

ANNEX 1.

DETAILED STATE PRACTICE CONCERNING SMALL ISLAND STATEHOOD FUTURES IN THE CONTEXT OF CLIMATE CHANGE

1. ALBANIA	
Submissions to the ICJ	<i>Clearly expressed opinion supportive of state continuity</i> In the context of this case, environmental harm and its impact on climate change is irreversible and hence restitution, at least insofar as it concerns the restoration of the climate system to its previous state, is impossible. However, that is not to say that restitution might not be possible under certain circumstances. For example, it could be used to recognise the sovereignty, territory and maritime entitlements of States, peoples and vulnerable individuals perpetually. ¹
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹ Written Statement of the Republic of Albania on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240321-wri-07-00-en.pdf>> last accessed May 2025, para 136.

2. ALGERIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>The phenomenon of sea-level rise presents a significant challenge that directly affects the interests of the international community. It results from climate change and global warming and poses serious threats to many coastal populations, particularly in low-lying island States.</p> <p>Given the consequences of sea-level rise, Algeria emphasizes the need for greater cooperation among all States to find effective solutions to address the impacts of this phenomenon.</p> <p>Sea-level rise also raises important questions of international law, including the legal status of States, the protection of affected persons, and maritime boundary issues.</p> <p>Accordingly, Algeria stresses the need to anticipate possible future scenarios and to develop coherent legal approaches to mitigate and adapt to sea-level rise.</p> <p>We also highlight the importance of ensuring the involvement of experts and stakeholders in developing legal responses to the global challenge of sea-level rise, and in upholding the rights of States whose very existence is threatened by this phenomenon.²</p>
Submissions to the ILC	-

² Statement of Algeria, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_algeria_1.pdf> last accessed 16 June 2025, 3-4 (translated from the original Arabic statement with the assistance of ChatGPT (OpenAI)).

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

3. ANTIGUA AND BARBUDA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... after a State's initial creation, there was a fundamental presumption of continuity of statehood in international law, a principle that had existed since the Peace of Westphalia and had been consciously applied multiple times.³</p> <p>... the potential loss of land territory that small island developing States faced as a consequence of sea-level rise was an anthropogenic phenomenon, not a natural one; to use an analogy, it was as if their land territory was being invaded as a result of the actions or inactions of other States. To deprive the affected States of their sovereignty would be contrary to a century of State practice as well as to the Alliance's interpretation of the relevant law, and would also represent an unacceptable exertion of power by larger States that was contrary to the principle of self-determination enshrined in the common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which established the right of all peoples to "freely determine their political status and freely pursue their economic, social and cultural development". The members of the Alliance believed that, once a State had been created by a people expressing their right to self-determination through statehood, that statehood would cease only if</p>

³ Statement of Antigua and Barbuda on behalf of the AOSIS, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.28>> last accessed May 2025, para 3.

	<p>another form of expression of the right to self-determination was explicitly sought and exercised by the people. The exercise of that right was the only determinant of the State's continuity.⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>What is consistent, in all scenarios where a State has lost one or more of the Montevideo criteria, is that there has been a strong presumption by the international community that the State shall continue despite the loss of one or more criteria.⁵</p> <p>Antigua and Barbuda considers that considerations of fairness and equity mean that it is critically important that international law operates to maintain the existence of established States. A failure to do so would result in inequitable and unfair treatment of States that are severely affected by rising sea levels, who would be disproportionately affected by any change to their status of statehood, notwithstanding that they have contributed virtually nothing to the climate crisis.⁶</p>

⁴ ibid para 4.

⁵ Submission of Antigua and Barbuda to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 77.

⁶ ibid.

	... the common interpretation of these Montevideo criteria has always been that the criteria apply to the creation of the State. ⁷
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

4. ARGENTINA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>... rising sea levels represented one of the greatest threats to the survival and growth prospects of many small island developing States, including for some, through the loss of territory. There were cases where small island developing States might find themselves in a highly vulnerable situation, where their survival as a State might be in play owing to the impact of rising sea levels. Adequate and effective responses should be considered to ensure that the members of the international community could cooperate and coordinate with each other in specific situations.⁸</p> <p><i>Limited</i></p>

⁷ *ibid.*

⁸ Statement of Argentina at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 34.

	... stressed that the Commission should focus on the legal aspects of the topic, in accordance with its mandate, and take a prudent approach in its analysis of possible alternatives regarding the preservation of international legal personality in cases of loss of territory as a result of sea-level rise. ⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

5. ARMENIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>An intricate issue is whether an existing ‘island’ within the meaning of Article 121 of the 1982 UN Convention on the Law of the Sea that becomes submerged continues to satisfy the customary criterion of ‘territory’ for Statehood. Dynamic interpretation through subsequent State practice within the meaning of Article 31 of the Vienna Convention on the Law</p>

⁹ Statement of Argentina at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 30.

	<p>of Treaties could enable the submerged island to remain an ‘island’ for the conservation of Statehood as well as existing maritime entitlements ...¹⁰</p> <p>As the customary criterion of ‘population’ is a flexible one, recognition by other States can be of considerable importance. A flexible interpretation of the ‘population’ criterion could enable a submerged State to retain its Statehood even if most or all of its population were relocated to the territory of another State.¹¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

6. AUSTRALIA

Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Australia was also proud to join with Pacific Island Forum members in November 2023 to endorse the Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate-Change-Related Sea-Level Rise. The 2023 Declaration affirms that international law supports a presumption of continuity of statehood and also declares that Pacific</p>
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¹⁰ Statement of Armenia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/25mtg_armenia_1.pdf> last accessed 16 June 2025, 1.

¹¹ ibid 2.

	<p>Island Forum Members individually and collectively bear an important responsibility to protect persons affected by climate change-related sea-level rise.¹²</p> <p>On 9 November 2023, Australia and Tuvalu signed the Australia-Tuvalu Falepili Union. It is a unique agreement that responds to modern challenges, including the existential threat posed by climate change. Through the Falepili Union, Australia recognises that the statehood and sovereignty of Tuvalu will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.¹³</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>We are pleased to be working with our Pacific partners and others in taking steps to preserve their statehood and protect the human rights of persons affected by sea-level rise.¹⁴</p> <p>We were proud to join the ground-breaking Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise, endorsed by Pacific Island Forum Leaders in November 2023 (the 2023 Declaration). The 2023 Declaration affirms that the statehood and sovereignty of Members of the Pacific Island Forum will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea level rise.¹⁵</p>

¹² Written Statement of Australia on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240326-wri-02-00-en.pdf>> last accessed May 2025, para 1(18).

¹³ *ibid* para 1(19).

¹⁴ Statement of Australia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_australia_1.pdf> last accessed 16 June 2025, 4.

¹⁵ *ibid* 4-5.

	<p>Together, the 2021 [Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea Level Rise] and 2023 Declarations set out regional positions with respect to the novel and complex issues posed by climate change-related sea level rise.¹⁶</p> <p>We are also committed to transforming these initiatives into concrete action. This is reflected in the historic Australia-Tuvalu Falepili Union Treaty, which recognises for the first time in a legally binding instrument Tuvalu's continuing statehood and sovereignty, notwithstanding the impact of climate change-related sea level rise.¹⁷</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	No, non-member
Other	<i>Clearly expressed opinion supportive of state continuity</i>

¹⁶ ibid 5.

¹⁷ ibid 6.

	[T]he statehood and sovereignty of Tuvalu will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise ¹⁸
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7. AUSTRIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Acknowledgement of or expressed interest in different options</i></p> <p>... Austria recalled that the Co-Chairs, in the second issues paper, had referred to a number of possible alternatives that would allow a State to maintain some form of international legal personality without a territory, including the cession or assignment of segments or portions of territory to other States, association with one or more other States and the establishment of confederations or federations.¹⁹</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>The example of the situation of the Baltic States from 1940 to 1990 mentioned in the discussion differs from the problem caused by sea-level rise insofar as in this case it was an issue of loss of effective governmental control over a State's territory caused by an occupation in violation of international law. In contrast, the problematic situation of the States affected by sea-level rise relates to the permanent partial or complete loss of territory.²⁰</p>

¹⁸ Australia-Tuvalu Falepili Union (Australia-Tuvalu) (adopted 09 November 2023, entered into force 28 August 2024) <<https://www.dfat.gov.au/sites/default/files/australia-tuvalu-falepili-union-treaty.pdf>> last accessed 25 June 2025, art 2(2)(b).

¹⁹ Statement of Austria at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 34.

²⁰ Statement of Austria, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_austria_1.pdf> last accessed 16 June 2025, 5.

	<p>Austria appreciates that the [ILC] Study Group has examined in detail the various aspects of the problem of the continuation of statehood in relation to sea-level rise. In view of the enormous breadth of this subject, we believe that now the Commission should confine itself to defining several criteria for the continuation of statehood, drawing a clear distinction between situations of partial or complete loss of territory.²¹</p> <p>The Pacific Islands Forum Leaders' Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise would be a useful starting point for the drafting of this final report.²²</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

8. BAHAMAS (THE)	
Submissions to the ICJ	<i>Clearly expressed opinion supportive of state continuity</i>

²¹ *ibid.*

²² *ibid* 6.

	<p>The Bahamas submits that States have an obligation to cooperate in establishing a clear, predictable, and fair legal framework that preserves maritime entitlements from the potential effects of sea level rise and addresses issues of continued statehood.²³</p> <p>The duty of cooperation extends beyond the preservation of baselines. Because territory is an essential aspect of statehood, sea level rise poses a threat to the very survival of States as legal subjects. States have recognised that the existential threat of climate-induced sea level rise will require a more flexible and equitable approach to statehood. However, there is need for cooperation to ensure the continued recognition of the statehood of vulnerable Small Island States. This principle has been affirmed most recently by the Pacific Islands Forum’s 2023 Declaration on Statehood which calls upon the international community “to support this Declaration and cooperate in achieving its purposes, consistent with the duty to cooperate and principles of equity and fairness”.²⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Dozens of written statements [referring to the statements submitted to the ICJ] have also addressed the issue of continued statehood. Notably, no Participant has contested the principle that sea level rise does not eviscerate the legal personality of a State. Therefore, The Bahamas agrees with COSIS that the “presumption of the continuation of the State is a well-established principle of international law” and submits that it should apply to the context of sea level rise. Just as The</p>
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²³ Written Statement of the Commonwealth of the Bahamas on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-04-00-en.pdf>> last accessed May 2025, para 224.

²⁴ *ibid* para 226.

	<p>Bahamas, the Forum Fisheries Agency and the Pacific Island Forum also framed continuity of statehood as consistent with the bedrock duty of cooperation.²⁵</p> <p>Accordingly, the Participants have broadly endorsed The Bahamas’ position that States’ duty to cooperate entails establishing a clear legal framework to address the territorial issues presented by climate change-related sea level rise, including the preservation of maritime entitlements and statehood. In developing this framework, States should in turn take account of the well-supported and unopposed views that States maintain their existing maritime delimitations, entitlements and statehood in the face of sea level rise.²⁶</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>

²⁵ Written Comments of the Commonwealth of the Bahamas on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (14 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240814-wri-01-00-en.pdf>> last accessed May 2025, para 96.

²⁶ *ibid* para 97.

Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the Bahamas states that there is a presumption of the continuation of statehood that is unaffected by the provisions of the Convention on Rights and Duties of States, as those provisions do not appropriately address the question of continuing statehood. The expression of the right to self-determination is paramount.²⁷</p>
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela.²⁸</p>

9. BANGLADESH	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-

²⁷ Submission of Bahamas to the ILC (2024) as reported in the Final ILC Co-Chairs Report, para 278.

²⁸ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

10. BARBADOS	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

11. BELARUS	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>... in the context of international law, it is more relevant to consider sea-level rise in relation to the law of the sea than in relation to issues of loss or reduction of territory. Belarus pointed out that although the consequences for a State's existence of the loss of all or some of its land territory was a matter of scholarly and practical interest, such situations were unlikely to arise in the near future.²⁹</p> <p><i>Limited</i></p> <p>The Belarusian delegation has studied with interest the materials developed by the [ILC] open-ended study group on the topic of sea-level rise in relation to international law. We reiterate our position on the importance and timeliness of this issue for the international community. At the same time, we note the broad context of the issues under study, as a whole</p>

²⁹ Statement of Belarus at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 40.

	<p>range of international legal spheres are involved, which considerably expands and certainly complicates the tasks set out before the study group.</p> <p>In that connection, it seems necessary to exercise reasonable caution when working on this topic and not to go beyond the mandate of the study group.³⁰</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

12. BELIZE	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p>

³⁰ Statement of Belarus, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_belarus_1.pdf> last accessed 16 June 2025, 5 (translated from the original Belarusian statement with the assistance of DeepL).

	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

13. BOLIVIA (PLURINATIONAL STATE OF)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

14. BRAZIL	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... a presumption of continuity could be an acceptable starting point for the Commission's [ILC] consideration of the issue of statehood in the context of the potential impact of sea-level rise.³¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On the issue of statehood, Brazil favors the notion of continuity in the case of States whose land surface might be submerged due to sea-level rise.³²</p> <p>While the elements set out in article 1 of the 1933 Montevideo Convention on the Rights and Duties of States are essential to the creation of States, they are not necessarily indispensable for its continued existence.³³</p>

³¹ Statement of Brazil at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 26.

³² Statement of Brazil, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_brazil_1.pdf> last accessed 16 June 2025, 6.

³³ *ibid.*

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

15. BULGARIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>With regard to the subtopic on statehood which was a particular focus of this year's work on the ILC, we would like to express our support for the presumption of continuity of statehood for countries whose territories may be partially or entirely submerged due to rising sea levels. It is our understanding that this continuity is vital for maintaining international stability, securing sovereign rights, and upholding the principles of self-determination and territorial integrity. It should be noted that this continuity also applies to insular state territory whether inhabited or uninhabited.³⁴</p> <p>... it is Bulgaria's understanding that legal discussions on the topic of sea-level rise in relation to continuity of statehood, maritime zones, baselines, and delimitation should take into due account the importance of preserving the boundaries and</p>

³⁴ Statement of Bulgaria, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_bulgaria_1.pdf> last accessed 16 June 2025, 4.

	rights of coastal states over their maritime spaces, established in line with the principles and relevant provisions of the Convention and the principle of legal stability. ³⁵
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

16. BURKINA FASO	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

³⁵ *ibid.*

Participation in the AOSIS Declaration	No, non-member
Other	-

17. CABO VERDE	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

18. CAMEROON	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>My delegation finds particularly noteworthy the Commission's [ILC] focus on the presumption of continuity of states directly affected by sea-level rise, which evidently has implications for preserving states' sovereign rights over their territories, including the maritime areas under their jurisdiction.³⁶</p> <p>As the Commission itself notes, the non-preservation of these rights would, in addition to posing serious threats to international peace and security, create situations that are manifestly unjust, inequitable, arbitrary, and unpredictable, as it would undermine legal certainty and the acquired rights of the states concerned, especially in terms of loss of territory and resources, or even sovereignty, and harm to the rights and status of persons, potentially leading to situations of statelessness.³⁷</p>

³⁶ Statement of Cameroon, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_cameroon_1.pdf> last accessed 16 June 2025, 4 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

³⁷ *ibid.*

	<p>Therefore, my delegation is convinced that international cooperation on this subject remains fundamental to finding joint solutions to the practical difficulties posed by sea-level rise.³⁸</p> <p>Let us recall that those who are most threatened by sea-level rise are those who contributed least to the problem. The preservation of baselines and maritime rights reflects not only the fundamental principles of equity and legal stability, but also notions of climate justice.³⁹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

19. CANADA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Limited</i>

³⁸ ibid 4-5.

³⁹ ibid 5.

	<p>The lines of inquiry of the ILC study group are essential to develop a global understanding of the unprecedented legal implications of sea-level rise for statehood, displaced populations, and delimitation.⁴⁰</p> <p>Canada reiterates the importance of maintaining stability of the jurisdiction of coastal states, of preserving the legitimacy of baselines and maritime zones, and the associated rights and entitlements, established in accordance with international law.⁴¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

20. CHILE	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Expressed opinion, sceptical</i>

⁴⁰ Statement of Canada, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_canada_1.pdf> last accessed 16 June 2025, 3.

⁴¹ *ibid.*

	<p>... urged the Commission to approach the issue with particular caution as it examined in more detail the conditions and practical implications of such a presumption of continuity and whether and under what conditions it could be maintained indefinitely. They noted that the Committee should bear in mind that situations of a temporary nature – such as cases of Governments in exile – would not be comparable to those of States that were completely submerged or uninhabitable owing to rising sea levels, as the latter scenario would rather be of an irreversible nature.⁴²</p> <p><i>Limited</i></p> <p>Chile considered that it would be helpful to reconsider the application of the principle that “the land dominates the sea”, and that of permanent sovereignty over natural resources, in the context of the subtopic of statehood.⁴³</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>Chile stated that there were no rules of international law in force that regulated the loss of statehood. The provisions of the Convention on Rights and Duties of States had been widely recognized as reflecting customary international law, but they did not regulate that matter.⁴⁴</p> <p>Chile took the view that it was preferable to refer to a presumption of continuity rather than to a principle of continuity; affirming the existence of such a principle as a source of international law would seem to suggest that States had unlimited continuity in time, which was incorrect. The legal foundation for the presumption of continuity lay primarily in the right</p>
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⁴² Statement of Chile at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 28.

⁴³ Statement of Chile at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 64.

⁴⁴ Statement of Chile at the UNGA Sixth Committee (2024) as reported in the Final ILC Co-Chairs Report, para 173.

	to self-determination of peoples, but also in the right of States to preserve their existence and in the principles of stability and legal certainty. ⁴⁵
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

21. CHINA (PEOPLE'S REPUBLIC OF CHINA)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The Montevideo Convention's four criteria (permanent population, defined territory, government, and capacity for foreign relations) were discussed. Some members argued that these define only acquisition, not continuity of statehood, and that continuity should be presumed. Others emphasized affected States can take measures to maintain statehood (e.g., artificial islands). The 2023 Pacific Islands Forum declaration, which presumes continuity of statehood despite sea-level</p>

⁴⁵ ibid para 262.

	<p>rise, is noted positively. China agrees that island states should not lose statehood solely due to sea-level rise, as that would be unjust and destabilizing.⁴⁶</p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>The [ILC] Study Group also proposed alternatives such as unions, confederations, or special legal arrangements. Some members suggested these are political choices, not legal prescriptions. China agrees that such solutions must not be imposed and appreciates the cautious tone of the discussions.⁴⁷</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

22. COLOMBIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood

⁴⁶ Statement of China, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_china_1.pdf> last accessed 16 June 2025, 6 (translated from the original Chinese statement with the assistance of ChatGPT (OpenAI)).

⁴⁷ *ibid* 7.

UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>In particular, we would like to invite the [ILC] Study Group to continue studying the theme of the presumption of continuity of states with greater rigor, given its significance. We are aware of the important effects that the conclusions reached on this matter would produce, and in fact, Colombia considers that impacted states have the right to preserve their existence and that, therefore, this presumption is likely the most desirable outcome for our collective future. However, what we expect from the [ILC] Commission is that any conclusion in this regard—and in particular concerning the application or non-application of the Montevideo Convention—be based on sufficient legal grounds and be duly supported by the corresponding general practice of states.⁴⁸</p>
Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Rising sea levels can result in the partial submergence of territory, which could become uninhabitable, or the total submergence of the land surface; in either situation, sea-level rise should not lead to the automatic disappearance or extinction of a state as such.⁴⁹</p> <p>A State's continuity does not depend exclusively on the physical existence of the territory. However, in the view of Colombia, these matters are not fully covered by existing international law and must therefore be regulated by states through unilateral or joint declarations and regional or global practices that may give rise to custom or treaties.⁵⁰</p>
Participation in the PIF Declaration	No, non-member

⁴⁸ Statement of Colombia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_colombia_1.pdf> last accessed 16 June 2025, 3-4 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

⁴⁹ Submission of Colombia to the ILC (2024) as reported in the Final ILC Co-Chairs Report, para 287.

