International Law and Sea Level Rise

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Preview

- Sea Level Rise Projections
- Ambulatory Normal Baseline
- Establishment of ILA Sea Level Rise Committee
- 2016 Johannesburg Committee Report
- Proposals for Progressive Development
- Future Intersessional Work
- Summary of Issues to be Considered
Intergovernmental Panel on Climate Change
Fifth Assessment Report
2014-15
Future sea level (rel. to 1990) based on IPCC AR4 global temperature projections

Full range: 75 – 190 cm by 2100

Vermeer & Rahmstorf, submitted
Recent projections of global average sea level rise

From Pier Vellinga

Until 2100:
- 18 – 59 cm + something (IPCC, 2007)
- 40 – 85 cm (warm scenario KNMI, 2006) (blue)
- 50 – 140 cm (Rahmstorf, 2007)
- 40 – 140 cm Delta Vision, Blue Ribbon Task Force California (green)
- 55 – 110 cm ("high end", Deltacommitee 2008) (red)
- 80 – 200 cm (physical maximum under extreme assumptions) according to Pfeffer et al. 2008) (yellow);

tot 2200:
- 150 – 350 cm ("high end", Delta Committee, 2008)

tot 2300:
- 250 – 510 cm (Global Change Advisory committee Germany, WBGU, 2006) purple;
Ambulatory Normal Baseline

- Considered in ILA Baseline Committee’s report of 2012 to Sophia biennial ILA conference
- Noted that effect of sea level rise may result in total territorial loss and the consequent total loss of baselines and of the maritime zones measured from those baselines.
- Existing law of the normal baseline does not offer an adequate solution to this potentially serious problem
- Substantial territorial loss is a much broader issue encompassing concerns of statehood, national identity, refugee status, state responsibility, access to resources, and international peace and security
- Recommended establishment of a new ILA committee to consider these issues
Establishment of Sea Level Rise Committee

- November 2012 new Committee on Sea Level Rise and International Law established through November 2018 to study the possible impacts of sea-level rise and the implications under international law of the partial and complete inundation of state territory, or depopulation thereof, in particular of small island and low-lying states.
- Develop proposals for the progressive development of international law in relation to the possible loss of all or of parts of state territory and maritime zones due to sea-level rise, including the impacts on statehood, nationality, and human rights.
- Chair: Davor Vidas (Norway).
- Co-rapporteurs: David Freestone (UK) (LOS); Jane McAdam (Australia) (human rights).
2016 Committee Report

- Sea Level Rise Committee interim report at Johannesburg reviewed the evidence of sea level rise and related literature.
- Considered issues related to the effects of sea level rise on the outer limits of maritime zones and effects of coastline changes on maritime boundaries.
Proposals for Progressive Development (1)

- Proposals in literature to preserve existing maritime zone entitlements include a new rule freezing
  - existing baselines in their current position, using large scale charts, or
  - existing defined outer limits of maritime zones measured from the baselines established in accordance with the LOS Convention

- How and for how long to be determined
Proposals for Progressive Development (2)

Effects of Coastline Changes on Maritime Boundaries

- Does rule re fundamental change in circumstances apply to negotiation of maritime boundaries?
- If so at what time would it apply?
- Committee to discuss issues further during 2017-2018
Future Intersessional Work

- Discussions at this COLP conference
- Discussions at ICP 18 this week at UN
- Full intersessional committee meeting September 2017 on Lobud island Adriatic Sea Croatia
- Climate Change and LOS conference at CIL NUS 12-14 March 2018
- Final committee report due to ILA HQ May 2018 for consideration at August 2018 Sydney ILA biennial conference
Summary of Issues

- Proposals for Progressive Development of the Law on Maritime Zones
- Effects of Coastline Changes on Maritime Boundaries
Proposals for Progressive Development of the Law on Maritime Zones

- Freezing existing baselines in their current position
- Freezing outer limits of maritime zones
- Permanent or temporary
- Implementation
  - development of customary international law
  - protocol to the UNFCC
  - Amend LOS Convention
  - SPLOS decision
  - UNGA adopted amendment
Effects of Coastline Changes on Maritime Boundaries

- When rule re fundamental change of circumstances might apply
- When sea level rise so well-known that taken into account in negotiating a maritime boundary
www.ila-hq.org/index.php/committees

Thank you for your attention

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