

Statement by the Republic of Cyprus

Item 82 (Cluster II) – Report of the International Law Commission  
Session, Sixth Committee, 76<sup>th</sup> UN General Assembly, 1 Nov. 2021

*[Delivered by Haris Chrysostomou, First Secretary and Sixth Committee Expert]*

Madame Chairperson,

As this is the first time that Cyprus takes the floor under your Chairmanship, I would like to join the previous speakers in congratulating you and the esteemed members of the Bureau on your election and wish every success in your work. My delegation would also like to thank Ambassador Mahmoud D Hmoud, the Chair of the International Law Commission for the SUHVHQWDWLRQ RI WKH & RPPLVVLRQ¶V UHSRUW



agreement and the decisions of the ICJ, ITLOS and arbitral tribunals established pursuant to UNCLOS and other means is also consistent with the Vienna Convention on the Law of Treaties 39 & / 7

In this respect, the principle of fundamental change of circumstances (*rebus sic stantibus*) enshrined in Article 62(1) of the VCLT,<sup>2</sup> would have no effect on existing maritime delimitation treaties.<sup>3</sup> Article 62(2)(a) of VCLT specifically provides that a fundamental change of circumstances may not be invoked as grounds for terminating or withdrawing a rule, intended to ensure the stability of international borders, applies to both land boundaries and maritime boundaries. Thus, the effects of rising sea levels on baselines should have no legal effect on the status of a concluded maritime treaty.

We, therefore, agree with the observations of the Mr. Yacouba Cissé Co-Chair of the Study Group of Experts on the Identification of the Limits of the Territorial Sea, that the application of the principle of *clausula rebus sic stantibus*, as provided for in Article 62(2) of the VCLT seemed also applicable to maritime boundaries in the light of existing case law recognizing that there was no need to distinguish between land and maritime boundaries. This view is contingent on and reflects the pertinent international jurisprudence.

Furthermore, it is evident that the obligation under Article 16 of UNCLOS for the coastal State to show the baselines for measuring the breadth of the territorial sea, or the limits of the continental shelf, in charts or lists of geographical coordinates of points, is meant to establish legal security. No indication is provided for that these charts are to be periodically revised.

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<sup>2</sup> VCLT, Art. 62(1)

<sup>3</sup> UNCLOS, Art. 16(2)

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 *The Creation of States in International Law*, noted that <sup>3</sup>> D @ 6 W D W H L V Q R W Q H F H V V ~~and~~ O \ H [ W