⁵⁰ *ibid* para 288.

Participation in the AOSIS Declaration	No, non-member
Other	-

23. COMOROS	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... climate change threatens vulnerable states, undermining their right to territorial integrity, permanent sovereignty over their natural resources, and also their fundamental right to survival and the right of peoples to self-determination.⁵¹</p> <p>... climate change attributable to polluting States threatens “the fundamental right of every State to survival”, recognised by this Court [the ICJ] in its 1996 advisory opinion, particularly in the case of small island states for whom the threat of submergence is existential.⁵²</p> <p>The Comoros argues that this fundamental right to survival entails the recognition of the continuity of the state and its international borders even in the event of the disappearance under water of part of its land territory. It also entails a corresponding customary obligation to refrain from any act that would threaten the survival of another state. The Comoros maintains that this obligation imposes on polluting States the duty to reduce their greenhouse gas emissions that directly</p>

⁵¹ Oral Statement of Comoros on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (12 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241212-ora-01-00-bi.pdf>> last accessed June 2025, 70 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

⁵² *ibid.*

	threaten the territory of island states. This obligation may also be derived from the principle of non-harmful use of territory. ⁵³
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

⁵³ ibid.

24. COOK ISLANDS	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>The Cook Islands submits that distinct legal consequences arise for serious breaches of States’ obligations owed erga omnes, or in other words, to the international community as a whole.⁵⁴</p> <p>In applying these laws and principles to the breaches resulting from States’ engagement in the Relevant Conduct regarding GHG emissions and the Relevant Conduct regarding adaptation actions, the Cook Islands respectfully submits that the following legal consequences apply:⁵⁵</p> <p>The obligation of non-recognition of an illegal situation: This includes declaratory relief in the form of recognition of the sovereignty, statehood, territory and maritime boundaries of States despite the impacts of sea-level rise just as the Cook Islands outlines at Paragraph 111c. above as a required reparative measure of restitution, which reinforces the urgent importance of States’ obligations to provide such declaratory relief.⁵⁶</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

⁵⁴ Written Comments of the Cook Islands on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-01-00-ene.pdf>> last accessed May 2025, para 123.

⁵⁵ *ibid* para 125.

⁵⁶ *ibid* para 125(a).

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	<i>Clearly expressed opinion supportive of state continuity</i>

	Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ⁵⁷
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25. COSTA RICA	
Submissions to the ICJ	<i>Limited</i> Fundamental principles of international law, such as the right of peoples to self-determination and respect for territorial integrity, are called into question when states and peoples are deprived of their living conditions, their resources, their territories, and their maritime zones. ⁵⁸
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

⁵⁷ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025.

⁵⁸ Oral Statement of Costa Rica on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (04 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241204-ora-01-00-bi.pdf>> last accessed June 2025, 14-5 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

26. CÔTE D’IVOIRE	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Regarding the impact of sea level rise on the maritime rights of “particularly vulnerable” States, Côte d’Ivoire supports the arguments of Tonga, Latvia, the Solomons and others that the submerged “territory” and displaced “population” of such States would satisfy the customary criteria for statehood by the presumption of continuity. Through reinterpretation of the UNCLOS in State practice, maritime entitlements, including those connected to ambulatory baselines, should be retained by States while submerged “islands” should continue to satisfy the Article 121 definition.⁵⁹</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-
27. CROATIA	

⁵⁹ Oral Statement of the Republic of Côte d’Ivoire on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (04 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241204-ora-01-00-bi.pdf>> last accessed May 2025, 40.

Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion opposing state continuity</i></p> <p>For Croatia, if a State were to lose its territory by being totally submerged as a result of sea-level rise, it could no longer be considered as a State.⁶⁰</p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>... argued that alternatives such as the creation of sui generis legal regimes, of non-territorial subjects of international law, could also be explored.⁶¹</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>Issues around the continuity of statehood in the face of sea-level rise and protection of persons are politically and legally complex, and moreover the applicable legal framework is fragmented. In this context, and despite that law of the sea aspects are addressed separately from the two sub-topics currently under discussion, we would like to reiterate our long-standing position on the need to fully preserve the integrity of the United Nations Convention on the Law of the Sea. We believe that international courts and tribunals play an important role in clarifying the applicable rules that guide the conduct of States and other actors in dealing with the climate change issues, including the sea-level rise and its effects, many of which are unprecedented.⁶²</p>
Submissions to the ILC	-

⁶⁰ Statement of Croatia at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 28.

⁶¹ *ibid* para 34.

⁶² Statement of Croatia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_croatia_123.pdf> last accessed 16 June 2025, 2-3.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

28. CUBA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Great caution was needed in considering the possible loss of statehood in relation to sea-level rise. It was vital to uphold the principle that, in the event that a small island State were to lose its territory as a result of sea-level rise, it would not lose its status as an international subject, with all the attributes thereof. International cooperation would play an essential role in that regard.⁶³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

⁶³ Statement of Cuba at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 188; Statement of Cuba, UNGA Sixth Committee (2023) <<https://docs.un.org/en/A/C.6/78/SR.25>> last accessed May 2025, para 92; Statement of Cuba, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_cuba_1.pdf> last accessed 16 June 2025, 5 (authors' translation).

	<p>... emphasized the case of loss of territory as a result of sea-level rise, stressing that in such cases the State would not automatically lose its status as a subject of international law.⁶⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

⁶⁴ Statement of Cuba at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 27.

29. CYPRUS	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Finally, as regards to questions of Statehood, we wish to highlight that the late Judge James Crawford, who devoted the last chapter of his treatise <i>The Creation of States in International Law</i>, noted that “[a] State is not necessarily extinguished by substantial changes in territory, population or government, or even, in some cases, by a combination of all three.” We look forward to receiving the upcoming materials on the subject and therefore reserve our views in this regard.⁶⁵</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On the doctrine of Statehood, Cyprus notes with interest the [ILC] Study Group’s focus on the criteria for the creation of a State as codified in the 1933 Montevideo Convention on the Rights and Duties of States, as well as the Commission’s analysis concerning the question of the loss of statehood and the right of each State to preserve its continued existence and independence. We would like to reiterate in the words of late Judge James Crawford that “[a] State is not necessarily extinguished by substantial changes in territory, population or government, or even, in some cases, by a combination of all three.”⁶⁶</p> <p>Legal stability is essential, not only in the context of preserving baselines and maritime zones as discussed in relation to the first sub-topic tasked to the Commission, but also with regard to the continuation of statehood and its paramount importance to the maintenance of international peace and security. We would also like to highlight the profound injustice</p>

⁶⁵ Statement of Cyprus, UNGA Sixth Committee (2021) <https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/22mtg_cyprus_2.pdf> last accessed May 2025, 4.

⁶⁶ Statement of Cyprus, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/25mtg_cyprus_1.pdf> last accessed 16 June 2025, 3.

	that would entail a possible termination of statehood solely because of the consequences of sea-level rise caused by climate change. ⁶⁷
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

30. CZECHIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>... emphasized that the questions of existence and continuity of statehood involved a high degree of politically sensitive considerations, where the specific circumstances of each individual case must be taken into account.⁶⁸</p> <p><i>Expressed opinion, not very clear or definite</i></p>

⁶⁷ *ibid.*

⁶⁸ Statement of Czechia at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 30.

	As regards first of these issues, we are of the opinion that the Commission should approach the question of the existence, continuity or discontinuity of a State in the context of a sea-level rise with caution, avoid overly speculative and academic discussions and focus on realistic and practical approaches to specific situations which might be the result of the sea-level rise. We concur with the opinions that the issue of statehood and its continuation should be particularly considered in the context of the protection of persons affected by sea-level rise. We also agree with the views expressed by some members that certain aspects of the topic require essentially political considerations and solutions by States and may not be suitable for legal considerations by the Study Group. ⁶⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

31. DEMOCRATIC REPUBLIC OF THE CONGO

Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-

⁶⁹ Statement of Czechia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_czech_1.pdf> last accessed 16 June 2025, 3.

Submissions to the ILC	-
Participation in the PIF Declaration	Non-member
Participation in the AOSIS Declaration	Non-member
Other	-

32. DENMARK	
Submissions to the ICJ	Participated in the proceedings jointly with Finland, Iceland, Norway, and Sweden, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2021. See the full statement under Iceland.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2024. See the full statement under Iceland.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	Non-member

Participation in the AOSIS Declaration	Non-member
Other	-

33. DOMINICA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

34. DOMINICAN REPUBLIC	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>In this respect, the Dominican Republic notes and supports the preliminary conclusion reached by the ILC Study Group on Sea Level Rise in Relation to International Law that:</p> <p>“With regard to small island developing States whose territory could be covered by the sea or become uninhabitable owing to exceptional circumstances outside their will or control, a strong presumption in favour of continuing statehood should be considered. Such States have to provide for their preservation, and international cooperation will be of particular importance in that regard.”⁷⁰</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>The Dominican Republic further notes with the view expressed by the ILA Committee on International Law and Sea-Level Rise, which in its 2024 Final Report concluded that:</p> <p>“Affected States not only have the right but to some extent also the duty to provide for their own preservation using the various means at their disposal – including through international cooperation. Such duty can be derived from States’ human rights obligation to protect the life, security and health of affected members of their population, guarantees that may</p>

⁷⁰ Written Submission of the Dominican Republic on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-39-00-en.pdf>> last accessed May 2025, para 4(39).

require taking physical measures to safeguard territory. The principle set out in Article 6 of the Montevideo Convention, that the recognition of a State is ‘unconditional and irrevocable’, provides for and supports the objective of international law to facilitate legal certainty and stability. In the Committee’s view, it should therefore be recognized as the key guidance for addressing the unprecedented challenge faced by low-lying SIDS in a mid- to long-term perspective, when most of their land territory may become uninhabitable or submerged in consequence of sea level rise”.⁷¹

... the Dominican Republic reiterates its view that the principle of territorial integrity as well as States’ fundamental right to survival must inform the Court’s interpretation of States’ international mitigation obligations under the international regime on climate change, as well as be recognised by the Court as self-standing obligations arising from Article 2, paragraph 4 of the UN Charter and governing Question A.⁷²

Clearly expressed opinion supportive of state continuity

While at present, the loss of statehood due to sea-level rise is still a foreseeable threat, more than it is an accomplished fact, the threat to survival in itself constitutes significant harm to the affected States. The Dominican Republic thus supports the view of the International Law Commission Study Group on sea-level rise in relation to international law, according to which, in the context of climate change, “a strong presumption in favour of continuing statehood should be considered”. The Dominican Republic respectfully requests that the Court endorse the ILC’s recommendation and acknowledge the

⁷¹ Written Comments of the Dominican Republic on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (04 July 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240704-wri-01-00-en.pdf>> last accessed May 2025, para 4(26).

⁷² *ibid* para 4(27).

	relevant developments in State practice referred to in the Dominican Republic’s written statement. As a representative of Fiji once explained to the General Assembly, “[a]ll else will be immaterial, if statehood is lost”. ⁷³
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

⁷³ Oral Statement of the Dominican Republic on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (10 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241210-ora-02-00-bi.pdf>> last accessed May 2025, 25.

35. ECUADOR	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

36. EGYPT	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On the question of statehood, Egypt supports that the principle of the continuity of the statehood of states whose land surface is partially or fully submerged or that has become uninhabitable because of sea-level rise caused by climate change. This is consistent with widespread and representative practice and opinio juris that confirms that states that experience a</p>

	situation where they lose one of the criteria of statehood listed in the 1933 Montevideo Convention do not lose their status as states. ⁷⁴
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

37. EL SALVADOR	
Submissions to the ICJ	<p><i>Limited</i></p> <p>The question then arises of what ensues when one of the elements of statehood disappears. If a State loses its territory as a result of climate change, does it cease to exist as a subject of international law? Total loss of territory is the most extreme of scenarios, but challenging legal questions are also posed when States incur partial losses of territory on a more gradual basis. What happens to the sovereign and jurisdictional rights that attached to the territory lost?⁷⁵</p>

⁷⁴ Statement of Egypt, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_egypt_1.pdf> last accessed 16 June 2025, 4-5.

⁷⁵ Written Statement of the Republic of El Salvador on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-25-00-en.pdf>> last accessed May 2025, para 54.

El Salvador is of the view that those are issues that the Court should address in its opinion. In doing so, it invites the Court to apply the doctrine of the “freezing of the baselines”, which safeguards the sovereign and jurisdictional rights of the States that could be affected by loss of territory due to by climate change.⁷⁶

Clearly expressed opinion supportive of state continuity

... those foundational principles [the principles of legal certainty and stability, including continued recognition, territorial integrity, self-determination, permanent sovereignty over natural resources, and the right of states to survival] call for the preservation of sovereign and jurisdictional rights in the face of climate change-induced sea level rise speaks to the systemic relevance of the issue. That is in itself a reason for the Court, as the principal judicial organ of the United Nations and the only international tribunal with general jurisdiction, to engage with it and draw the threads together. Just as human life needs to adapt to the physical changes caused by climate change, so does the international legal system as a whole. The sovereign and jurisdictional rights vested in statehood have long been viewed as resilient, and the present proceedings provide the Court with the opportunity to join the International Law Commission and the International Law Association in confirming that resilience. The Court can do so by affirming that States are entitled under international law to fix their baselines so that jurisdictional rights under the law of the sea are not affected by sea level rise, and by affirming a presumption of continuity of statehood for the extreme cases in which sea level rise causes the submersion of a State’s territory.⁷⁷

Clearly expressed opinion supportive of state continuity

⁷⁶ *ibid* para 55.

⁷⁷ Written Comment of the Republic of El Salvador on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (14 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240814-wri-04-00-en.pdf>> last accessed May 2025, para 11.

	<p>Secondly, we have the interlocking principles of territorial integrity, self-determination and permanent sovereignty over natural resources, which have been cited in the written submissions of several participants in these proceedings. Those principles form a package, a package that underpins the basic legal status of States as the main subjects of international law who get to represent their peoples on the international plane. And when applied to the present problem, those principles all point to a solution of stability, of continuity, of preservation of existing sovereign and jurisdictional rights that may be affected by climate change.⁷⁸</p> <p>The same legal principles – stability and certainty, territorial integrity, self-determination, permanent sovereignty over natural resources – also support that presumption of continuity of statehood that the 2023 Declaration of the Pacific Islands Forum articulates. Granted, State practice around this issue is comparatively more scarce – and that is just as well, since it is imperative that the international community make every effort to ensure that tragic scenarios where States are fully submerged remain mere hypotheticals. But a legal presumption of continuity has an important role to play as a safety net for States who are vulnerable to that exceedingly serious, exceedingly severe scenario. A presumption of continuity is further supported by “the fundamental right of every State to survival”, which this Court said we cannot lose sight of in the Advisory Opinion that it gave to the General Assembly back in 1996.⁷⁹</p>
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>As for statehood in relation to sea-level rise, important precedents could be set, including the recognition of de jure statehood. However, when examining the question, it was important to bear in mind the presumption of continuity of the</p>

⁷⁸ Oral Statement of the Republic of El Salvador on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (04 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241204-ora-01-00-bi.pdf>> last accessed May 2025, 72.

⁷⁹ *ibid* 72-3.

	<p>State, for which sufficient information on State practice was required, and the right to self-determination of the affected population.⁸⁰</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>My delegation firmly supports the regulation of the right of states to preserve their existence, and with it, the interpretation that supports the idea that the criteria of the Montevideo Convention apply only to the creation of a state and cannot be applied a contrario sensu to deny the continuity of a state's existence. Likewise, we advocate for the preservation of the international legal personality of a state impacted by the phenomenon, guaranteeing that its membership in international and regional organisations and institutions is not questioned.⁸¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

38. EQUATORIAL GUINEA

⁸⁰ Statement of El Salvador, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.26>> last accessed May 2025, para 116.

⁸¹ Statement of El Salvador, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_elsalvador_1.pdf> last accessed 16 June 2025, 4-5 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... understanding that the Montevideo Convention is by no means conclusive regarding the continuity of the existence of rights, we support any principle inspired by the continuity of statehood in situations where a state's entire territory becomes entirely submerged or uninhabitable as a consequence of sea-level rise. Likewise, the status of the impacted state(s) as subjects of international law must be preserved. All of this should be based on legal stability, security, certainty, and predictability in international law.⁸²</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

39. ERITREA	
Submissions to the ICJ	Did not participate in the proceedings

⁸² Statement of Equatorial Guinea, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_eqguinea_1.pdf> last accessed 16 June 2025, para 13 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

UNGA Sixth Committee Debates	<i>Limited</i> Sea level rise is, foremost, among those consequential challenges, and adequate responses deserve priority given the existential threat it poses on low-lying nations worldwide. In particular Small Island Developing States, these States are by far the most vulnerable to the impacts of sea-level rise, as it touches upon their very existence. In that regard, we are glad to see that equity together with legal stability are considered guiding principles of the Study Group's work on this topic. ⁸³
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

40. ESTONIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Expressed opinion, not very clear or definite</i> Regarding the subtopic of statehood covered in the second issues paper, her delegation believed that the main goal should be the preservation of legal stability, security, certainty and predictability in international relations and appreciated the Study Group's efforts to interpret the main principles of international law in the context of the need for such stability. As

⁸³ Statement of Eritrea, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_eritrea_1.pdf> last accessed 16 June 2025, 3.

mentioned in paragraph 75 of the second issues paper, there was no generally accepted notion of “State”; instead, reference was usually made to the criteria for the creation of a State: permanent population, defined territory, government, and capacity to enter into relations with other States and other subjects of international law. Her delegation agreed with the assertion that there were some situations, particularly in cases of loss of territory, where a State would not automatically cease to exist because it did not meet all those criteria. Estonia had faced such a situation, when it had lost control over its territory as a result of an unlawful occupation and illegal annexation, but it had retained its statehood and legal personality. Her delegation appreciated the various modalities presented by the Study Group for preserving the legal personality and territory of a State whose land was completely covered by the sea or became uninhabitable, and would follow with interest future discussions about the possibilities for a State to maintain its international legal personality without a territory.⁸⁴

Clearly expressed opinion supportive of state continuity

Estonia aligns itself under this topic with the statement made by Latvia on behalf of three Baltic states and ... adds the following comments in its national capacity.⁸⁵

In the second issues paper, it is observed that there is a strong presumption of the continuity of statehood in the case of States whose land surface may be totally or partially submerged or rendered uninhabitable by rising sea levels caused by climate change. Indeed, we need to preserve legal stability, security, certainty and predictability in international relations. Therefore, whatever approach is taken, it is important to have a clear basis in international law for the continuity of statehood.⁸⁶

⁸⁴ Statement of Estonia, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.27>> last accessed May 2025, para 63.

⁸⁵ Statement of Estonia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_estonia_1.pdf> last accessed 16 June 2025, 3.

⁸⁶ *ibid* 3-4.

	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Latvia on behalf of the Baltic states at the UNGA Sixth Committee in 2024. See the full statement under Latvia.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

41. FIJI	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Finally, as I conclude, Mr President, and Members of the Court, there are additional obligations applying for all States and international organizations arising from breaches of the right to self-determination due to its peremptory nature and the erga omnes character of relevant obligations. In particular, States and international organizations must not recognize the unlawful situation resulting from the breach. A corollary of that is the obligation to recognize the territory and maritime</p>

	spaces of small island developing States, as established under the law of the sea, and of their continued sovereignty and statehood despite the effects of climate change. ⁸⁷
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Fiji noted that one of the criteria for statehood under article 1 of the Convention on the Rights and Duties of States was that of a permanent population, and remarked the absence of guiding principles and regulations as to what happened when a State became uninhabitable and lost its entire population because of sea-level rise.⁸⁸</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

⁸⁷ Oral Statement of Fiji on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (04 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241204-ora-02-00-bi.pdf>> last accessed May 2025, 74.

