentioned above.

**Examples of the taking into account or modification of maritime boundary treaties due to sea-level rise;**

The United States does not view changes in coastal baselines due to sea-level rise as requiring modification to its maritime boundary treaties with neighboring coastal states. The United States does not have a practice of modifying its maritime boundary delimitation agreements based on changes due to sea-level rise.

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<sup>6</sup> <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/STATEFILES/USA.htm>

**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;**

The United States makes data from NOAA coastal elevation models publicly available,<sup>7</sup> and information on coastal change hazards, including assessments of potential coastal impacts of sea-level rise, is available through the U.S. Climate Resilience Toolkit.<sup>8</sup>

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

The United States publishes a National Climate Assessment, which includes information on impacts, risks, and adaptation related to climate change in the United States, including as relating to sea-level rise.<sup>9</sup> Information regarding the United States international efforts to assist developing countries in adapting to and managing the impacts of climate change can be found in the PREPARE Action Plan.<sup>10</sup>

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<sup>7</sup> See <https://www.ncei.noaa.gov/products/coastal-elevation-models>, [https://catalog.data.gov/dataset/digital-elevation-models-from-noaa-ngdc#:~:text=Digital%20elevation%20models%20\(DEMs\)%20of,%2C%20social%2C%20and%20environmental%20needs.](https://catalog.data.gov/dataset/digital-elevation-models-from-noaa-ngdc#:~:text=Digital%20elevation%20models%20(DEMs)%20of,%2C%20social%2C%20and%20environmental%20needs.), and <https://noaa.maps.arcgis.com/home/item.html?id=d41f39c8a6684c54b62c8f1ab731d5ad>.

<sup>8</sup> See <https://toolkit.climate.gov/tool/usgs-coastal-change-hazards-portal>

<sup>9</sup> Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States, available at <https://nca2018.globalchange.gov/>

<sup>10</sup> PREPARE Action Plan, September 2022, available at [www.whitehouse.gov/prepare](http://www.whitehouse.gov/prepare)