



Sixth Committee, 78th Session

**Item 79: Report of the International Law Commission on the
Work of its Seventy-Third and Seventy Fourth Sessions**

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Consideration of Cluster I

Statement delivered by

Canada

October 25, 2023

Chair,

Canada thanks the International Law Commission for their report and has the following remarks regarding the issue of sea-level rise.

We thank the Study Group on sea-level rise in relation to international law and its Co-Chairs, Mr. Aurescu and Ms. Oral, for their work to date. Canada supports the ongoing lines of inquiry of the Commission on the legal implications of sea level rise for statehood, displaced populations and delimitation. We thank the Federated States of Micronesia for making this proposal to the ILC in 2017, and we commend the ILC for taking up this issue in their programme of work. This represents a positive example of the ILC responding directly to the priorities of States on relevant and pressing international legal issues.

With more than 243 000 km of coastlines on three oceans, including the perimeters of more than 52 000 islands, Canada's coastlines are the world's longest and most diverse. Canada recognizes the particular concerns of many countries, including the member countries of the Pacific Island Forum and Alliance of Small Island States (AOSIS) among others, with respect to the stability of their baselines and maritime zones in the face of relative sea level rise. Sea level rise will have life-

changing consequences for many of our citizens, including coastal indigenous peoples.

The diversity of human interactions with the sea and a highly varied geography is something coastal states like Canada contend with and accommodate when addressing sea-level rise. For example, relative sea level rise is particularly relevant in Canada, since isostatic rebound is pushing some stretches of our coast visibly upward. Consequently, in the face of sea-level rise 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.

Chair,

In the context of the discussions on general principles of law, Canada wishes to raise the issue of arbitrary detention in state-to-state relations. Around the world, foreign nationals are being arbitrarily arrested, detained or sentenced and used as bargaining chips in international relations. Such tactics expose citizens of all countries who travel, work and live abroad to greater risk.

Not only do these practices flagrantly violate the rights of those affected, they also undermine friendly relations between states, global cooperation, security, travel and trade. Moreover, these are matters of the rule of law. Arbitrary detention and sentencing for diplomatic leverage subvert the independence of judicial processes while undermining our shared values. As a global community, we must stand against these practices.

Since Canada launched the Declaration Against Arbitrary Detention in State-to-State Relations in February 2021, support for the Declaration and the global movement condemning the practice has continued to grow. The Declaration has received the support of 74 Member States, as well as the European Union.

In September, endorsers of the Declaration gathered during High-Level Week at UNGA to reaffirm our pledge to enhance international cooperation and end the practice of arbitrary detention for leverage over foreign governments. Co-hosted by Costa Rica, Malawi, the United States and Canada, this High-Level dialogue reaffirmed the international community's commitment to addressing the practice of arbitrary detention in state-to-state relations.

At this dialogue, Canada was pleased to announce our support for a new cross-regional Independent International Panel of eminent jurists. The Panel will examine current international law applicable to the practice of arbitrary detention in state-to-state relations and consider whether any gaps exist in this legal framework. This work will help to chart a path to effective legal tools to curb and end the use of arbitrary detention as a lever in state-to-state relations.

As we approach the third anniversary of the Declaration Against Arbitrary Detention in State-to-State Relations in February 2024, let us all be reminded to uphold our commitments and strengthen our partnerships. Let us take collective action to deter and prevent the unacceptable practice of arbitrary detention in state-to-state relations, to protect every citizen and to reinforce the rules-based international order.

Thank you.