⁸⁸ Statement of Fiji at the UNGA Sixth Committee (2018) as reported in the Second ILC Co-Chairs Report, para 25.

	<p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

42. FINLAND	
Submissions to the ICJ	Participated in the proceedings jointly with Denmark, Iceland, Norway, and Sweden, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2021. See the full statement under Iceland.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

	Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2024. See the full statement under Iceland.
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

43. FRANCE	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, sceptical</i></p> <p>... urged the Commission to approach the issue with particular caution as it examined in more detail the conditions and practical implications of such a presumption of continuity and whether and under what conditions it could be maintained indefinitely. They noted that the Committee should bear in mind that situations of a temporary nature – such as cases of Governments in exile – would not be comparable to those of States that were completely submerged or uninhabitable owing to rising sea levels, as the latter scenario would rather be of an irreversible nature.⁸⁹</p>

⁸⁹ Statement of France at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 28.

	<p><i>Expressed opinion, not very clear or definite</i></p> <p>The question of whether a state whose territory would be entirely submerged conserves its statehood is particularly complex.⁹⁰</p> <p>At this stage, France is continuing its reflection and does not yet have a definitive position on the question of whether, in such a hypothesis, there would exist a “presumption of continuity of statehood”. Beyond the theoretical questions raised in the Commission’s report, we ask how a state could in practice maintain itself despite the objective disappearance of one of its constitutive elements (in this case, the territory).⁹¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

44. GABON	
Submissions to the ICJ	Did not participate in the proceedings

⁹⁰ Statement of France, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_france_1.pdf> last accessed 16 June 2025, 6 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

⁹¹ *ibid.*

UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela.⁹²</p>

45. GAMBIA (REPUBLIC OF THE)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-

⁹² 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

46. GERMANY	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Germany, for example, stressed that the Commission [ILC] could contribute to the analysis of possible solutions based on international law, concerning the continuity of statehood in situations where the territory of the State was completely submerged or rendered uninhabitable as a result of sea-level rise, by considering possible historical references which, without being strictly equivalent, could have an impact on the legal challenges related to the issue.⁹³</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>Climate change poses an existential threat not only but certainly in particular to Small Island Developing States. Therefore, Germany decided to support the Rising Nations Initiative, where solutions aimed at preserving Statehood and cultural</p>

⁹³ Statement of Germany at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 62.

	<p>heritage of small island developing States were developed – solutions such as digitally documenting State’s cultural heritage and designing a blueprint for digital citizenship.⁹⁴</p> <p>... a high level of convergence has been achieved around the preservation of maritime zones. The discussions on the preservation of statehood can benefit from these findings. In order to preserve the international legal personality of island States that are subject to submergence or that increasingly become uninhabitable a spectrum of viable solutions based on international law are conceivable. Currently, some of the most vulnerable countries are developing innovative approaches as they are expecting significant loss of territory within this very century.⁹⁵</p>
Submissions to the ILC	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Broadly speaking, should a State irrevocably lose one of the three foundational elements necessary for statehood under international law — namely a land territory, a permanent population and an effective Government — it may reasonably be assumed that the State would legally cease to exist. However, historical instances bear testimony to the fact that geopolitical realities as well as recognition by the international community assume significance when considering the continuance of statehood, the succession of States or the maintenance of international legal personality possibly even when being deprived of control over certain territory. A spectrum of viable solutions based on international law is therefore conceivable in order to preserve the international legal personality of island States that are subject to submergence or becoming uninhabitable.⁹⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

⁹⁴ Statement of Germany, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_germany_1.pdf> last accessed 16 June 2025, 1-2.

⁹⁵ *ibid* 2.

⁹⁶ Submission of Germany to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 83.

... reaffirms that the United Nations membership of Member States affected by sea-level rise is enduring. Germany believes that a presumption of continuity of statehood is consistent with important principles and rights of international law, such as self-determination, stability in international relations, equity and fairness, maintenance of peace and security, the right of a State to ensure its preservation, and the duty of cooperation.⁹⁷

To assume that there is a principle of continuity of statehood, which implies unlimited continuity, appears to be contradicted by the historical fact that States have ceased to exist.⁹⁸

The presumption of continuity would allow for upholding statehood even if the following (cumulative) circumstances affected a State: submergence of territory caused by sea-level rise, loss of territory or the habitability of territory, loss of access to drinking water, loss of the ecosystem within the territory and loss of cultural heritage.⁹⁹

Acknowledgement of or expressed interest in different options

The affected State may recover part or all of its submerged land territory and retain its sovereign right to construct artificial installations and structures on its submerged land territory. The population of the affected State would continue to enjoy the right to live in or return to the area within its internationally recognized boundaries. The affected coastal State would also retain the right to explore and exploit the living and non-living resources within its territorial sea and the submerged land therein, as well as within its adjacent exclusive economic zone and continental shelf.¹⁰⁰

⁹⁷ Submission of Germany to the ILC (2024) as reported in the Final ILC Co-Chairs Report, para 279.

⁹⁸ *ibid* para 281.

⁹⁹ *ibid* para 282.

¹⁰⁰ *ibid* para 284.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

47. GHANA	
Submissions to the ICJ	<p><i>Limited</i></p> <p>The consequences of rising sea levels and desertification will not only be the loss of life, detrimental consequences to health and the loss of subsistence, but also that the very survival of nations and States whose existence is threatened erodes their right to self-determination.¹⁰¹</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

¹⁰¹ Oral Statement of the Republic of Ghana on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (05 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241205-ora-01-00-bi.pdf>> last accessed May 2025, 37.

Other	-
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48. GRENADA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>

Other	-
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49. GUATEMALA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>It is essential to emphasise the importance of recognising and promoting the presumption of continuity of statehood, based on the principle of territorial continuity, which establishes that the lines drawn to delimit territories should not be affected by flooding, in cases where territory becomes uninhabitable and results in the displacement of original populations. Undoubtedly, through an approach based on international human rights law, it will be necessary to develop solutions for the humanitarian consequences of this phenomenon.¹⁰²</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹⁰² Statement of Guatemala, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_guatemala_1.pdf> last accessed 16 June 2025, 2 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

50. GUINEA (REPUBLIC OF)	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Moreover, if sea level rise should not raise a question of state sovereignty insofar as, under the law of the sea, uninhabitability does not a priori affect the status of a territory as the territory of a state, it nevertheless remains that the potential loss of statehood may give rise to an increased risk of statelessness.¹⁰³</p> <p>Given the complexity of the theoretical and practical implications of sea-level rise—particularly in relation to questions, such as the presumption of continuity of statehood and the protection of persons affected by sea-level rise, the topic deserves special attention. This, due to the issues related to certainty and predictability. It is understood that, under the law of the sea, once the outer limit of the continental shelf is defined, it remains permanent, regardless of any modifications to the land territory to which it is connected.¹⁰⁴</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹⁰³ Statement of the Republic of Guinea, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_guinea_1.pdf> last accessed 16 June 2025, 2 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

¹⁰⁴ *ibid* 3.

Participation in the AOSIS Declaration	No, non-member
Other	-

51. GUINEA BISSAU	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

52. GUYANA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

53. HAITI	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

54. Hungary	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of state continuity</i> Concerning the subtopic statehood, Hungary acknowledges the strong presumption of continuity of statehood and emphasizes the importance of self-determination, recognized as a jus cogens norm in the ILC's Draft conclusions on peremptory norms of general international law. ¹⁰⁵
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹⁰⁵ Statement of Hungary, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_hungary_1.pdf> last accessed 16 June 2025, 2.

55. ICELAND	
Submissions to the ICJ	Participated in the proceedings jointly with Denmark, Finland, Norway, and Sweden, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited reference</i></p> <p>Apart from the possibility of [the] territory of States going partially or fully under water, sea-level rise can for instance increase land degradation, periodic flooding, and contamination of fresh water. It is a threat on multiple levels, not least for small island developing States, [which] have done little to cause climate change but are likely to suffer the most from it.¹⁰⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Climate change is the common concern of all humankind, and the responsibility lies with the international community to respond to all its grave and pressing challenges, including those caused by sea-level rise. This includes honouring existing international legal obligations where they find application in the continuity of statehood and the protection of persons affected by sea-level rise.¹⁰⁷</p> <p>International law serves to provide security, certainty and safety to all of humankind. It must be a vanguard of stability in the face of instability. It must provide protection to those who need it the most, including the States and communities confronting the threats of sea-level rise.¹⁰⁸</p>

¹⁰⁶ Statement of Iceland on behalf of the Nordic countries at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 177.

¹⁰⁷ Statement of Iceland on behalf of the Nordic countries, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_nordic_1.pdf> last accessed 16 June 2025, 6-7.

¹⁰⁸ *ibid* 7.

	In this regard, the Nordics underscore the importance placed on the principles of legal stability and legal certainty in the [ILC] Study Group's discussions. Our measures to address all aspects of sea-level rise, including the continuity of Statehood and the protection of persons, must ensure legal stability, certainty and predictability if they are to bear fruit and be effective. ¹⁰⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

56. INDIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Expressed opinion, sceptical</i>

¹⁰⁹ *ibid.*

	<p>India, for its part, noted that greater caution was needed in considering the presumption of continuing statehood for States directly affected by sea-level rise, in particular from the perspective of the criteria set out in the Convention on the Rights and Duties of States.¹¹⁰</p> <p><i>Expressed opinion, sceptical</i></p> <p>On the issue of continuity of statehood, we are of the view that greater caution needs to be exercised in considering the presumption of continuing statehood in favour of the States directly affected by sea-level rise, in particular from the perspective of criteria stipulated in the Montevideo Convention, 1933.¹¹¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

57. INDONESIA

Submissions to the ICJ	Participated in the proceedings, did not address statehood
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¹¹⁰ Statement of India at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 63.

¹¹¹ Statement of India, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_india_1.pdf> last accessed 16 June 2025, para 17.

UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>... stressed that the Commission should focus on the legal aspects of the topic, in accordance with its mandate, and take a prudent approach in its analysis of possible alternatives regarding the preservation of international legal personality in cases of loss of territory as a result of sea-level rise.¹¹²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>FIRST, the continuity of statehood for states whose territories may become partially or fully submerged due to rising seas is the most favorable path forward.¹¹³</p> <p>We also need to ensure states retain their rights over maritime zones and resources, which are essential for their people's survival and prosperity.¹¹⁴</p> <p>We call on the international community to unite, not only to ensure the continuity of statehood but also to preserve the identity, culture, and sovereignty of affected populations.¹¹⁵</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹¹² Statement of Indonesia at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 30.

¹¹³ Statement of Indonesia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_indonesia_1.pdf> last accessed 16 June 2025, 2.

¹¹⁴ *ibid.*

¹¹⁵ *ibid* 3.

Participation in the AOSIS Declaration	No, non-member
Other	-

58. IRAN (ISLAMIC REPUBLIC OF)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Acknowledgement of or expressed interest in different options</i></p> <p>[T]he Islamic Republic of Iran suggested exploring the possibility of the affected State transferring sovereignty over a portion of its territory to an international mechanism such as the International Seabed Authority or any other international organization that could act on the basis of international law and scientific standards to ensure that the State's resources were used for the benefit of its population.¹¹⁶</p> <p><i>Limited</i></p> <p>As a matter of fact, many countries particularly developing countries, the least developed countries and small island developing States are vulnerable to the negative impacts of climate change and global warming with sea-level rise being just one of them.¹¹⁷</p>
Submissions to the ILC	-

¹¹⁶ Statement of Iran at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 35.

¹¹⁷ Statement of Iran, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_iran_1.pdf> last accessed 16 June 2025, 3.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

59. IRELAND	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>On the question of statehood, Ireland's preliminary assessment is that a number of important principles of international law are relevant and can provide some guidance on the question of continuing statehood where a state's land territory is submerged or rendered uninhabitable by sea-level rise induced by climate change. Amongst these are the principles of self-determination of peoples and of permanent sovereignty over natural resources.¹¹⁸</p> <p>Both principles tend to support a presumption in favour of continuity of statehood. Once a people has exercised its right of self-determination by establishing a State, that State enjoys permanent sovereignty over the natural resources located within its land territory and appurtenant maritime zones. Permanent sovereignty so established cannot be extinguished by rising sea levels.¹¹⁹</p>

¹¹⁸ Statement of Ireland, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_ireland_1.pdf> last accessed 16 June 2025, para 18.

¹¹⁹ *ibid* para 19.

	<p>Undoubtedly, the form continuity of statehood takes requires further consideration by all States. Many practical issues arise. If a State is denied its land territory because it has been submerged or rendered uninhabitable by rising sea levels induced by climate change, what will be the consequences for the organisation of a State's government, the provision of services by it to its citizens, its funding, even its political independence?¹²⁰</p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>We note also a number of different possible modalities for the self-determination of peoples, identified by the [ILC] Co-Chairs, by which a State threatened by rising sea-levels might seek to associate itself in some way with another State, or enter into confederal or federal arrangements with one, and in so doing preserve some measure of independence and autonomy. Furthermore, States in a position to do so may wish to develop tailored solutions with one or more States threatened by sea-level rise, offering facilities for the relocation of people and Government, and possibly other arrangements. These should be encouraged.¹²¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹²⁰ ibid para 20.

¹²¹ ibid para 21.

60. ISRAEL	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supporting state continuity</i></p> <p>Israel acknowledges the Commission's discussion on the potential legal challenges and implications of sea level rise. Israel shares the general support expressed in the Study Group, in favor of the continuity of statehood.¹²²</p> <p>We also share the view that sea-level rise poses a serious threat to low-lying coastal states, archipelagic states, small island states and small island developing states, whose land surface may become totally or partially submerged and rendered uninhabitable.¹²³</p> <p>The issues defined by the [ILC] Study Group on this topic pose challenging legal questions related to fundamental principles of international law. Israel believes that a careful approach should be taken, and stresses the need to maintain legal stability, certainty and predictability.¹²⁴</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹²² Statement of Israel, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_israel_1.pdf> last accessed 16 June 2025, 9.

¹²³ *ibid.*

¹²⁴ *ibid.*

Participation in the AOSIS Declaration	No, non-member
Other	-

61. ITALY	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supporting state continuity</i></p> <p>... we welcome the proposal to consider starting the preparation of a set of draft conclusions, aiming to recognise the existing international norms that may be relevant to this sector. This, with the aim of defining a common framework of reference for protecting the inalienable rights of persons affected by sea-level rise and assuring the continuity of statehood as a key principle of international law in such an event.¹²⁵</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹²⁵ Statement of Italy, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_italy_1.pdf> last accessed 16 June 2025, 2-3.

62. JAMAICA	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Restitution is intended to wipe out legal consequences of a breach. However, we agree with those who have argued that it is too late for any group of States to undo the harm to the environment caused by GHG emissions. Nevertheless, there are measures which could amount to restitution by the responsible States, if the required, consistent responsive and accountable support is provided to the SIDS affected. These measures, which have been suggested by other States, should include: (i) assistance with land reclamation, (ii) support for adaptation measures, and (iii) recognizing the existing sovereignty and maritime spaces of SIDS who may lose their territory because of sea level rise.¹²⁶</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The preservation of States' maritime rights was deeply connected to the preservation of their statehood. In that regard, the Convention on Rights and Duties of States was generally regarded as outlining the criteria for statehood; however, it did not lay down rules for the continuation thereof. Her delegation supported the continuity of statehood, noting that the corpus of international law indicated that, once established, it was difficult for a State to lose its statehood.¹²⁷</p>

¹²⁶ Oral Statement of Jamaica on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (06 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-01-00-bj.pdf>> last accessed May 2025, 17-8.

¹²⁷ Statement of Jamaica, UNGA Sixth Committee (2023) <<https://docs.un.org/en/A/C.6/78/SR.28>> last accessed June 2025, para 31.

	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On the issue of continuation of statehood, without expressing a view on the status of the Montevideo Convention as being representative of the entirety of custom on the criteria for the creation of statehood, my delegation agrees with the view expressed in the report that there is a distinction to be drawn between the criteria for the creation of a State on the one hand and those for its continuity on the other. The Montevideo Convention does not address the loss of statehood. As has been previously expressed by my delegation, under international law, there is a strong presumption of the continuity of statehood of States whose land surface could be partially or fully submerged owing to sea level rise.¹²⁸</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>

¹²⁸ Statement of Jamaica, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_jamaica_1.pdf> last accessed 16 June 2025, 3.

Other	-
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63. JAPAN	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Expressed opinion, not very clear or definite</i> In addressing issues relating to statehood, Japan agrees and finds it appropriate to distinguish between two different scenarios, given the progressive nature of climate change-induced sea-level rise. Japan, in particular, notes with great interest the views expressed in the [ILC] Study Group with regards to the presumption of the continuity of statehood in the case of the permanent loss of a territory, one of the criteria established by the Montevideo Convention. ¹²⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

64. KENYA

¹²⁹ Statement of Japan, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_japan_1.pdf> last accessed 16 June 2025, 3.

Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

65. KIRIBATI	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>As part of mitigation measures, all States must continue to recognize the sovereignty, statehood, territory and maritime spaces of Kiribati and other small island developing States. The continued statehood of those island States is incumbent upon all States under Article 41(2) ARSIWA, which stipulates that “[n]o State shall recognize as lawful a situation created by a serious breach within the meaning of article 40.” To the extent that sea-level rise will adversely affect the Republic of Kiribati’s territorial integrity of its ability to exercise its self-determination including by benefiting from its natural</p>

	<p>resources, inland or maritime, the recognition of such effects as legally valid will be a demand to recognize an unlawful situation contrary to Article 41(2) ARSIWA.¹³⁰</p> <p>The obligation to continue to recognize Kiribati's full extent of boundaries and maritime resources is not only a measure of mitigation. It is also a free-standing right that derives from the principle of sanctity and stability of boundaries.¹³¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the presumption of the continuation of the State is a well-established principle of international law that has already been accepted by a majority of States. Further, at least States have acknowledged that in the face of climate change-related sea-level rise, maritime baselines remain fixed at their current coordinates despite resultant physical coastline change.¹³²</p> <p>The international legal system must adapt to the physical changes caused by climate change and harmful human conduct through the recognition of the sovereignty, statehood, territory, and maritime spaces of small island developing States.¹³³</p> <p>The obligation of reparation (restitution) requires the continued recognition by all States of the Republic of Kiribati's and other low-lying island States' rights to their current maritime spaces as well as their continued sovereignty over their territories, even if that territory is submerged or otherwise impacted because of sea-level rise.¹³⁴</p>
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¹³⁰ Written Statement of the Republic of Kiribati on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-13-00-en.pdf>> last accessed May 2025, para 190.

¹³¹ *ibid* para 191.

¹³² Written Comments of the Republic of Kiribati on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-04-00-en.pdf>> last accessed May 2025, para 41.

¹³³ *ibid*.

¹³⁴ *ibid* 78(21).

	<p>Legal consequences arising from the infringement of the obligation to secure the right to self-determination of affected States, in particular low-lying island States such as the Republic of Kiribati include specific forms of reparation to ensure the continuity of peoples losing their territory. These include the continued recognition of the sovereignty, statehood, territory, and maritime spaces of small island developing States regardless of changes that result from rising sea levels.¹³⁵</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

¹³⁵ ibid 78(24).

