

PERMANENT MISSION OF
ARMENIA
TO THE UNITED NATIONS

UNGA 77th Session

Sixth Committee

Report of the International Law Commission on the work of its seventy
third session: Cluster II

Statement by the Delegation of Armenia

28 October 2022

Mr. Chair,

Armenia supports the continued work of the International Law Commission on its project
and practical topic and commend the approach of the Special Rapporteur in openly setting
out her deductive approach from State practice towards progressive development. We consider
this project to be an example of the benefit that results from time spent by the Commission
(fifteen years to date) work on an important topic in a deliberate manner. We also consider
it to be a valuable topic due to the product being well

or official capacity, by Heads of State, Heads of Government and Ministers for Foreign Affairs during or prior to WKHLU WHUP RI RIILFH¶

It will be important to give due consideration to the future action on the draft Articles after they have been adopted by the Commission at second reading.

Mr Chair,

We welcome WKH GHFLVLRQ RI WKH & RPPLVLRQ WR FRQWLQXH through an open-ended Study Group. This is an important topic in contemporary international relations, which will only become more so, as the effects of climate change continue. The list of topics identified by the Study Group, such as the protection of displaced persons and preservation of legal rights of States affected by sea level rise, are already beginning to emerge as submergence of land happens. We consider the engagement of Members of the Commission with the work of learned societies in this area, notably the Committee on Sea Level Rise of the International Law Association, to be valuable.

It is important to take account of pertinent State practice that might be applied by analogy to the issues to be examined by the Study Group. This may well include questions of statehood as well as those related to the preservation of maritime rights. We note that sea level rise occurring in response to climate change is a novel phenomenon without precedent. Accordingly, we see merit in engaging with progressive development in this area due to the likelihood that State practice, even by analogy, will not deal with all of these issues in this unique area.

Concerning the scope of the work and the potential products, we recommend that the Commission take a decision in the near future to enable it to effectively plan and structure its work. For certain aspects of the project, such as statehood and the protection of displaced persons, a report might be the best medium through which to communicate its findings, as was GRQH IRU WKH μ)UDJPHQWDLR. This is a legal, not a political, matter. It might be that other questions, such as maritime entitlements, would be suitable to more tangible proposals for legal reform, which requires careful consideration as to the way forward.

Finally, we note the proposal to establish a Special Rapporteur Trust Fund set out in Annex II of the Report, which could play an important role in mobilizing contributions from both public and private bodies.

I thank you Mr. Chair.

⁵ A/CN.4/729, p.69 (Annex I) *emphasis added*. See, e.g., *Arrest Warrant of 11 April 2000 Case (Democratic Republic of the Congo v. Belgium (Judgment))* [2002] ICJ Rep. 3, 19-20 (para. 47), 22 (paras 54-55).

⁶ Concerning the effect of sea level rise on maritime boundaries, see Árgadóttir, *Climate Change and Maritime Boundaries: Legal Consequences of Sea Level Rise* (Cambridge University Press, 2022).

⁷ A/CN.4/L.682.