	<p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

66. KUWAIT	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

Participation in the AOSIS Declaration	No, non-member
Other	-

67. LATVIA

Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>In particular, Latvia reiterates its view that, as a matter of positive international law, statehood of small island developing States is not affected by climate change-related sea-level rise because factual control over territory is not always a necessary criterion for the continued juridical existence of States.¹³⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Latvia reiterates its ‘view that, as a matter of positive international law, statehood of small island developing States is not affected by climate change-related sea-level rise because factual control over territory is not always a necessary criterion for the continued juridical existence of States’. Latvia considers that the description of international law applicable to determination of the continuity of statehood notwithstanding the impact of climate change-related sea-level rise, given in the Written Statement of the PIF, is correct and consistent with Latvia’s position.¹³⁷</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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¹³⁶ Written Observations of the Republic of Latvia on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (19 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240319-wri-01-00-en.pdf>> last accessed May 2025, para 72.

¹³⁷ Written Comments of the Republic of Latvia on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (14 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240814-wri-06-00-en.pdf>> last accessed May 2025, para 59.

	<p>First, as a matter of positive international law, existing statehood is not affected by climate change-related sea-level rise because factual control over territory is not always a necessary criterion for the continued juridical existence of States. Latvia considers as correct and consistent with its position, the description of applicable international law in the declarations on sea-level rise and statehood adopted by the Pacific Islands Forum in 2023 and AOSIS earlier this year.¹³⁸</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>In light of its experience of continued statehood since its founding in 1918 and its membership of the League of Nations, Latvia endorsed the view that factual control over territory was not always a necessary criterion for the continued juridical existence of States.¹³⁹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>We take this opportunity to reiterate our view that statehood is not affected by a sea-level rise and climate change.¹⁴⁰</p> <p>The presumption of statehood continuity, as outlined in the report, ensures that affected states - particularly low-lying coastal and small island nations - retain their sovereignty, even in the case if they lose any territory to sea level rise. We fully support the ILC emphasis on the need for legal certainty in these scenarios, which aligns with international principles</p>

¹³⁸ Oral Statement of the Republic of Latvia on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (06 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-02-00-bi.pdf>> last accessed May 2025, 9-10.

¹³⁹ Statement of Latvia at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 189.

¹⁴⁰ Statement of Latvia on behalf of the Baltic states, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_baltic_1.pdf> last accessed 16 June 2025,

	of equity, stability, and justice. The Baltic States, in light of our own historic experience of continuing statehood, strongly agree that the loss of territory must not result in the loss of identity or legal clarity. ¹⁴¹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the Government of Tuvalu and the Government of the Republic of Latvia take this opportunity to reaffirm the diplomatic ties established between the two states 13 years ago on 07 July 2011.¹⁴²</p> <p>With these references to international peace and security, equality among States, and territorial integrity, including maritime boundaries, both States will further consider climate change as an existential threat to Tuvalu and a shared global problem. In light of Latvia's experience of continuing statehood since foundation in 1918, Latvia expresses its readiness to continue to recognize the statehood of Tuvalu and its existing maritime boundaries, even if Tuvalu's population is displaced or it loses its land surface due to sea level rise.¹⁴³</p>

¹⁴¹ *ibid.*

¹⁴² 'Joint Communiqué on the Reaffirmation of Diplomatic Relations Between Tuvalu and the Republic of Latvia' (25 September 2024) <<https://www.mfa.gov.lv/en/media/15961/download?attachment>> last accessed 25 June 2025.

¹⁴³ *ibid.*

68. LIECHTENSTEIN

Submissions to the ICJ

Clearly expressed opinion supportive of state continuity

Given that the right to self-determination is inalienable, there is a presumption for continued statehood, including and in particular for States whose land territory becomes inundated by rising sea-levels, and whose populations may as a result be relocated. States are thus obligated to continue to recognize the right to self-determination of peoples in the event of such a scenario. As the late Judge James Crawford noted, “[a] State is not necessarily extinguished by substantial changes in territory, population or government, or even, in some cases, by a combination of all three.”¹⁴⁴

In this regard, Liechtenstein supports the position taken by the most affected States that “statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people” and recognizes States in their deterritorialized forms. Liechtenstein emphasizes that States which cease to meet the criteria laid out in the Montevideo Convention do not lose their statehood, as there is a strong presumption of the continuity of statehood.¹⁴⁵

Common or collective responsibilities may be more appropriate to establish responsibility in the context of climate change, and remedies might include a collective obligation of major emitters to finance mitigation actions and adaptation measures,

¹⁴⁴ Written Statement of the Principality of Liechtenstein on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-34-00-en.pdf>> last accessed May 2025, para 75.

¹⁴⁵ *ibid* para 76.

	<p>assurances of continued recognition of the right to self-determination through Statehood and other forms, and protection from future harm.¹⁴⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>It is Liechtenstein’s firm understanding that the right to self-determination is inalienable and for the presumption of continued statehood, including and in particular for States whose land territory becomes inundated by rising sea levels, and whose populations may as a result be relocated. States are thus obliged to continue to recognize the right to self-determination of peoples also in such events.¹⁴⁷</p> <p>Liechtenstein therefore supports the position taken by the most affected States that “statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people” and recognizes States in their deterritorialized forms.¹⁴⁸</p> <p>As a consequence, Liechtenstein emphasizes that States which cease to meet the criteria laid out in the Montevideo Convention do not lose their statehood, as there is a strong presumption of the continuity of statehood. States’ baselines should be fixed as the sea level moves landward as a result of sea-level rise.¹⁴⁹</p> <p>Moreover, ensuring continuous statehood for Member States remains key.¹⁵⁰</p>
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¹⁴⁶ *ibid* para 80.

¹⁴⁷ Oral Statement of the Principality of Liechtenstein on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (06 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-02-00-bi.pdf>> last accessed May 2025, 26.

¹⁴⁸ *ibid*.

¹⁴⁹ *ibid*.

¹⁵⁰ *ibid* 32.

UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Any discussion of statehood in the context of rising sea-levels should note that there is in practice a strong presumption of State persistence and disfavouring of the extinction of any State or country, including its rights and obligations under international law, for example in situations of belligerent occupation. Such a presumption should also apply to a situation of the full or partial inundation of the territory of a State or country, or of the relocation of its population.¹⁵¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... a presumption of continuity could be an acceptable starting point for the Commission's [ILC] consideration of the issue of statehood in the context of the potential impact of sea-level rise.¹⁵²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Liechtenstein noted that the right to self-determination had particularly relevant implications for the law on statehood. There existed a strong presumption of continuity in the case of States affected by sea-level rise.¹⁵³</p> <p>Liechtenstein would support the establishment of criteria for the continuity of statehood and supported the proposal made by Tuvalu for an ambitious declaration that would establish principles relating to the continuity of statehood and affirm that sea-level rise did not affect the right to self-determination.¹⁵⁴</p>
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¹⁵¹ Statement of Liechtenstein at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 191.

¹⁵² Statement of Liechtenstein at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 26.

¹⁵³ Statement of Liechtenstein at the UNGA Sixth Committee (2024) as reported in the Final ILC Co-Chairs Report, para 241.

¹⁵⁴ *ibid* para 242.

Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Liechtenstein advocates an approach which acknowledges the novel nature of the challenge created by rising sea-levels, and emphasizes the continued existence of a people who retain their right to self-determination even in a situation of the inundation of their territory, including the expression of that right through continued statehood.¹⁵⁵</p>
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

69. LITHUANIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Latvia on behalf of the Baltic states at the UNGA Sixth Committee in 2024. See the full statement under Latvia.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹⁵⁵ Submission of Liechtenstein to the ILC (2021) as reported in the Additional ILC Co-Chairs Report, para 81.

Participation in the AOSIS Declaration	No, non-member
Other	-

70. MADAGASCAR	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

71. MALAWI	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

72. MALAYSIA

Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion opposing state continuity</i></p> <p>On the issue of statehood, great caution was needed in respect of any presumption of continuity of statehood for States directly affected by sea-level rise, since such a presumption would ultimately lead to the exclusion of the criteria for statehood set forth in the 1933 Convention on Rights and Duties of States. Recalling the mandate of the Study Group, her delegation urged States to proceed with caution so as not to modify existing international law, in particular the United Nations Convention on the Law of the Sea. Although some island States affected by sea-level rise had already constructed artificial islands with a view to preserving their statehood, the effects of sea-level rise under international law remained ambiguous and needed to be examined carefully. There was clearly a nexus between the preservation of statehood and the exercise of sovereignty and jurisdiction over land territory and maritime spaces, such as the territorial sea, the exclusive economic zone and the continental shelf. Since sovereignty was exercised on a territorial basis, continuity of statehood</p>

should be very closely dependent on land territory and the maritime spaces generated by that territory. Hence, the exercise of a State's sovereignty could not be based on an artificial territory.¹⁵⁶

Expressed opinion, not very clear or definite

With regard to the issue of preservation of statehood, Malaysia believes that the crux of preservation of statehood would be the preservation of a coastal State's baselines.¹⁵⁷

In light of this, considerations may be given for the admittance of continuity of statehood for Member States directly affected by sea-level rise which had taken initiatives to preserve its baseline either by depositing its coordinates or charts with the Secretary-General or establishing maritime boundary by way of treaties between neighbouring countries. In these instances, maritime boundaries of these Member States are fixed in perpetuity and therefore warrant the protection of statehood, regardless of sea level rise.¹⁵⁸

At this juncture, Malaysia wishes to impress that the Study Group should exercise caution in its analysis that may potentially be perceived as going beyond the traditional criterion for statehood under the Montevideo Convention or intended to create a new framework for the Member States affected by sea level rise. In this regard, the creation of a new framework could possibly allude towards an exemption to the Montevideo Convention and, as such, could potentially undermine the efforts which had or may be undertaken by certain States to achieve the recognition of its statehood. In this respect,

¹⁵⁶ Statement of Malaysia, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.27>> last accessed June 2025, para 15.

¹⁵⁷ Statement of Malaysia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_malaysia_1.pdf> last accessed 16 June 2025, para 26.

¹⁵⁸ *ibid* para 27.

	Malaysia recalls the mandate of the Study Group and underscores the importance for the study to be pursued on a precautionary basis so as not to modify existing international law. ¹⁵⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

73. MALDIVES	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Sea-level rise is not a distant theoretical concern. It is something we are experiencing now. Low-lying coastal States and small island States, such as ... Maldives, are especially vulnerable to the effects of sea-level rise.¹⁶⁰</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

¹⁵⁹ *ibid* para 29.

¹⁶⁰ Statement of Maldives at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 179.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>We also support the AOSIS Leaders’ Declaration on Statehood and Sea-Level Rise, which enshrines the principle that sovereignty and statehood must not be dictated by the shifting contours of geography. The law must evolve to affirm that rising seas do not erase nations; our identity and sovereignty reside in our people, our language, our customs—and they will endure.¹⁶¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹⁶¹ Statement of Maldives, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_maldives_1.pdf> last accessed 16 June 2025, para 6.

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

74. MALTA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... Malta noted that while a territory constituted a prerequisite for the establishment of a State, sovereignty referred to the whole territory under a State's control and not solely to the land territory; thus, a territory that became partially inundated or fully submerged because of sea-level rise should not be considered a non-existent territory.¹⁶²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... changes related to the criteria for the establishment of a State laid down in the Convention on Rights and Duties of States caused by sea-level rise should not preclude the continuation of statehood and the rights emanating therefrom.¹⁶³</p> <p>Malta stated that it was in favour of a presumption of the continuity of statehood. No effort should be spared to ensure that any sovereign nation whose territorial integrity was affected by sea-level rise did not lose any existing rights, and that</p>

¹⁶² Statement of Malta at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 64.

¹⁶³ Statement of Malta at the UNGA Sixth Committee (2024) as reported in the Final ILC Co-Chairs Report, para 168.

	a territory that became partially inundated or fully submerged because of sea-level rise was not considered to be a non-existent territory. ¹⁶⁴
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

75. MARSHALL ISLANDS	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>With respect to statehood, the members of the Pacific Islands Forum, including the Republic of the Marshall Islands, have been clear that the statehood and sovereignty of Members of the Pacific Islands Forum will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.¹⁶⁵</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p>

¹⁶⁴ ibid para 243.

¹⁶⁵ Written Statement of the Republic of the Marshall Islands on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-17-00-enc.pdf>> last accessed May 2025, para 104.

	<p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-

Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	<i>Clearly expressed opinion supportive of state continuity</i> Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ¹⁶⁶

76. MAURITIUS	
Submissions to the ICJ	<i>Limited</i> Statelessness: there are implications [caused by climate change] for rights, security, and sovereignty of the loss of statehood because of the disappearance of territory ¹⁶⁷ ... large parts of Mauritius, including the whole of Chagos Archipelago, are very similar to the geographic conditions prevalent in Maldives. The same is true of many other SIDS. This very real risk is reflected, for example, in an amendment

¹⁶⁶ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

¹⁶⁷ Written Statement of the Republic of Mauritius on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-21-00-en.pdf>> last accessed May 2025, para 137(d).

	<p>made by Tuvalu to its Constitution in September 2023, seeking to preserve its statehood in the event of total territorial loss:</p> <p>“The State of Tuvalu within its historical, cultural, and legal framework shall remain in perpetuity in the future, notwithstanding the impacts of climate change or other causes resulting in loss to the physical territory of Tuvalu.”¹⁶⁸</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

¹⁶⁸ ibid para 139.

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

77. MEXICO	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Mexico follows with great interest the approach adopted by the Commission regarding the continuity of statehood, even when the land territory of a state becomes fully or partially submerged or rendered uninhabitable due to sea level rise. We agree on the centrality of stability, security, certainty, and predictability in these debates, without losing sight of considerations of equity and justice.¹⁶⁹</p> <p>These considerations are especially important given that the effects of sea level rise have not been caused by the states suffering the worst consequences of this phenomenon. As noted in the ILC's report, fundamental principles of international law, such as the right of peoples to self-determination, territorial integrity, and sovereign equality of states, must guide the discussions on this issue, alongside the objectives of maintaining international peace and security, the stability of international relations, and international cooperation.¹⁷⁰</p>

¹⁶⁹ Statement of Mexico, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_mexico_1.pdf> last accessed 16 June 2025, 3 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

¹⁷⁰ *ibid.*

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

78. MICRONESIA (FEDERATED STATES OF)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... his delegation wished to underscore the finding in the second issues paper of the Study Group on sea-level rise in relation to international law (A/CN.4/752) that “with regard to small island developing States whose territory could be covered by the sea or become uninhabitable owing to exceptional circumstances outside their will or control, a strong presumption in favour of continuing statehood should be considered.”¹⁷¹</p>

¹⁷¹ Statement of the Federated States of Micronesia, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.28>> last accessed June 2025, para 106.

Micronesia could not accept any interpretation of international law that deprived it of its statehood and the rights and entitlements flowing therefrom simply because it lost land territory due to the actions and omissions of others, particularly those of developed countries and other major greenhouse gas emitters.¹⁷²

Acknowledgement of or expressed interest in different options

In the second issues paper, the Co-Chairs of the Study Group had listed a number of possible alternatives for allowing a State to maintain some form of international legal personality without a territory, including association with one or more other States. That alternative seemed to be modelled, at least in part, on the three compacts of free association that the Republic of Palau, the Republic of the Marshall Islands, and Micronesia had entered into with the United States. Those compacts had been entered into between sovereign and independent States and provided for all the parties to retain their statehood without diminution during the terms of the compacts.¹⁷³

Clearly expressed opinion supportive of state continuity

Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.

Clearly expressed opinion supportive of state continuity

Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.

Clearly expressed opinion supportive of state continuity

¹⁷² *ibid* para 107.

¹⁷³ *ibid* para 108.

	<p>... the Federated States of Micronesia argued that sea-level rise did pose an existential threat in a physical sense, in respect of the land surface of affected States, that threat was separate from related legal considerations, under international law, concerning the continuing existence of the State.¹⁷⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... sea-level rise does not pose an existential legal threat to the statehood of States once already established under international law.¹⁷⁵</p> <p>Micronesia underscores that the continuity of statehood once established under international law is indeed a principle of international law. International law is premised in large part on the viability of States to function as States. Statehood cannot be extinguished except through a voluntary act by the population constituting the relevant State, particularly an act of self-determination.¹⁷⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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¹⁷⁴ Statement of the Federated States of Micronesia at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 64.

¹⁷⁵ Statement of the Federated States of Micronesia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_micronesia_1.pdf> last accessed 16 June 2025, 1.

¹⁷⁶ *ibid* 2.

	<p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

79. MOROCCO	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Regarding the sub-topic of issues related to statehood, the Kingdom of Morocco considers the constitutive elements of a state, as set out in Article 1 of the Montevideo Convention on the Rights and Duties of States, to be customary. These</p>

	<p>include: (i) a permanent population; (ii) a defined territory; (iii) a government; and (iv) the capacity to enter into relations with other States.¹⁷⁷</p> <p>However, it is necessary to adopt a prudent approach between situations in which the constitutive elements of statehood set out in the Montevideo Convention apply, and other situations in which, although the state already exists as a subject of international law, one of the four defined criteria ceases to be fulfilled due to new circumstances. Likewise, prudence should prevail in linking the question of statehood in the context of sea-level rise with the right to self-determination.¹⁷⁸</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

80. MYANMAR	
Submissions to the ICJ	Participated in the proceedings, did not address statehood

¹⁷⁷ Statement of Morocco, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_morocco_1.pdf> last accessed 16 June 2025, 3 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

¹⁷⁸ *ibid* 3-4.

UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

81. NAMIBIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

82. NAURU	
Submissions to the ICJ	<p><i>Limited</i></p> <p>Tonga similarly argued how sea-level rise:</p> <p>“threatens to undermine territorial integrity of coastal and small island States and thus their very statehood. By extension, threats to, or a complete loss of, statehood as a result of sea-level rise poses risks to the inhabitants of affected States and their enjoyment of the right to a nationality, and further exposes those inhabitants to a heightened risk of statelessness”.¹⁷⁹</p> <p>Nauru agrees. It adds that this, too, is a principle of general international law that has been in existence for a long period of time.¹⁸⁰</p> <p><i>Limited</i></p> <p>The impact of climate change on Nauru’s security is not a distant concern to our people. Rising sea levels pose severe threats that violate our right to sovereignty, to territorial integrity, and the right of our people not to “be deprived of its own means of subsistence”.¹⁸¹</p>
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of statehood</i>

¹⁷⁹ Written Comments of the Republic of Nauru on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-32-00-en.pdf>> last accessed May 2025, para 63.

¹⁸⁰ *ibid* para 64.

¹⁸¹ Oral Statement of the Republic of Nauru on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (09 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241209-ora-02-00-bi.pdf>> last accessed May 2025, 9.

	<p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-

Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

83. NEPAL	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

84. NETHERLANDS (KINGDOM OF THE)

Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the criteria for statehood contained in the 1933 Convention on Rights and Duties of States were the point of departure for discussions on statehood and sea-level rise. Those criteria were concerned with the creation and existence of a State as an international legal person and constituted a general legal framework for questions of the continuity of statehood. However, State practice showed that they were not applied in the same manner to cases relating to the creation of States and cases regarding the continuity or extinction of States; there was a strong presumption in favour of the continuity of statehood, even in cases in which one or more criteria were no longer met.¹⁸²</p> <p>The loss of land by a State as a result of sea-level rise could, most probably, not be considered temporary. Nonetheless, the aforementioned precedents were still relevant, since they demonstrated that prolonged situations in which one or more criteria for statehood were not met could be addressed under international law and that the non-fulfilment of one or more of those criteria did not automatically lead to the extinction of a State as an international legal person. Along the same lines, there was, a priori, no reason why a State that lost its territory because of sea-level rise would automatically lose statehood as a result.¹⁸³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On an earlier occasion, my Government has stated that State practice demonstrates the existence of a presumption of continuity of statehood in cases in which one or more criteria for statehood are no longer met. In the view of the Kingdom</p>

¹⁸² Statement of the Netherlands, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.27>> last accessed May 2025, para 106.

¹⁸³ *ibid.*

	<p>of the Netherlands, this presumption of continuity of statehood is, amongst others, inextricably linked to the right of external self-determination of the people or peoples inhabiting the State in question.¹⁸⁴</p> <p>In the view of my Government, the right of self-determination is linked to the continuity of statehood, also in regard to situations beyond the context of decolonization. The right of self-determination beyond the colonial context is not a one-off exercise, but a continuing right. In the post-colonial context, the population of a State has a continuing entitlement to, amongst others, political internal and external self-determination. This also means that the population of a State is entitled to choose, in full freedom, for, amongst others, the continuity of the independence of the State.¹⁸⁵</p> <p>... given the continuity of the right of self-determination of the population of the State affected by sea-level rise, and presuming that this population has expressed the wish to continue the independence of the State, it could be argued that the Government continues to possess an exclusive title to exercise authority over the area within the formal boundaries of that State and over the people of that State even if and when they are displaced as a result of sea-level rise. This would constitute a sound legal basis of the presumption of the continuity of statehood, at least in these particular situations.¹⁸⁶</p>
Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... State practice demonstrates the existence of a strong presumption in favour of the continuity of statehood, even in cases in which one or more criteria are no longer met. [...] In respect of the differences between the creation of States and their continuance, it is also noted that the relative strictness of the application of the criteria for statehood in the case of the creation of States is inextricably linked with the prohibition on premature recognition. In those cases in which a territorial</p>

¹⁸⁴ Statement of the Netherlands, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_netherlands_1.pdf> last accessed 16 June 2025, para 18.

¹⁸⁵ *ibid* para 24.

¹⁸⁶ *ibid* para 25.

	entity is created on the territory of another State, premature recognition may lead to a violation of the principles of non-intervention and territorial integrity. Such a prohibition and such legal consequences do not apply in regard of those cases in which an entity continued to be recognized as a State while one or more of the criteria for statehood are no longer met. ¹⁸⁷
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

85. NIUE	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

¹⁸⁷ Submission of the Netherlands to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 80.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	<i>Clearly expressed opinion supportive of state continuity</i>

	Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu’s permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ¹⁸⁸
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86. NEW ZEALAND	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Pacific Islands Forum Leaders have endorsed the 2050 Strategy for the Blue Pacific Continent, and have issued declarations on sea-level rise in relation to maritime zones and statehood that support the maintenance of maritime zones and continuity of statehood in light of climate change-related sea-level rise.¹⁸⁹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... it should come as no surprise that the 18 members of the Pacific Islands Forum have taken a leading role in clarifying how international law rules on maritime zones and statehood apply with respect to climate change-related sea level rise. The Pacific Islands Forum position is that our maritime zones, once properly delineated in accordance with the United Nations Convention on the Law of the Sea (“UNCLOS”), and our statehood are maintained regardless of sea level rise, as clearly articulated in the two Pacific Islands Forum leader statements. Namely the 2021 Declaration on Preserving</p>

¹⁸⁸ ‘About’ (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025.

¹⁸⁹ Written Statement of New Zealand on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-37-00-en.pdf>> last accessed May 2025, para 13.

	Maritime Zones in the Face of Climate Change-related Sea-Level Rise and the 2023 Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-Level Rise. ¹⁹⁰
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>As highlighted by the [ILC] Co-Chairs of the Study Group in their second issues paper (A/CN.4/752 and A/CN.4/752/Add.1), a range of existing principles and features of international law supported the continuity of statehood in the context of sea-level rise. International cooperation was of critical importance in that regard.¹⁹¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>In recent years, the Leaders of the 18 members of the Pacific Islands Forum have made clear their position that our statehood, sovereignty and maritime zones, and associated legal rights and entitlements, will continue notwithstanding sea-level rise. The Pacific Islands Forum has called for international cooperation on these matters.¹⁹²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... there is a strong presumption of continuity of statehood and that this is a highly relevant legal principle to States whose territory could be covered by the sea or become uninhabitable due to sea-level rise. Moreover, in New Zealand's view,</p>

¹⁹⁰ Oral Statement of New Zealand on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (09 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241209-ora-02-00-bi.pdf>> last accessed May 2025, 31.

¹⁹¹ Statement of New Zealand, UNGA Sixth Committee (2023) <<https://docs.un.org/en/A/C.6/78/SR.25>> last accessed May 2025, para 124.

¹⁹² Statement of New Zealand, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_newzealand_1.pdf> last accessed 16 June 2025, 2.

	international law does not say anything about the demise of statehood in the context of sea-level rise. The second issues paper, and the examples of State practice it outlines, demonstrates the flexibility of international law in providing for continued statehood. ¹⁹³
Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	No, non-member
Other	-

87. NICARAGUA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Limited</i> Nicaragua, in turn, considered that any reflection on statehood and sea-level rise should include the principle of common but differentiated responsibilities, and that that principle should be the starting point for any solution. ¹⁹⁴
Submissions to the ILC	-

¹⁹³ Submission of New Zealand to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 78.

¹⁹⁴ Statement of Nicaragua at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 35.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

88. NIGERIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>Addressing the existential threat posed by sea level rise requires unprecedented levels of international cooperation.¹⁹⁵</p> <p>... we wish to clearly state that it is within the obligation of the state to protect the rights of the affected persons in the event of the loss of territory by sea level rise.¹⁹⁶</p> <p>... the sovereignty and sovereign rights of a State over its territory and in the surrounding maritime zones should be preserved in accordance with international laws.¹⁹⁷</p>
Submissions to the ILC	-

¹⁹⁵ Statement of Nigeria, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_nigeria_1.pdf> last accessed 16 June 2025, 3.

¹⁹⁶ *ibid* 4.

¹⁹⁷ *ibid*.

Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

89. NORWAY	
Submissions to the ICJ	Participated in the proceedings jointly with Denmark, Finland, Iceland, and Sweden, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2021. See the full statement under Iceland.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2024. See the full statement under Iceland.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

Other	-
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90. PAKISTAN	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

91. PALAU	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>

Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	<i>Clearly expressed opinion supportive of state continuity</i> Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ¹⁹⁸

92. PANAMA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

¹⁹⁸ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025.

93. PAPUA NEW GUINEA	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the Pacific Islands Forum leaders adopted the 2023 Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise. It declares that the statehood and sovereignty of Pacific Islands Forum members will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.¹⁹⁹</p> <p>... we call on the Court to affirm that all States must recognize, regardless of physical changes to our territory, our sovereignty, statehood and maritime zones. Statehood, for Papua New Guinea, once declared in accordance with existing international law, is in perpetuity, irrespective of the adverse impact of climate-related sea-level rise and other related natural phenomena. This includes our rights over maritime zones, even if land is lost due to climate impacts. Such legal protections are essential to safeguarding the identity, culture and continuity of Papua New Guinea, including Pacific Island nations and small island States. That all States must so recognize flows as a result of the breach of obligations owed erga omnes under the right to self-determination. This conclusion is consistent with the principle of permanent sovereignty over natural resources, and we urge the Court to recognize the significance of this, and other relevant legal principles, in answering the legal question. We also refer the Court to the 2021 and 2023 Pacific Islands Forum declarations previously mentioned.²⁰⁰</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p>

¹⁹⁹ Oral Statement of Papua New Guinea on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (06 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-01-00-bi.pdf>> last accessed May 2025, 22.

²⁰⁰ *ibid* 26-7.

	<p>... it was essential to maintain statehood in order to preserve jurisdictional maritime zones, and that statehood was interrelated with questions regarding maritime zones and raised a potential issue of statelessness, including de facto statelessness.²⁰¹</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Those sources included the Montevideo Convention on the Rights and Duties of States, which was concerned with how an entity became a State, and not how a State might cease to exist. That understanding was reflected in past international practice.²⁰²</p> <p>As a believer in a strong presumption of continuity of statehood, Papua New Guinea was pleased that, in paragraph 162 of the issues paper, the [ILC] Co-Chairs had acknowledged that Papua New Guinea had drawn attention to the fact that the preservation of the maritime rights of States was closely linked to the preservation of their statehood, since only States could generate maritime zones.²⁰³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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²⁰¹ Statement of Papua New Guinea at the UNGA Sixth Committee (2018) as reported in the Second ILC Co-Chairs Report, para 24.

²⁰² Statement of Papua New Guinea, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.29>> last accessed May 2025, para 21.

²⁰³ *ibid* para 22.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Preservation of the maritime rights of States was closely linked to the continuity of statehood, since only States could possess maritime zones. The Constitution of Papua New Guinea provided that its sovereignty over its territory, and over the natural resources of its territory, was and should remain absolute, subject only to its freely accepted obligations under international law. The principle of permanent sovereignty over natural resources had been set forth by the General Assembly in its resolution 1803 (XVII) and was consistent with articles 1 and 47 of the International Covenant on Civil and Political Rights and articles 1 and 25 of the International Covenant on Economic, Social and Cultural Rights. The [ILC] Study Group should examine that principle further, including as an additional layer of support for the concept of the preservation of maritime entitlements, and for the continuity of statehood and the protection of persons affected by sea-level rise.²⁰⁴</p> <p>... international law supported a presumption of continuity of statehood and did not contemplate its demise in the context of climate change-related sea-level rise.²⁰⁵</p>
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²⁰⁴ Statement of Papua New Guinea, UNGA Sixth Committee (2023) <<https://docs.un.org/en/A/C.6/78/SR.27>> last accessed May 2025, para 87.

²⁰⁵ *ibid* para 89.

	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... reaffirm our strong support for the following declarations:</p> <p>(1) The 2021 Pacific Islands Forum (PIF) Declaration on Preserving Maritime Zones in the face of Climate Change-Related Sea-Level Rise;</p> <p>(2) The 2023 PIF Declaration on the Continuity of Statehood and the Protection of Persons in the face of Climate Change-Related Sea-Level Rise; and</p> <p>(3) The 2024 Alliance of Small Island States (AOSIS) Declaration on Sea-Level Rise and Statehood.²⁰⁶</p> <p>... preservation of the maritime rights and entitlements of States is closely linked to the continuity of statehood as well as the maintenance of resources that will be important for the protection of persons affected by sea-level rise.²⁰⁷</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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²⁰⁶ Statement of Papua New Guinea, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_papuanewguinea_1.pdf> last accessed 16 June 2025, 1.

²⁰⁷ *ibid* 3.

	Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.
Submissions to the ILC	-
Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

94. PERU	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Expressed opinion, not very clear or definite</i> On this [sea-level rise-related challenges and urgency], special attention should be given to the Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise, adopted by the leaders of the states, countries, and territories of the Pacific Islands Forum in November 2023 and the September 2024 Declaration of the Heads of State and Government of the Alliance of Small Island States. ²⁰⁸

²⁰⁸ Statement of Peru, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_peru_1.pdf> last accessed 16 June 2025, para 8 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

	<p>My delegation considers that the [ILC] report adequately addresses the concepts of continuity of statehood and international legal personality of the states particularly affected by this phenomenon. This is linked to security, stability, certainty, and predictability, as well as to considerations of equity and justice, and therefore to the principles of self-determination, protection of the territorial integrity of the state, sovereign equality, the permanent sovereignty of states over their natural resources, the maintenance of international peace and security, the stability of international relations, and international cooperation.²⁰⁹</p> <p>In this regard, it is necessary to address and emphasise the existential nature of this phenomenon for low-lying coastal states, and in particular, for small island states and small island developing states, highlighting the very grave implications of sea-level rise, which include the displacement of persons due to this phenomenon and its consequences for the human rights of the affected populations.²¹⁰</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

²⁰⁹ ibid para 10.

²¹⁰ ibid para 11.

95. PHILIPPINES	
Submissions to the ICJ	<p><i>Limited</i></p> <p>The categorical statement in Article 1 of both ICCPR and ICESCR that the people may not be ‘deprived of its own means of subsistence’ puts States on notice that it is obliged to protect the right of self-determination against the threat of climate change.²¹¹</p> <p>The violation of the right to self-determination is most evident in Small Island Developing States and Least Developed Countries who are most at risk of losing entire territories and population due to alarming sea level rises that will eventually completely submerge their land. The Philippines, as an archipelagic state, is likewise susceptible to the same risk as portions of its land mass and population are threatened by the same climate change impacts.²¹²</p> <p><i>Limited</i></p> <p>The Philippines submits that viewed through the lens of all States’ obligation to respect the territorial integrity of other States, as provided in Article 2 of the UN Charter, the possible loss of territory through climate change should be averted and timely addressed.²¹³</p>

²¹¹ Written Statement of the Republic of the Philippines on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (21 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240321-wri-10-00-en.pdf>> last accessed May 2025, para 106(a).

²¹² *ibid* para 106(b).

²¹³ Written Comment of the Republic of the Philippines on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-06-00-en.pdf>> last accessed May 2025, para 68.

	<p>The violation of a State’s sovereignty, independence and right to self-determination is most evident in Small Island Developing States and Least Developed Countries which are severely at risk of losing entire territories and population due to alarming sea level rises that will eventually submerge their entire land.²¹⁴</p> <p><i>Expressed opinion, not very clear or relevant</i></p> <p>Climate change induced sea level rise poses a severe threat to the territorial integrity of low-lying and island nations, analogous to the loss of territory by invasion through the use of force, but without the possibility of exercising the inherent right of self-defence. This can also ignite boundary conflicts.²¹⁵</p> <p>Although climate change was not foreseen when drafted, the Charter is a living document and provides a constitutional basis for interpreting obligations relevant to this crisis, and exemplifies what Judge de Visscher described as the “unforeseen and, indeed, unforeseeable” events that the Charter must address. The Charter was created to save the succeeding generations from the scourge of war; it must now save future generations from the ravages of climate change.²¹⁶</p> <p>Mr President, States are bound to address the climate crisis within a legal framework that maintains peace and security, respects sovereignty and upholds human rights.²¹⁷</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p><i>Acknowledgement of or expressed interest in different options</i></p>

²¹⁴ ibid para 74.

²¹⁵ Oral Statement of the Republic of the Philippines on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (03 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241203-ora-01-00-bi.pdf>> last accessed May 2025, 64.

²¹⁶ ibid 64-5

²¹⁷ ibid 66.

On statehood, the criteria that a State had to meet in order to be considered a subject of international law, in accordance with the 1933 Convention on Rights and Duties of States, were an appropriate starting point for the work of the Co-Chairs. It had been said that, while statehood was a central concept of international law, it was one of “open texture”. While her delegation would support the maintenance of the current legal status, international law tended to develop as new realities emerged. Hence, the doctrine that statehood once established would subsist might have to be reconciled with a situation in which one essential element of statehood was no longer present. In other words, the criteria for statehood would have to be liberally construed. In that regard, James Crawford, in his work entitled *The Creation of States in International Law*, had suggested that the requirement of territory was rather a constituent of government and independence than a distinct criterion of its own. When one of the elements of statehood was missing, a pragmatic approach should be taken with a view to favouring stability and predictability in international law, whilst being mindful of specific circumstances. The alternatives set out by the Co-Chairs in their second issues paper, namely, presumption of continuity of statehood, albeit with an acknowledgement of the practical problems arising therefrom; or maintenance of some form of international legal personality without a territory, similar to the historical examples mentioned in relation to various modalities, were consistent with that approach.²¹⁸

Clearly expressed opinion supportive of state continuity

On statehood, it is crucial to safeguard sovereignty and statehood of states affected by sea-level rise. International law does not contemplate the demise of statehood due to climate change. There must be a presumption, if not a principle, in favor of the continued existence of statehood, and we must undertake earnest efforts to ascertain the legal basis for this.²¹⁹

²¹⁸ Statement of the Philippines, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.27>> last accessed May 2025, para 93.

²¹⁹ Statement of the Philippines, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_philippines_1.pdf> last accessed 16 June 2025, 3.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

96. POLAND	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Poland has noticed that this year's Commission debate on the topic touched core issues of international law – i.e., the creation of a State as a subject of international law and a State's continued existence as a legal entity. In this context, we acknowledge that since the adoption of the Charter of the United Nations, there have been presumably none cases of a State's involuntary extinction. Thus, we would agree with the position that States have the right to preserve their existence. Such a legal conclusion in the context of sea level rise can be achieved, inter alia, both through appropriate interpretation of Montevideo Convention criteria as well as through the collective practice of States, including through the organs of international organisations, of recognizing the continuity of statehood.²²⁰</p>

²²⁰ Statement of Poland, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_poland_1.pdf> last accessed 16 June 2025, 4-5.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

97. PORTUGAL	
Submissions to the ICJ	<p><i>Limited</i></p> <p>The Court-in reaffirming and clarifying existing international law on the obligations of States in relation to protecting the climate and environment for present and future generations, as well as on the legal consequences of the States causing significant harm to the climate system and other parts of the environment - has now a first and critical chance to participate in the activities of the United Nations relating to a phenomenon that severely impacts the sovereignty and survival of States and the full enjoyment of human rights of their populations.²²¹</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>As far the legal implications of sea-level rise are concerned, the aim should not be to grant new rights, but to ensure the preservation of existing rights that are legitimate under international law, including the preservation of statehood, of the</p>

²²¹ Written Statement of the Portuguese Republic on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240307-wri-01-00-en.pdf>> last accessed May 2025, para 33.

	<p>maritime zones and the rights over the natural resources present in such areas and the protection of persons affected by sea-level rise.²²²</p> <p>Portugal agrees that the objective criteria provided for in the Montevideo Convention are relevant for the establishment of a State and that the fact that an internationally recognized State no longer meets all these criteria is a sufficient reason for it to automatically cease to exist.²²³</p> <p>There are convincing legal arguments in favor of this position, including the need to preserve international peace and security and the principles of stability, certainty, and predictability. Indeed, the sudden disappearance of a State — any State — with all the ensuing legal consequences would jeopardize the existing delicate balance of the international community with unpredictable geopolitical, economic, and social consequences. Such a degree of uncertainty is intolerable, which is why international law cannot and does not tolerate it and the presumption of continuity is legally sound.²²⁴</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

²²² Statement of Portugal, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_portugal_1.pdf> last accessed 16 June 2025, 7.

²²³ *ibid.*

²²⁴ *ibid* 7-8.

Other	-
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98. REPUBLIC OF KOREA (SOUTH KOREA)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>... stressed that the Commission should focus on the legal aspects of the topic, in accordance with its mandate, and take a prudent approach in its analysis of possible alternatives regarding the preservation of international legal personality in cases of loss of territory as a result of sea-level rise.²²⁵</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>In connection with the issue of sea level rise, the Republic of Korea fully shares the concerns of the international community, particularly low-lying island States confronted with grave challenges posed by climate change. In this context, in May 2023, the Republic of Korea expressed its support for the 2021 Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise adopted by the Pacific Islands Forum. We are also actively participating in various collaborative projects such as C-SET (Coalition for Addressing Sea-Level Rise and its Existential Threats), and RNI (the Rising Nations Initiative) for the vulnerable Pacific Atoll countries.²²⁶</p> <p>As regards the continuity of Statehood, my delegation agrees with the view of the [ILC] Study Group that while the 1933 Montevideo Convention provides for the elements required for the creation of a State, it does not regulate the issue of</p>

²²⁵ Statement of the Republic of Korea (South Korea) at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 30.

²²⁶ Statement of the Republic of Korea (South Korea), UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_rok_1.pdf> last accessed 16 June 2025,

	continuity of Statehood in the context of sea level rise. At the same time, it is also the case that the international recognition of continued Statehood arises from the consideration of the special circumstances under which the small island developing States find themselves in the specific context of sea level rise. In discussing the legal implications or consequences of continuing Statehood in the context of sea level rise, one should take into account this fact. ²²⁷
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

99. ROMANIA	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>In respect of statehood, States directly affected have not only the right, but the positive obligation to act in order to preserve their statehood in face of the effects of sea-level rise, using various lawful means at their disposal.²²⁸</p>

²²⁷ *ibid.*

²²⁸ Oral Statement of Romania on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (10 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241210-ora-02-00-bi.pdf>> last accessed May 2025, 41.

	<p>Conversely, States have the continuous duty to respect the statehood of other States, even in the eventuality that their land territory has been rendered uninhabitable or has become submerged as a consequence of sea-level rise. Furthermore, this obligation extends to the maintenance by the affected States of permanent sovereignty over its natural resources.²²⁹</p> <p>All States are under the obligation to co-operate in order to alleviate the negative impacts of climate change-related sea-level rise, in particular for the benefit of the most affected States.²³⁰</p> <p>It is Romania's view that the specific recognition of such obligations would assist the most affected States, in particular the low-lying and small island States, to address the unprecedented challenges posed by sea-level rise.²³¹</p>
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>... in the absence of precedents, the issue would require innovation and adaptive solutions on the basis of considerations of international law.²³²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the [ILC] Additional paper is right to conclude that qualifications for statehood, as outlined in Article 1 of the Montevideo Convention on the Rights and Duties of States of 1933, concern the moment when States appear on the international stage, and that loss of one of these qualifications, such as the territorial basis, would not extinguish the legal personality of a State (what the Additional Paper frames as the “presumption of the continuity”). Restoration of territorialized statehood in the case of total submergence of land due to sea-level rise could be possible – it is not</p>

²²⁹ *ibid.*

²³⁰ *ibid.*

²³¹ *ibid.*

²³² Statement of Romania at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 31.

	<p>inconceivable that total loss of territory could be reversed at a later stage due to technological progress or changes in climatic circumstances. Nor would total loss of territory due to sea-level rise affect the right of self-determination of peoples.²³³</p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>The Additional paper very usefully tries to chart various approaches that States might lawfully use in order to preserve their statehood in face of the effects of sea-level rise. We recognize the importance of agreement by the concerned populations with any solution identified.²³⁴</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

100. RUSSIA (RUSSIAN FEDERATION)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood

²³³ Statement of Romania, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_romania_1.pdf> last accessed 16 June 2025, para 3.

²³⁴ *ibid* para 4.

UNGA Sixth Committee Debates	<p><i>Acknowledgement of or expressed interest in different options</i></p> <p>The Russian Federation stressed that measures aimed at mitigating the effects of sea-level rise, such as coastal reinforcement, were particularly important and could be taken through international cooperation, and that the environmental impact of coastal reinforcement measures and the construction of artificial islands should be assessed from the perspective of small island developing States.²³⁵</p> <p>... argued that alternatives such as the creation of sui generis legal regimes, of non-territorial subjects of international law, could also be explored.²³⁶</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>Attention was drawn to the distinction between the situation where a State was just emerging and the situation where a state already existed as a subject of international law. It seems that there are no norms of international law expressly stipulating the necessity of making such a distinction. Meanwhile, we cannot rule out the relevance of such an approach in the context of sea-level rise.²³⁷</p> <p>The issue of continued statehood of the affected countries could be resolved either through the creation of a sui generis special legal regime (in the absence of precedents, the relevant work of the Commission would obviously represent a progressive development of international law), or—in the absence of a special regime—through the recognition of each</p>
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²³⁵ Statement of Russia at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 33.

²³⁶ *ibid* para 34.

²³⁷ Statement of Russia, UNGA Sixth Committee (2024) https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_russia_1.pdf last accessed 16 June 2025, 17 (translated from the original Russian statement with the assistance of DeepL).

	<p>individual State, taking into account specific circumstances. In either case, we believe that continued statehood cannot be regulated at the national level.²³⁸</p> <p>We agree that sovereignty and independence are among the key criteria for statehood (para. 359 of the Report). In that regard, we would consider relevant the Commission's considerations on ensuring independence, especially in the context of Governments displaced to the territory of a third States, (para. 383), or with regard to the idea of transferring the functions of the affected State to an international organization.²³⁹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

101. SAINT KITTS AND NEVIS	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of state continuity</i>

²³⁸ ibid 17-8.

²³⁹ ibid 18-9.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela.²⁴⁰</p>

²⁴⁰ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

102. SAINT LUCIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Other	<i>Clearly expressed opinion supportive of state continuity</i>

	Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu’s permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ²⁴¹
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103. SAINT VINCENT AND THE GRENADINES	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>It is acknowledged that Vincentians’ right to self-determination is inalienable, and even the physical disappearance of their land cannot legally extinguish this right, whether exercised collectively or individually. As both a collective and as individuals, the Vincentian people will perpetually retain their “right to have rights” as protected by international law, which guarantees they will never be rendered stateless. The Vincentian people will remain entitled to exercise their right to self-determination over their entire territory, even if they are temporarily forced to relocate due to climate events.²⁴²</p> <p>Obligation of Reparation (Restitution): States must acknowledge the continuity of existing maritime zones and the ongoing sovereignty of States that may lose their territory due to sea-level rise.²⁴³</p>

²⁴¹ ‘About’ (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

²⁴² Written Comments of Saint Vincent and the Grenadines on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-07-00-en.pdf>> last accessed May 2025, para 46.

²⁴³ *ibid* para 50(a)(ii).

	<p>Obligation of Reparation (Satisfaction): There must be recognition of the existing maritime zones and the continued sovereignty of States whose territories are submerged due to sea-level rise.²⁴⁴</p> <p>Legal Consequences of Serious Breaches of Obligations Owed Erga Omnes or to the International Community as a Whole: All States are obligated to recognise existing maritime zones and the continued sovereignty of affected States to ensure respect for the right of peoples to self-determination.²⁴⁵</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>The preservation of sovereign and jurisdictional rights is not only a uniquely legal issue – squarely falling within the Court’s jurisdiction – but one of significant systemic importance. However, as the Alliance of Small Island States (AOSIS) has put forward in written submissions, even with the disappearance of a State’s terrestrial space, statehood persists and thus the duty of co-operation of States to ensure that the sovereignty afforded SIDS in the aftermath is more than a mere title.²⁴⁶</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

²⁴⁴ ibid para 50(a)(iv).

²⁴⁵ ibid para 50(a)(v).

²⁴⁶ Oral Statement of Saint Vincent and the Grenadines on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (11 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241211-ora-01-00-bi.pdf>> last accessed May 2025, 13.

	<p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Other	-

104. SAMOA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supporting state continuity</i></p> <p>Under international law, there is a presumption that a State, once established, will continue to be a State, particularly if it has a defined territory and population, among other factors.²⁴⁷</p>

²⁴⁷ Statement of Samoa on behalf of the PSIDS at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 184.

Clearly expressed opinion supportive of state continuity

Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.

Clearly expressed opinion supportive of state continuity

On the issues of statehood, statelessness, sovereignty and self-determination, which were directly relevant to Pacific small island developing States in view of the ever-increasing possibility of their territories being entirely submerged or depopulated as a consequence of climate change-related sea-level rise, she said that there must be a strong presumption of continuity of statehood once a State had been created. The criteria for statehood set forth in the Montevideo Convention on the Rights and Duties of States and similar instruments were more relevant to the creation of States than to their extinction. The views of States particularly affected by climate change-related sea-level rise should be taken into account in all discussions on statehood. Accordingly, the Pacific small island developing States welcomed the acknowledgement in the [ILC Co-Chairs] second issues paper (A/CN.4/752) that, “with regard to small island developing States whose territory could be covered by the sea or become uninhabitable owing to exceptional circumstances outside their will or control, a strong presumption in favour of continuing statehood should be considered.”²⁴⁸

Clearly expressed opinion supportive of state continuity

With regard to the question of statehood, it was clear from the past two centuries of State practice that there was a fundamental presumption of the continuity of statehood in international law. Sea-level rise related to climate change did not threaten the sovereignty and statehood of small island developing States, regardless of the physical changes wrought by the climate crisis. Changes to their sovereignty would occur only if they as individual States freely chose such changes.

²⁴⁸ Statement of Samoa on behalf of the PSIDS, UNGA Sixth Committee (2022) <<https://docs.un.org/en/A/C.6/77/SR.28>> last accessed May 2025, para 21.

	<p>The Montevideo Convention on the Rights and Duties of States was not relevant to the question of continuity of statehood once statehood was established. It would be inequitable and unjust to strictly apply, in the context of rising sea levels, the criteria developed in that Convention nearly one century before, in a manner contrary to State practice. Once a State was established by a people expressing its right to self-determination through statehood, that statehood would cease only if another form of expression of the right to self-determination was explicitly sought and exercised by that people.²⁴⁹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>With respect to the issue of statehood, the practice of states over the past century has indicated that the continuity of statehood is a fundamental principle of the international order.²⁵⁰</p> <p>SIDS have been absolutely clear that there is no existential threat to our statehood from sea-level rise. We must not conflate the physical reality of land territory disappearing or becoming uninhabitable, with the legal rules concerning statehood and sovereignty, including permanent sovereignty over natural resources.²⁵¹</p> <p>We affirm that consistent with the principles of equity, fairness and sovereign equality of states, statehood cannot be challenged under any circumstances of climate change-related sea-level rise.²⁵²</p>
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²⁴⁹ Statement of Samoa on behalf of the AOSIS, UNGA Sixth Committee (2023) <<https://docs.un.org/en/A/C.6/78/SR.27>> last accessed May 2025, para 7.

²⁵⁰ Statement of Samoa on behalf of the AOSIS, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_aosis_1.pdf> last accessed 16 June 2025, para 6.

²⁵¹ *ibid* para 7.

²⁵² *ibid* para 10.

	<p>We declare that the statehood and sovereignty of SIDS and our membership in the United Nations, its specialized agencies and other intergovernmental organizations will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impacts of climate change-related sea-level rise.²⁵³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

105. SÃO TOMÉ AND PRÍNCIPE	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of state continuity</i>

²⁵³ ibid para 11.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

106. SAUDI ARABIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

107. SENEGAL	
Submissions to the ICJ	<p><i>Limited</i></p> <p>If no measures are adopted in the short term to reduce greenhouse gas emissions, the rise in ocean levels could result in the reduction, or even the disappearance, of the land territory of several of these states. The oceans, which absorb 90% of the excess heat caused by greenhouse gas emissions, are undergoing physical and climatic changes that directly undermine the development process of island countries.²⁵⁴</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

²⁵⁴ Oral Statement of Senegal on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (11 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241211-ora-01-00-bi.pdf>> last accessed June 2025, 39 (translated from the original French statement with the assistance of ChatGPT (OpenAI)).

Participation in the AOSIS Declaration	No, non-member
Other	-

108. SERBIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>With regard to statehood, international legal practice provides no solution to the problem of a sea-level rise. However, it is believed that it is necessary to address the right to existence of States facing a loss of statehood due to the sea-level rise. Frequently, the law does not provide solutions to all challenges that must be addressed in the political process. There is no doubt that this political process needs to be conducted in accordance with the principles and rules of international law, particularly those concerning cooperation under the United Nations Charter.²⁵⁵</p> <p>The preservation of statehood, territorial integrity and the protection of vulnerable nations are issues of global concern. Serbia stands ready to contribute to these discussions and support the development of international law in order to safeguard the interests of the international community, particularly the legitimate interests and rights of States facing the consequences of the sea-level rise.²⁵⁶</p>

²⁵⁵ Statement of Serbia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/25mtg_serbia_1.pdf> last accessed 16 June 2025, 4.

²⁵⁶ *ibid* 5.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

109. SEYCHELLES	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of statehood</i> Yes, member
Other	-

110. SIERRA LEONE	
Submissions to the ICJ	<p><i>Limited</i></p> <p>For island States and States with low-lying coastal areas, such as Sierra Leone, these effects of climate change can pose an existential crisis. Sea-level rise can lead to their territories being partially or fully submerged, or otherwise uninhabitable. This directly impacts the right of self-determination, including for Sierra Leone. There are additional sea level rise implications, including in relation to the baselines for coastal states and questions of statehood and recognition stemming from territorial loss.²⁵⁷</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p><i>Acknowledgement of or expressed interest in different options</i></p> <p>Causing or failing to prevent significant harm to the climate system entails an obligation to provide full reparation. Reparation must “as far as possible ... benefit all those who suffered injury resulting” from the unlawful conduct. It is</p>

²⁵⁷ Written Statement of the Republic of Sierra Leone on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240315-wri-02-00-en.pdf>> last accessed May 2025, para 3(91).

	<p>imperative for reparation to benefit SIDS and other States vulnerable to climate change (like Sierra Leone) and their populations.²⁵⁸</p> <p>The “first of the forms of reparation” is restitution. States have rightly suggested that restitution in the context of climate change can include: (i) “reforestation of lost natural resources” and “wetlands”; (ii) investment in healthcare for communities impacted by pollution; (iii) “reconstruction of infrastructure damaged or destroyed”; (iv) recognizing “sovereignty, statehood, territory and maritime spaces of low-lying” SIDS if any of these elements is lost because of climate change; and (v) contributing land to States that lost territory because of climate change.²⁵⁹</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>On Statehood and Sovereignty, we agree that the principle of state continuity, even in partial or total land submergence cases, is foundational.²⁶⁰</p> <p>... we fully align with the Declaration [PIF Declaration]. This declaration underscores that the international community must recognize the continuity of statehood, particularly for States facing the existential threat of losing territory. We also reference the Montevideo Convention on the Rights and Duties of States (1933), which provides that once a State is created, its existence as a subject of international law is presumed to continue unless there is express legal termination.²⁶¹</p>

²⁵⁸ Written Comments of the Republic of Sierra Leone on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-24-00-en.pdf>> last accessed May 2025, para 4(17).

²⁵⁹ *ibid* para 4(18).

²⁶⁰ Statement of Sierra Leone, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_sierraleone_1.pdf> last accessed 16 June 2025, para 25.

²⁶¹ *ibid* para 26.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

111. SINGAPORE	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Singapore said that, like other small, low-lying island States, it faced an existential threat from rising sea levels.²⁶²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p>

²⁶² Statement of Singapore at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 29.

	<p><i>Expressed opinion, not very clear or definite</i></p> <p>On the sub-topic of statehood, Singapore reaffirms our support for the view expressed by the [ILC] Study Group that a distinction should be drawn between the criteria for the establishment of a State and those for its continued existence. This approach accords with considerations of equity, for small and vulnerable low-lying States confronted with climate change-related sea-level rise. Singapore agrees that States have the right to provide for their preservation through various means at their disposal, including through coastal adaptation measures and international cooperation, consistent with international law. Singapore supports the Commission's study of legal and practical modalities for the preservation of legal personality and territory, and continued exercise of a State's rights and discharge of its obligations. Such study should be informed by considerations of equity, and fundamental principles closely related to statehood, such as self-determination, territorial integrity, and the sovereign equality of States. We look forward to the innovative legal and practical solutions that the Study Group may propose as part of its conclusions on this sub-topic.²⁶³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>

²⁶³ Statement of Singapore, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_singapore_1.pdf> last accessed 16 June 2025, para 6.

Other	-
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112. SLOVAKIA	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>... stressed that the Commission should focus on the legal aspects of the topic, in accordance with its mandate, and take a prudent approach in its analysis of possible alternatives regarding the preservation of international legal personality in cases of loss of territory as a result of sea-level rise.²⁶⁴</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>There is an abundant practice, jurisprudence and literature on issues such as continuity and discontinuity of a State or matters of preservation of State's legal personality. The factual situations, on the basis of which this practice and jurisprudence developed, did not include situations of the permanent loss of the entire territory due to a phenomenon of the sea-level rise.²⁶⁵</p> <p>The answer to the question what will happen to the statehood depends very much on the answer to the question what will happen to the population of that State, its national economy and institutions. The available options will largely depend on specific situations, and the choice from among these options will be a matter of sovereign decisions made by respective governments. The choice between these options may have different consequences for the statehood. The Study should</p>

²⁶⁴ Statement of Slovakia at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 30.

²⁶⁵ Statement of Slovakia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_slovakia_1.pdf> last accessed 16 June 2025, 4.

	therefore analyze realistic alternatives, including possibilities of integration with other States. The choice between these alternatives will be primarily a matter of national policy. ²⁶⁶
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

113. SLOVENIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Although the Montevideo Convention on the Rights and Duties of States introduced a set of criteria for the qualification of an entity as a State, it cannot deny the existence of statehood once it has been acquired, even if one or more of these criteria are no longer fulfilled. The continuity of statehood is closely linked to the applicability of the principles of self-determination, the protection of the territorial integrity of the State, the sovereign equality of States and the permanent sovereignty of States over their natural resources. Not only would it be unjust to deny the existence of States due to the</p>

²⁶⁶ ibid 4.

	<p>effects of an anthropogenic phenomenon not caused by the States most affected by its consequences, but it would also create a legal vacuum that would threaten international security, stability, certainty and predictability.²⁶⁷</p> <p>Thus, Slovenia upholds a strong presumption of the continuity of statehood and the international legal personality in the case of States whose land territory might be totally or partially submerged or rendered uninhabitable due to rising sea levels caused by climate change.²⁶⁸</p> <p>The international community has a collective responsibility and obligation to cooperate and assist the particularly affected States in preserving their territory and territorial integrity and in protecting their people. Slovenia agrees that it is not a question of attributing new rights to the States affected by sea-level rise, but of ensuring the preservation of existing rights, which the affected States legitimately possess under international law.²⁶⁹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

²⁶⁷ Statement of Slovenia, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/20mtg_slovenia_1.pdf> last accessed 16 June 2025, 5.

²⁶⁸ *ibid.*

²⁶⁹ *ibid.*

114. SOLOMON ISLANDS	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Solomons has taken an active stance in endorsing the presumption of continuity of statehood despite a loss of physical territory.²⁷⁰</p> <p>Solomons submits that international law does not presently contemplate the extinguishing of statehood as a result of climate change-induced sea-level rise, and that in circumstances of the complete loss of a State's territory and displacement of its population, the presumption of continuity of statehood ought still to apply.²⁷¹</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>... the Solomons respectfully invites the court to provide an advisory opinion as follows:²⁷²</p> <p>In answer to the first Question (a), that States have obligations under international law to:</p> <p>...</p> <p>...</p>

²⁷⁰ Written Statement of Solomon Islands on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-30-00-en.pdf>> last accessed May 2025, para 216.

²⁷¹ *ibid* para 217.

²⁷² Written Comments of Solomon Islands on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-27-00-en.pdf>> last accessed 27 June 2025, para 58.

	j) recognise the continuing statehood and sovereignty of States who experience complete loss of territory due to sea-level rise... ²⁷³
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Solomon Islands supports the strong presumption in favor of continuing statehood. The continued existence of States is foundational to our current international order. State practice supports the notion that States may continue to exist despite the absence of Montevideo Convention criteria. The principles of stability, certainty, predictability and security also underly the presumption of continuing statehood. Sea-level rise cannot be a justification for denying a vulnerable State's vital representation in the international order.²⁷⁴</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p>

²⁷³ *ibid* 58(1)(j).

²⁷⁴ Statement of Solomon Islands at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 185.

	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Other	-
115. SOUTH AFRICA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood

UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>... emphasized the case of loss of territory as a result of sea-level rise, stressing that in such cases the State would not automatically lose its status as a subject of international law.²⁷⁵</p> <p><i>Limited</i></p> <p>South Africa extends its appreciation to the [ILC] Co-Chairs of the Study Group, Ms. Galvão Teles and Mr. Ruda Santolaria, for their work leading to an additional paper to the second issues paper, which explored amongst others, issues related to the configuration of a State as a subject of international law and continued existence of the State.²⁷⁶</p> <p>In particular, South Africa notes the impact that a partial submersion or total physical disappearance of the territory of a State as a result of sea level rise and how these may call into question the traditional criteria or requirements for statehood as reflected under Article 1 of the Montevideo Convention on the Rights and Duties of States.²⁷⁷</p> <p>South Africa acknowledges the complex questions that rising sea levels raises in relation to international law, which bring with them many, and potentially unforeseen, implications that may present several practical challenges.²⁷⁸</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

²⁷⁵ Statement of South Africa at the UNGA Sixth Committee (2022) as reported in the Additional ILC Co-Chairs Report, para 27.

²⁷⁶ Statement of South Africa, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_southafrica_1.pdf> last accessed 16 June 2025, 2.

²⁷⁷ *ibid.*

²⁷⁸ *ibid* 3.

Participation in the AOSIS Declaration	No, non-member
Other	-

116. SPAIN	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<i>Expressed opinion, not very clear or definite</i> In relation to the subtopic of statehood in the context of sea-level rise, we align ourselves with the view that the concept of legal stability with respect to existing boundaries, along with the relevance of security and principles such as stability, certainty and predictability, equity and justice, the sovereign equality of states, and the permanent sovereignty of states over their natural resources, are of the utmost importance to guide the conclusions of the [ILC] Study Group. ²⁷⁹
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

²⁷⁹ Statement of Spain, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_spain_1.pdf> last accessed 16 June 2025, 16 (translated from the original Spanish statement with the assistance of ChatGPT (OpenAI)).

Other	-
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117. SRI LANKA	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>... assistance with adaptation, non-monetary redress for climate-induced displacement and migration, and recognition of sovereignty, statehood, and territory despite sea-level rise may be some of the types of restitution called for under State responsibility.²⁸⁰</p> <p><i>Clearly expressed opinion supportive of statehood</i></p> <p>The ARSIWA also stipulates that a State responsible for an internationally wrongful act is “under an obligation to make restitution, that is, to re-establish the situation which existed before the wrongful act was committed”, provided to the extent that restitution is neither materially impossible nor wholly disproportionate to the benefit. Therefore, an effective legal consequence that should be recognized is the liability of responsible States to extend financial support to affected States to improve their adaptive capacity. Another consequence which is particularly relevant for island States such as Sri Lanka would be to recognize the preservation of sovereignty in its territory, including maritime zones, irrespective of sea-level rise from climate change.²⁸¹</p>
UNGA Sixth Committee Debates	-

²⁸⁰ Written Comments of the Democratic Socialist Republic of Sri Lanka on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-38-00-en.pdf>> last accessed May 2025, para 75.

²⁸¹ Oral Statement of the Democratic Socialist Republic of Sri Lanka on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (11 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241211-ora-02-00-bi.pdf>> last accessed May 2025, 47.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

118. SUDAN	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

119. SURINAME	
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Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of statehood</i></p> <p>Yes, member</p>
Other	-

120. SWEDEN

Submissions to the ICJ	Participated in the proceedings jointly with Denmark, Finland, Iceland, and Norway, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2021. See the full statement under Iceland.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Iceland on behalf of the Nordic countries at the UNGA Sixth Committee in 2024. See the full statement under Iceland.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

121. SWITZERLAND	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

122. SYRIAN ARAB REPUBLIC (SYRIA)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

123. THAILAND

Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Sea-level rise affected not just States and statehood, but also has a direct impact on populations, which might have to migrate or be displaced as a consequence thereof.²⁸²</p> <p><i>Limited</i></p> <p>First, Thailand underscores the importance of legal stability. As my delegation has indicated at previous sessions, maritime boundaries, once determined by treaties or through decisions of international courts and tribunals shall be final regardless of sea-level rise. Furthermore, the sovereign and jurisdictional rights of States in each maritime zone, as guaranteed by the United Nations Convention on the Law of the Sea, must be protected. It is crucial that legal stability be taken into consideration when examining the subtopic on statehood.²⁸³</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

²⁸² Statement of Thailand at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 33.

²⁸³ Statement of Thailand, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/21mtg_thailand_1.pdf> last accessed 16 June 2025, 3.

124. TIMOR-LESTE	
Submissions to the ICJ	<p><i>Expressed opinion, not very clear or definite</i></p> <p>At the same time, there is a difference between acknowledging the effects of anthropogenic greenhouse gases, including potentially submerging entire SIDS or making their territory uninhabitable, and taking the view that breaches of States' obligations with respect to climate change are also a breach of the right to self-determination. The issue of continuation of statehood is a matter of primary law. It is too significant and consequential to be dependent on findings of breaches of international law relating to climate change by other States.²⁸⁴</p>
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>

²⁸⁴ Written Comments of the Democratic Republic of Timor-Leste on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-39-00-en.pdf>> last accessed May 2025, para 114.

Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

125. TONGA	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Tonga submits that in circumstances of the complete loss of a State's territory and displacement of its population, the presumption of continuity of statehood ought still to apply.²⁸⁵</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>In its final submission, Tonga joins with the 25 States and international organizations that have invited this Court to affirm that,</p> <p>– first, under international law there is a presumption of continuity of statehood; and</p>

²⁸⁵ Written Statement of the Kingdom of Tonga on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240315-wri-01-00-en.pdf>> last accessed May 2025, para 239.

	<p>– second, States’ maritime zones, and the rights and entitlements that flow from them, shall continue to apply without reduction, notwithstanding climate change-related sea-level rise.²⁸⁶</p> <p>... respectfully invites this Court to affirm the presumption of continuity of statehood and preservation of maritime zones in the face of climate change-related sea-level rise.²⁸⁷</p> <p>To do so is consistent with legal stability and certainty, and the core principles of international law of permanent sovereignty over natural resources, territorial integrity and the peremptory right of self-determination.²⁸⁸</p>
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Yet, a defined territory and population were key indicia of statehood under international law. For small island developing States, that was a question of survival. Tonga therefore stressed the need to quickly address the international law implications of those emerging issues.²⁸⁹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

²⁸⁶ Oral Statement of the Kingdom of Tonga on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (12 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241212-ora-01-00-bi.pdf>> last accessed May 2025, 45.

²⁸⁷ *ibid.*

²⁸⁸ *ibid* 46.

²⁸⁹ Statement of Tonga at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 186.

	<p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... would like to highlight two Declarations [2021 PIF Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise and 2023 PIF Declaration] adopted by our Leaders which articulate our views on the relationship between sea-level rise and international law.²⁹⁰</p> <p>... the 2023 Statehood Declaration declares that our statehood and sovereignty will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.²⁹¹</p>
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²⁹⁰ Statement of Tonga on behalf of the UN Members of the PIF, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_pif_1.pdf> last accessed 16 June 2025, 2.

²⁹¹ *ibid.*

	While Forum Members acknowledge that climate change represents the single greatest threat to the livelihoods, security and wellbeing of people in the Pacific, the 2023 Statehood Declaration underscores that such a threat does not extend to the status of Forum Members as states under international law. ²⁹²
Submissions to the ILC	-
Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	-

126. TRINIDAD AND TOBAGO	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of state continuity</i> Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda. <i>Clearly expressed opinion supportive of state continuity</i>

²⁹² *ibid.*

	<p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	-

127. TÜRKİYE	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Limited</i>

	<p>There is no doubt that climate change is an existential threat, especially for the most vulnerable, the Least Developed Countries and the Small Island Developing Countries. They are severely impacted by the effects of climate change despite contributing very little to this challenge.²⁹³</p> <p>Therefore, most vulnerable countries should be prioritized in combatting climate change. They need to adapt faster and build resilience. In this regard, Türkiye always underlines the importance of increasing the adaptation capacity and resilience of developing countries in the face of climate change by means of providing financial support and sharing technology, best practices and know-how.²⁹⁴</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

128. TUVALU	
Submissions to the ICJ	<i>Clearly expressed opinion supportive of state continuity</i>

²⁹³ Statement of Türkiye, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_turkey_1.pdf> last accessed 16 June 2025, 6.

²⁹⁴ *ibid.*

	<p>All States must also refrain from recognizing the consequences resulting from violations on the part of States to limit GHG emissions. Importantly for States like Tuvalu whose very survival is threatened by climate change, this means that all States must recognize the perpetual sovereignty of small island States as well as the permanence of their maritime boundaries and their entitlements to natural resources. Just as States are prohibited from recognizing violations of territorial integrity, sovereignty, and the principle of self-determination resulting from inter-State conflicts and illegal boundary changes under this obligation, all States must equally respect the enduring sovereignty of States like Tuvalu even in the face of submergence of land territory.²⁹⁵</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>International law protects statehood even as “governments, constitutions, territories and populations change”. The right for the statehood and sovereignty of States to continue despite the impact of climate change was declared by the leaders of the Pacific Island Forum last year. Tuvalu’s Constitution affirms that its statehood will remain in perpetuity notwithstanding any loss to its physical territory.²⁹⁶</p> <p>Tuvalu joins the consensus of over 100 States that respect for sovereignty and territorial integrity requires recognition that maritime baselines remain fixed despite physical changes to the coastline due to sea-level rise. This encompasses the recognition of statehood in perpetuity, as set out in Tuvalu’s Constitution.²⁹⁷</p>
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²⁹⁵ Written Statement of Tuvalu on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-05-00-en.pdf>> last accessed May 2025, para 149.

²⁹⁶ Oral Statement of Tuvalu on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (12 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241212-ora-01-00-bi.pdf>> last accessed May 2025, 58.

²⁹⁷ *ibid* 60.

UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>We acknowledge that several of the requirements for effective statehood are referred to in article 1 of the Montevideo Convention. For my country, although we are still conducting a comprehensive review of our policy, we notice that the argument is growing [that] the criteria provided by the Montevideo Convention [apply] only for the determination of the birth of a State rather than [for the determination of] a State's [continued existence].²⁹⁸</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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²⁹⁸ Statement of Tuvalu at the UNGA Sixth Committee (2021) as reported in the Second ILC Co-Chairs Report, para 187.

	<p>... sea-level rise poses a direct and immediate threat to our survival as a nation.²⁹⁹</p> <p>The principle of statehood continuity is of paramount importance. The physical impacts of climate change cannot be allowed to undermine Tuvalu's sovereign status. The continuity of statehood is not only a fundamental principle of international law but also an essential safeguard for the dignity and identity of our people. We must recognize and enshrine this principle, ensuring that Tuvalu and other vulnerable states remain sovereign entities with full international recognition, regardless of the changes to our physical territory.³⁰⁰</p> <p>Our maritime zones, as established under the United Nations Convention on the Law of the Sea (UNCLOS), must also remain intact.³⁰¹</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-

²⁹⁹ Statement of Tuvalu, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/25mtg_tuvalu_1.pdf> last accessed 16 June 2025, 1.

³⁰⁰ *ibid* 2.

³⁰¹ *ibid*.

Participation in the PIF Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Participation in the AOSIS Declaration	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Yes, member</p>
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The State of Tuvalu within its historical, cultural, and legal framework shall remain in perpetuity in the future, notwithstanding the impacts of climate change or other causes resulting in loss to the physical territory of Tuvalu.³⁰²</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>With these references to international peace and security, equality among States, and maritime and territorial integrity, both States recognize climate change as an existential threat to Tuvalu and a shared global problem. They further commit to recognizing the statehood of Tuvalu as permanent and its existing maritime boundaries as set, even if Tuvalu's population is displaced or it loses its land territory due to sea level rise. This is in accordance with international law, which holds that recognition is unconditional and irrevocable.³⁰³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

³⁰² The Constitution of Tuvalu Act 2023 pt 1, div 1, art 2(1).

³⁰³ 'Joint Communiqué on the Establishment of Diplomatic Relations between Tuvalu and the Bolivarian Republic of Venezuela' (04 August 2021) <<https://www.facebook.com/100069216129964/posts/369952514740330/>> last accessed 25 June 2025.

	<p>[T]he statehood and sovereignty of Tuvalu will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise³⁰⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the Government of Tuvalu and the Government of the Republic of Latvia take this opportunity to reaffirm the diplomatic ties established between the two states 13 years ago on 07 July 2011.³⁰⁵</p> <p>With these references to international peace and security, equality among States, and territorial integrity, including maritime boundaries, both States will further consider climate change as an existential threat to Tuvalu and a shared global problem. In light of Latvia's experience of continuing statehood since foundation in 1918, Latvia expresses its readiness to continue to recognize the statehood of Tuvalu and its existing maritime boundaries, even if Tuvalu's population is displaced or it loses its land surface due to sea level rise.³⁰⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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³⁰⁴ Australia-Tuvalu Falepili Union (Australia-Tuvalu) (adopted 09 November 2023, entered into force 28 August 2024) <<https://www.dfat.gov.au/sites/default/files/australia-tuvalu-falepili-union-treaty.pdf>> last accessed 25 June 2025, art 2(2)(b).

³⁰⁵ 'Joint Communiqué on the Reaffirmation of Diplomatic Relations Between Tuvalu and the Republic of Latvia' (25 September 2024) <<https://www.mfa.gov.lv/en/media/15961/download?attachment>> last accessed 25 June 2025.

³⁰⁶ *ibid.*

	Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ³⁰⁷
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129. UNITED ARAB EMIRATES (UEA)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

130. UNITED KINGDOM (UK)	
Submissions to the ICJ	Participated in the proceedings, did not address statehood

³⁰⁷ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>The United Kingdom continues to carefully consider the implications of sea-level rise, including relating to Statehood and the protection of persons. The United Kingdom observes that these represent fundamental aspects of international law, beyond the issue of sea-level rise. The United Kingdom, therefore, supports approaches to addressing these important issues that are grounded in international law, with a view to potential broader consequences.³⁰⁸</p>
Submissions to the ILC	<p><i>Clearly expressed opinion objecting state continuity</i></p> <p>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 relations.³⁰⁹</p> <p><i>Expressed opinion, not very clear or definite</i></p> <p>In the submission from the United Kingdom of Great Britain and Northern Ireland, submitted by a note dated 30 December 2024, the United Kingdom notes that approaches to statehood in this context should be grounded in international law.³¹⁰</p>
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

³⁰⁸ Statement of the UK, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_uk_1.pdf> last accessed 16 June 2025, para 15.

³⁰⁹ Submission of the UK to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 82.

³¹⁰ Submission of the UK to the ILC (2024) as reported in the Final ILC Co-Chairs Report, para 290.

Other	-
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131. TANZANIA (UNITED REPUBLIC OF)	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>Turning to the subtopic “statehood”, Tanzania would like to support the view expressed by members of the Study Group and Delegations that criteria for the establishment and existence of the State should be considered. The preservation of maritime zones and the rights and entitlements that flow from them in the face of sea-level rise should be considered and discussed in line with the United Nations Convention on the Law of the Sea (“UNCLOS”) and the legal principles underpinning it.³¹¹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

³¹¹ Statement of Tanzania, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/24mtg_tanzania_1.pdf> last accessed 16 June 2025, para 11.

132. UNITED STATES OF AMERICA (USA)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The United States also has focused on minimizing the risks and effects of sea-level rise for small island and low-lying States. These efforts include President Biden’s 2022 announcement that the United States is committed to preserving the legitimacy of States’ maritime zones, and associated rights and entitlements, that have been established consistent with international law and that are not subsequently updated despite sea-level rise caused by climate change. Efforts also include President Biden’s September 2023 announcement of the U.S. policy that human-induced sea-level rise should not cause any country to lose its statehood or its membership in the United Nations or other international organizations.³¹²</p>
UNGA Sixth Committee Debates	<p><i>Limited</i></p> <p>The United States of America raised concerns about whether the issues of statehood and protection of persons as specifically related to sea-level rise were at a sufficiently advanced stage of State practice.³¹³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the United States noted that it had recently announced that it considered that sea-level rise driven by human-induced climate change should not cause any country to lose its statehood or its membership of international organizations.³¹⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>

³¹² Written Statement of the USA on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-06-00-en.pdf>> last accessed May 2025, para 1(13).

³¹³ Statement of the USA at the UNGA Sixth Committee (2018) as reported in the Second ILC Co-Chairs Report, para 26.

³¹⁴ Statement of the USA at the UNGA Sixth Committee (2023) as reported in the Additional ILC Co-Chairs Report, para 63.

	<p>On the sub-topic of statehood, it is the United States' policy that sea-level rise driven by human-induced climate change should not cause any country to lose its statehood or its membership in the United Nations, its specialized agencies, or other international organizations. The United States is committed to working with Pacific Island States and others on issues relating to human-induced sea-level rise and statehood to advance those objectives.³¹⁵</p>
Submissions to the ILC	<p><i>Expressed opinion, not very clear or definite</i></p> <p>[...] notes the qualifications for statehood outlined in the Montevideo Convention on the Rights and Duties of States: (a) a permanent population; (b) a defined territory; (c) Government; and (d) capacity to enter into relations with States. The issue of continuance of statehood in the context of sea-level rise raises complex questions related to foundational aspects of international law. Given the lack of applicable State practice in relevant areas, it is difficult to draw definitive conclusions on how international law may develop.³¹⁶</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the United States notes that, in September 2023, a new United States policy on sea-level rise and statehood was announced. Under that policy, sea-level rise driven by climate change should not cause any country to lose its statehood or its membership in the United Nations, its specialized agencies, or other international organizations. The United States also expresses its commitment to working with Pacific island States and others on issues relating to sea-level rise and statehood.³¹⁷</p>
Participation in the PIF Declaration	No, non-member

³¹⁵ Statement of the USA, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/23mtg_us_1.pdf> last accessed 16 June 2025, 3.

³¹⁶ Submission of the USA to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 84.

³¹⁷ Submission of the USA to the ILC (2024) as reported in the Final ILC Co-Chairs Report, para 289.

Participation in the AOSIS Declaration	No, non-member
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>For some States, particularly low-lying island States in the Pacific Ocean, increasing sea levels pose an existential threat. Today, the President announced that the United States considers that sea-level rise driven by human-induced climate change should not cause any country to lose its statehood or its membership in the United Nations, its specialized agencies, or other international organizations. The United States is committed to working with those States and others on issues relating to human-induced sea-level rise and statehood to advance these objectives.³¹⁸</p>

133. URUGUAY	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member

³¹⁸ The White House, 'FACT SHEET: Enhancing the U.S. – Pacific Islands Partnership' (25 September 2023) <<https://perma.cc/U9TH-UVL2>> last accessed 25 June 2025.

Other	-
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134. VANUATU	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The legal consequences with respect to “States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change” are governed by the relevant rules of general international law codified in the ARSIWA ... This general regime is residual, as recalled by Article 55 of ARSIWA. It applies to the determination of legal consequences for breaches involving harm to the environment, with its specificities, including the existence of several concurrent causes and the nature of the injury. The two basic legal consequences of the breach arising for States having displayed the Relevant Conduct are the obligations of cessation and reparation. The obligation of cessation of the Relevant Conduct requires deep cuts in GHG emissions in accordance with the scientific consensus regarding what needs to be done and by when. ... The obligation of reparation entails, first and foremost, restitution when this is possible (including support for adaptive capacity, non-monetary redress for the human mobility, including displacement and migration, caused by the adverse effects of climate change, recognition of sovereignty, statehood, territory and maritime boundaries despite sea-level rise).³¹⁹</p> <p>The legal consequences with respect to “Peoples and individuals of the present and future generations affected by the adverse effects of climate change” are described in both general international law and in special treaty rules. There are three important legal consequences that arise from the violation of human rights obligations by States having displayed the</p>

³¹⁹ Written Statement of the Republic of Vanuatu on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (21 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240321-wri-06-00-en.pdf>> last accessed May 2025, para 8.

	<p>Relevant Conduct, namely the obligation to provide an effective remedy in order to afford redress for the human rights violations, the obligation to provide structural remedies, and the additional obligation arising from serious breaches of obligations owed erga omnes or to the international community as a whole. ... In addition, the breach of the right to self-determination also gives rise to additional legal consequences. The Court can provide advice to the General Assembly regarding the modalities required to ensure the continued enjoyment of the right to self-determination by peoples which, due to loss and damage, will be unable to continue to fully exercise their right to self-determination in their own territory. All States have to cooperate to achieve this precise result, and they are also required to recognize the continued enjoyment by the affected peoples of their right to self-determination in the way it has been exercised, including independence and Statehood in the limits of their own territory and maritime spaces, and not to render aid or assistance in maintaining or expanding new fossil fuel production and use.³²⁰</p> <p>Clearly expressed opinion supportive of state continuity</p> <p>Like Vanuatu, numerous States emphasize the preservation and continued recognition of the sovereignty, statehood, territory, and maritime zones of small island developing States (SIDS) and coastal States, as a means of restitution.³²¹</p> <p>The legal consequences arising for States which have engaged in the Relevant Conduct include both cessation and reparation. Cessation is fundamental but it is not sufficient.³²²</p>
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³²⁰ ibid para 9.

³²¹ Written Comments of the Republic of Vanuatu on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-11-00-en.pdf>> last accessed May 2025, para 198.

³²² ibid para 232(I).

	<p>With respect to reparation, there is a broad consensus emerging from the Written Statements on the importance and feasibility of restitution in the context of climate change, particularly for small island developing States and other particularly vulnerable States. There is strong support for a broad understanding of restitution that encompasses: (a) the preservation and continued recognition of the sovereignty, statehood, territory, and maritime zones of small island developing States and coastal States, as a means of restitution; (b) support for environmental restoration and adaptation measures in injured, specially affected and/or particularly vulnerable States; (c) structural and systemic changes in responsible States to confront the root causes of climate change and its disproportionate impact on those injured, specially affected and/or particularly vulnerable States. Vanuatu respectfully invites the Court to confirm that this understanding of restitution is indeed correct in the present context ...³²³</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... due to the peremptory nature of the right to self-determination and the erga omnes character of relevant obligations, the breach triggers additional obligations for all States and international organizations. Specifically, States and international organizations must not recognize the unlawful situation resulting from the breach. A concrete implication is the obligation to recognize the territory and maritime spaces of small island developing States, as established under the law of the sea, and of their continued sovereignty and statehood despite the effects of climate change. All States and international organizations must also cooperate to bring the breach to an end.³²⁴</p>
UNGA Sixth Committee Debates	<i>Clearly expressed opinion supportive of state continuity</i>

³²³ ibid para 232(L).

³²⁴ Oral Statement of the Republic of Vanuatu on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (02 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241202-ora-01-00-bi.pdf>> last accessed May 2025, 114.

	<p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2021. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Antigua and Barbuda on behalf of the AOSIS at the UNGA Sixth Committee in 2022. See the full statement under Antigua and Barbuda.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the PSIDS at the UNGA Sixth Committee in 2022. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2023. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Samoa on behalf of the AOSIS at the UNGA Sixth Committee in 2024. See the full statement under Samoa.</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Statement delivered by Tonga on behalf of the UN members of the PIF at the UNGA Sixth Committee in 2024. See the full statement under Tonga.</p>
Submissions to the ILC	-

Participation in the PIF Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Participation in the AOSIS Declaration	<i>Clearly expressed opinion supportive of state continuity</i> Yes, member
Other	<i>Clearly expressed opinion supportive of state continuity</i> Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ³²⁵

135. VENEZUELA (BOLIVARIAN REPUBLIC OF)	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

³²⁵ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

Participation in the AOSIS Declaration	No, non-member
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>With these references to international peace and security, equality among States, and maritime and territorial integrity, both States recognize climate change as an existential threat to Tuvalu and a shared global problem. They further commit to recognizing the statehood of Tuvalu as permanent and its existing maritime boundaries as set, even if Tuvalu's population is displaced or it loses its land territory due to sea level rise. This is in accordance with international law, which holds that recognition is unconditional and irrevocable.³²⁶</p>

136. VIET NAM	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Expressed opinion, not very clear or definite</i></p> <p>... my delegation emphasizes the necessity and urgency of advancing the codification of international rules addressing this issue [sea-level rise in relation to international law], particularly given the current and potential threats posed by the sea-level rise. It is essential that this process of codification adheres to the fundamental principles of international law, including respect for national sovereignty, sovereign rights, and territorial integrity, alongside the sovereign equality of states and their permanent sovereignty over natural resources. In deliberations on this topic, the Commission should concentrate on</p>

³²⁶ 'Joint Communiqué on the Establishment of Diplomatic Relations between Tuvalu and the Bolivarian Republic of Venezuela' (04 August 2021) <<https://www.facebook.com/100069216129964/posts/369952514740330/>> last accessed 25 June 2025.

	legal and technical aspects rather than sensitive issues such as the transfer of sovereignty which would directly impact the self-determination principle. ³²⁷
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

137. ZAMBIA	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

³²⁷ Statement of Viet Nam, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_vietnam_1.pdf> last accessed 16 June 2025, 3-4.

Participation in the AOSIS Declaration	No, non-member
Other	-

138. STATE OF PALESTINE	
Submissions to the ICJ	Participated in the proceedings, did not address statehood
UNGA Sixth Committee Debates	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>We also reiterate that the right to self-determination is foundational, unassailable, and inalienable, including through statehood, so is the sovereignty over natural resources.³²⁸</p> <p>Self-determination is a fundamental aspect of our understanding of the impact of sea-level rise on the continuation of statehood and on the peoples. The State of Palestine agrees with the assertion contained in the Second Issue Paper that “it is essential to preserve the right to self-determination of the populations of any small island developing States whose land territory is completely covered by the sea or becomes uninhabitable”³²⁹</p> <p>We support the position expressed by many of the most affected States that “statehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people.” Statehood continues to be</p>

³²⁸ Statement of the State of Palestine, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/22mtg_palestine_1.pdf> last accessed 16 June 2025, 3.

³²⁹ *ibid.*

	a valid expression of self-determination, until peoples decide to express its right to self-determination through another political status. ³³⁰
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	-

139. KOSOVO (REPUBLIC OF)	
Submissions to the ICJ	-
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member

³³⁰ *ibid.*

Participation in the AOSIS Declaration	No, non-member
Other	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela.³³¹</p>

140. TAIWAN (REPUBLIC OF CHINA)	
Submissions to the ICJ	-
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	No, non-member
Participation in the AOSIS Declaration	No, non-member
Other	<i>Clearly expressed opinion supportive of state continuity</i>

³³¹ 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

	Tuvalu has also formalised this in agreements with other countries, having now signed 12 joint communiques acknowledging Tuvalu's permanent sovereignty with The Bahamas, Cook Islands, Gabon, Republic of Kosovo, Marshall Islands, Niue, Palau, Saint Kitts and Nevis, Saint Lucia, Taiwan, Vanuatu, and Venezuela. ³³²
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ANNEX 2.

DETAILED INTERNATIONAL ORGANISATIONS' PRACTICE CONCERNING SMALL ISLAND STATEHOOD FUTURES IN THE CONTEXT OF CLIMATE CHANGE

³³² 'About' (tuvalu.tv) <<https://www.tuvalu.tv/about>> last accessed 25 June 2025; <<https://www.uea.ac.uk/about/law-school/research/research-blog/sea-level-rise-statehood-and-budding-state-practice-in-the-pacific-region>>.

1. AFRICAN UNION (AU)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>As a minimum, the obligation of restitution will recognise existing maritime spaces and the continued sovereignty of those States that lose their territory as a result of sea-level rise.³³³</p> <p>The second consequence resulting for third States from a serious breach of a peremptory norm is the obligation not to recognize any unlawful situation resulting from that breach. States are also “under an obligation not to render aid or assistance in maintaining the situation”. As Vanuatu noted in its written submission: the obligation of non-recognition of the situation resulting from the breach requires the recognition of the continued enjoyment by the affected peoples of their right to self-determination in the way it has been exercised, including independence and Statehood, and in the limits of their own territory and maritime spaces.³³⁴</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-

³³³ Written Comments of the African Union on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-08-00-en.pdf>> last accessed May 2025, para 101.

³³⁴ *ibid* para 121.

Other	-
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2. ALLIANCE OF SMALL ISLAND STATES (AOSIS)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The principle of continuity of statehood, as well as sovereignty and United Nations membership, is fundamental to the international legal order. In the context of climate change, this principle holds that statehood, once established, endures despite physical changes to or complete inundation of a State's land territory due to climate change-related sea-level rise.³³⁵</p> <p>SIDS have been clear that there is no existential threat to our statehood from sea-level rise. We must not conflate the physical reality of land territory becoming submerged with the legal rules concerning statehood and sovereignty, including permanent sovereignty over natural resources.³³⁶</p> <p>Recognizing the principles of equity and self-determination, and the necessity of ensuring legal stability, security, certainty and predictability, we ask you to affirm the following:</p> <p>(a) First, that small island developing States are specially affected by climate change and sea-level rise and recognize the critical importance of their State practice to the clarification and development of international law.'</p> <p>'(c) Third, that maritime zones, once established and deposited in accordance with UNCLOS, and the rights and entitlements that flow from them, shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise. And</p>

³³⁵ Oral Statement of the Alliance of Small Island States on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (12 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241212-ora-02-00-bi.pdf>> last accessed May 2025, 54.

³³⁶ *ibid* 54.

	(d) Fourth, that there is a principle of continuity of statehood in international law, and that no matter the physical changes that result from climate change, States will retain their statehood, sovereignty and memberships in international organizations. ³³⁷
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-
Other	-

3. ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION	
Submissions to the ICJ	Did not participate in the proceedings
UNGA Sixth Committee Debates	<i>Limited</i> As regards the topic 'Sea-level rise in relation to International Law', Member States noted the importance of Statehood and Protection of Persons in the context of sea-level rise in the larger backdrop of protection of territorial integrity and

³³⁷ ibid 56-7.

	<p>stability of international relations. The need to maintain stability of existing baselines was generally noted with Member States by highlighting the importance of charts and list of archipelagic baselines submitted to the United Nations.³³⁸</p> <p>Statehood in the context of sea-level rise required greater deliberations.³³⁹</p>
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-
Other	-

4. COMMISSION OF SMALL ISLAND STATES (COSIS)

Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>The presumption of the continuation of the State is a well-established principle of international law, requiring “continuity of our States even as their governments, constitutions, territories and populations change”.³⁴⁰</p>
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³³⁸ Statement of the Asian-African Legal Consultative Organization, UNGA Sixth Committee (2024) <https://www.un.org/en/ga/sixth/79/pdfs/statements/ilc/30mtg_aalco.pdf> last accessed 16 June 2025, 7.

³³⁹ *ibid.*

³⁴⁰ Written Statement of the Commission of Small Island States on Climate Change and International Law on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-09-00-en.pdf>> last accessed May 2025, para 72.

The right to self-determination therefore also reinforces the presumption of the continuation of the State.³⁴¹

In the context of climate change, an important manifestation of the non-recognition obligation resulting from violations of peremptory norms thus pertains to the endurance of statehood and the sovereignty of small island States. To give effect to the obligation not to recognize the consequences of States' violations of their obligations to protect the environment and prevent environmental harm infringing the rights to self-determination and sovereignty of small island States, all other States must not credit the consequences of State failures to limit GHG emissions. States must instead recognize the perpetual sovereignty of small island States as well as the permanence of their maritime boundaries and their entitlements to natural resources, even in the face of submergence of land territory.³⁴²

Clearly expressed opinion supportive of state continuity

Finally, as noted above, several participants join COSIS in recognizing that some violations of States' obligations in respect of climate change may amount to serious breaches of peremptory norms of international law. In relation to such breaches, the ARSIWA establish additional consequences for all States, including the obligation of all States to cooperate to bring an end to those breaches and the obligation of States not to recognize any situation resulting from such breaches. Several States align with COSIS in affirmatively connecting the remedial obligation regarding recognition with the emerging customary international law norm under which States are required to respect existing maritime spaces and the continued sovereignty of those States that lose territory as a result of sea-level rise.³⁴³

³⁴¹ *ibid* para 75.

³⁴² *ibid* para 196.

³⁴³ Written Comments of the Commission of Small Island States on Climate Change and International Law on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (14 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240814-wri-09-00-en.pdf>> last accessed May 2025, para 111.

UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-
Other	-

5. PACIFIC ISLANDS FORUM (PIF)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>A core element of the 2023 Declaration is PIF Members’ declaration that their statehood and sovereignty will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise [2023 Declaration, Para 13].³⁴⁴</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Additionally, the Court should note the 2023 Pacific Islands Forum Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise (“2023 PIF Statehood Declaration”)’s</p>

³⁴⁴ Written Statement of the Pacific Islands Forum Secretariat on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-12-00-en.pdf>> last accessed May 2025, para 32.

	<p>affirmation that under international law there is a presumption of continuity of statehood and international law does not contemplate a state's demise in the context of climate change-related sea-level rise.³⁴⁵</p> <p>... this PIF Secretariat's Written Comments cite agreed PIF regional collective positions, to date. The 2021 and 2023 PIF Declarations respectively offer interpretation of and the collective views of PIF Members on relevant international law, including the UNCLOS and relevant international law principles, as pertaining to the global phenomenon of climate change-related sea-level rise, and in pursuit of the protection of States, Peoples and individuals of present and future generations affected by the adverse effects of climate change.³⁴⁶</p> <p>The Court should also affirm that under international law there is a presumption of continuity of statehood and international law does not contemplate a state's demise in the context of climate change-related sea-level rise. As a necessary corollary, the Court should further affirm that the statehood and sovereignty of States will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise.³⁴⁷</p> <p><i>Clearly expressed opinion supportive of state continuity</i></p>
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³⁴⁵ Written Comments of the Pacific Islands Forum Secretariat on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-42-00-en.pdf>> last accessed May 2025, para 4.

³⁴⁶ *ibid* para 16.

³⁴⁷ *ibid* para 18.

	<p>A core element of the 2023 Statehood Declaration is PIF members’ pronouncement that their statehood and sovereignty will continue, and their rights and duties inherent thereto will be maintained, notwithstanding the impact of sea-level rise.³⁴⁸</p> <p>We further submit that the Court should affirm that under international law there is a presumption of continuity of statehood and international law does not contemplate a State’s demise in the context of sea-level rise. As a necessary corollary, the Court should further affirm that the statehood and sovereignty of States will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of sea-level rise.³⁴⁹</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>There is no precedent for States ceasing to exist due to the submergence of land territory. The Montevideo Convention criteria deal with the requirement for the establishment of States and do not address the requirements to maintain a State. International law says nothing about the demise of a State with respect to climate change-related sea-level rise.³⁵⁰</p>
Participation in the PIF Declaration	-

³⁴⁸ Oral Statement of the Pacific Islands Forum Secretariat on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (13 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241213-ora-01-00-bi.pdf>> last accessed May 2025, 44.

³⁴⁹ *ibid* 47.

³⁵⁰ Submission of the PIF to the ILC (2023) as reported in the Additional ILC Co-Chairs Report, para 79.

Participation in the AOSIS Declaration	-
Other	-

6. PACIFIC ISLANDS FORUM FISHERIES AGENCY (FFA)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Leaders further acknowledged that States carry an important duty in ensuring protection of their people, and continuity of statehood is necessary and fundamental for that protection to be implemented and to endure.³⁵¹</p> <p><i>Reiterates and reaffirms the PIF Declaration.</i>³⁵²</p>
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-

³⁵¹ Written Statement of the Pacific Islands Forum Fisheries Agency on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240315-wri-04-00-en.pdf>> last accessed May 2025, para 28.

³⁵² *ibid* paras 32-7.

Other	-
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7. PARTIES TO THE NAURU AGREEMENT OFFICE (PNAO)	
Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>Regarding the legal consequences:</p> <p>With respect to “States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change”.³⁵³</p> <p>Under the obligation of reparation (restitution): recognition that a State’s maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with UNCLOS, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise; and that the statehood and sovereignty of a State will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impacts of climate change-related sea-level rise;³⁵⁴</p> <p>Under the obligation of reparation (satisfaction): the recognition that a State’s maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with UNCLOS, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-</p>

³⁵³ Written Comments of the Parties to the Nauru Agreement Office on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (15 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-18-00-en.pdf>> last accessed May 2025, para 19(a).

³⁵⁴ *ibid* para 19(a)(ii).

	related sea-level rise; and that the statehood and sovereignty of a State will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impacts of climate change-related sea-level rise; ³⁵⁵
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-
Other	-

8. MELANESIAN SPEARHEAD GROUP (MSG)

Submissions to the ICJ	<p><i>Clearly expressed opinion supportive of state continuity</i></p> <p>... the conduct causing climate change violates not just ordinary international obligations, but several norms recognized as having peremptory or erga omnes status—including the rights to self-determination and non-discrimination, the prohibitions on genocide and apartheid, and the duties of due diligence and prevention of transboundary harm.³⁵⁶</p>
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³⁵⁵ *ibid* para 19(a)iv).

³⁵⁶ Written Statement of the Melanesian Spearhead Group on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (22 March 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-01-00-en.pdf>> last accessed May 2025, para 323.

Given the character and gravity of the peremptory and community-wide obligations being violated by conduct causing climate change, all States have additional obligations beyond just those of the States directly responsible for the harms.³⁵⁷

... all States are under an obligation not to recognize as lawful any situation resulting from these serious breaches. In the context of climate change, this means not recognizing any maritime entitlements or statehood status of climate-vulnerable States due to sea-level rise or other irreversible harms caused by breaches of international law.³⁵⁸

Clearly expressed opinion supportive of state continuity

... the duty to not recognize as lawful a situation created by a serious breach means, at minimum, States must continue to recognise the sovereignty, self-determination, and land and maritime territories of States whose continued physical viability is compromised by climate change.³⁵⁹

Clearly expressed opinion supportive of state continuity

... finally, due to the peremptory nature of the right to self-determination and the erga omnes character of relevant obligations, the breach triggers additional obligations for all States and international organizations. Specifically, States and international organizations must not recognize the unlawful situation resulting from the breach. A concrete implication is the obligation to recognize the territory and maritime spaces of small island developing States, as established under the law

³⁵⁷ *ibid* para 325.

³⁵⁸ *ibid* para 326.

³⁵⁹ Written Comments of the Melanesian Spearhead Group on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (14 August 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20240815-wri-01-00-en.pdf>> last accessed May 2025, para 237.

	of the sea, and of their continued sovereignty and statehood despite the effects of climate change. All States and international organizations must also cooperate to bring the breach to an end. ³⁶⁰
UNGA Sixth Committee Debates	-
Submissions to the ILC	-
Participation in the PIF Declaration	-
Participation in the AOSIS Declaration	-
Other	-

OTHER REVIEWED PRACTICE OF INTERNATIONAL ORGANISATIONS, DID NOT ADDRESS STATEHOOD

9. ORGANIZATION OF THE PETROLEUM EXPORTING COUNTRIES (OPEC)
10. INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN)
11. EUROPEAN UNION (EU)
12. ORGANISATION OF AFRICAN CARIBBEAN AND PACIFIC STATES (OACPS)
13. WORLD HEALTH ORGANIZATION (WHO)-
14. PACIFIC COMMUNITY

³⁶⁰ Oral Statement of the Melanesian Spearhead Group on the Request for an Advisory Opinion on the Obligations of States in Respect of Climate Change (02 December 2024) <<https://www.icj-cij.org/sites/default/files/case-related/187/187-20241202-ora-01-00-bi.pdf>> last accessed May 2025, 14.

