



Expert Meeting

‘Sea-Level Rise and International Law: Protection of Persons Issue’

Monday 23th May 2022

Geneva Academy of International Humanitarian Law and Human Rights

Cassese Room, Villa Moynier, Rue de Lausanne 120B, Geneva

BACKGROUND

In May 2019 the International Law Commission (ILC) decided to include the topic “Sea-level rise in relation to international law” in its current programme of work and to establish an open-ended Study Group on the topic, to be co-chaired, on a rotating basis, by Bogdan Aurescu, Yacouba Cissé, Patrícia Galvão Teles, Nilüfer Oral and Juan José Ruda Santolaria.

A [first issues paper](#) on topics dealing with law of the sea was presented and discussed by the ILC in 2021, while the Commission also received some information submitted by States and International Organisations in 2021 and 2022 (for information see the [ILC analytic guide](#)).

In May and July 2022 the ILC will consider the [second issues paper](#) elaborated by Prof. Patrícia Galvão Teles and Prof. Juan José Ruda Santolaria dealing with the statehood and protection of persons affected by sea-level rise issues.

In view of the relevance of this topic and to stimulate further analysis on current analysis and the future activities of the ILC in this area, the Geneva Academy of International Humanitarian Law and Human Rights, in cooperation with the [Law Department, Roma Tre University](#), and the [Yearbook of International Disaster Law](#) has decided to host a selected group of experts from academia, civil society, international organizations and governments, for a frank and engaging discussion. In particular, the expert meeting will focus on the sections of the second issues paper presented to the ILC in 2022 and elaborated by Prof. Patrícia Galvão Teles devoted to protection of persons issues (Part III and Part IV.I.B of the [second issues paper](#) devoted to protection of persons affected by sea-level rise), in particular on issues addressing

identification of relevant legal regimes and relevant practice by States and International organisations related to the protection of persons affected by sea-level rise with a specific reference to human rights, displacement, and cooperation. To facilitate the discussion, a specific attention will be put to questions addressed in Part IV.I.B, para. 435 of the [second issues paper](#) (reproduced below in the section ‘Meeting Documents’).

This expert meeting will be a small, intimate event with around 25 guests, at which participation will be by invitation only, to promote a robust exchange of views on the 2022 Report. Chatham House rules will apply.

Some academics will be requested to briefly introduce a section of the report (max. 12 minutes) to provide with a first critical evaluation on the topic. Subsequently the floor will be opened for discussions by participants to focus on positive aspects and potential shortcomings of the current analysis. In particular in order to provide inputs for future activities by Prof. Patrícia Galvão Teles and the ILC on such issues, it would be helpful to identify priorities of issues for International Organisations, States, and relevant stakeholders, discuss further steps and ways to collectively contribute on future activities. Participants are highly recommended to engage in a frank and vibrant discussion of the different topics.

Some notes on this event summarising positions and discussion held, taking into account the Chatham House rules characterising this event, might eventually be elaborated. Consequently, neither the identity nor the affiliation of the speakers will be connected to comments made. Working language: English.

MEETING DOCUMENTS

In addition to this concept note, participants will be supplied with the [second issues paper](#) (UN Doc. A/CN.4/752) presented by Prof. Patrícia Galvão Teles and Prof. Juan José Ruda Santolaria, Co-Chairs of the Study Group on sea-level rise in relation to international law

As mentioned above, during the discussion specific attention will be devoted to questions raised in Part IV.I.B, para. 435 of the [second issues paper](#), namely:

“Taking the 2018 syllabus into account ([A/73/10](#), annex B, para. 17), and starting from the recognition that territorial States have the primary duty and responsibility to provide protection and assistance to persons within their jurisdiction, the following issues may be studied further and in more detail in order to identify and develop principles regarding the protection of persons affected by sea-level rise:

(a) what principles are applicable or should be applicable to the protection of the human rights of persons affected by sea-level rise? In particular, what are or should be:

(i) the substantive obligations of States to respect human rights with regard to the right to life, the prohibition of cruel, inhuman or degrading treatment, the right to adequate housing, the right to food, the right to water, the right to take part in cultural life and respect for cultural identity, the right to a nationality and the prevention of statelessness, the rights of children, the right to self-determination and the rights of indigenous peoples;

(ii) the procedural obligations regarding public participation, access to information and access to justice;

(iii) the *non-refoulement* obligations for third States;

(iv) the obligations regarding the protection of vulnerable persons and groups (including women, children and indigenous peoples);

(v) the obligations regarding the prevention of risks affecting persons?

(b) what principles are applicable or should be applicable to situations involving the evacuation, relocation, displacement or migration of persons, including vulnerable persons and groups, owing to the consequences of sea-level rise or as a measure of adaptation to sea-level rise? In particular, with regard to displacement and human mobility, what are or should be the obligations of States to protect and assist persons affected by sea-level rise, adopting both a rights-based and a needs-based approach, in the following areas:

(i) prevention of displacement;

(ii) assistance to remain *in situ*;

(iii) establishment of principles for planned relocation;

(iv) protection of persons in case of internal displacement and promotion of durable solutions;

(v) protection options in case of cross-border displacement (such as humanitarian visas or temporary protection schemes);

(vi) arrangements for regular migration (both temporary and long-term);

(vii) the granting of refugee status or complementary protection if existing criteria are met?

(c) what is or should be the applicability and scope of the principle of international cooperation by other States, in the region and beyond, and by international organizations, to help States with regard to the protection of persons affected by sea-level rise?

AGENDA

9.00-9.15: Registration

9.15-11.30: Part One

Welcome Speech: Gloria Gaggioli (Director of the Geneva Academy of IHL and HRs; SNF Professor, Geneva University)

Chair of the meeting: Giulio Bartolini (Associate professor of international law, Roma Tre University; Editor-in-Chief Yearbook of International Disaster Law; Lecturer on IDL at the Geneva Academy of IHL and HRs)

First Session: Human rights in the protection of persons affected by sea-level rise

Introductory remarks: Vincent Chetail (Professor of International Law at the Graduate Institute of International and Development Studies; Director of the Global Migration Centre; President of the Board of the Geneva Academy)

Debate

Second Session: The displacement of persons affected by sea-level rise

Introductory Remarks: Margaretha Wewerinke-Sink (Assistant professor of international law, Leiden University; Member of the Committee of Legal Experts of the Commission of Small Island States on Climate Change and International Law)

Debate

11.30-11.45: Coffee-Break

11.45-13.15: Part Two

Third Session: Cooperation Aspects

Introductory Remarks: Mara Tignino (Reader of International Law, Department of Law and Institute for Environmental Sciences, Geneva University; Lead Legal Specialist of the Platform for International Water Law at the Geneva Water Hub)

Debate

Concluding remarks: Patrícia Galvão Teles (Professor of International Law, Lisbon Autonomous University; Member of the International Law Commission)

13.15 Light lunch

LIST OF PARTICIPANTS/STAKEHOLDERS INVOLVED

1. Giulio Bartolini (Associate professor of international law, Roma Tre University; Editor-in-Chief Yearbook of International Disaster Law; Lecturer on IDL at the Geneva Academy of IHL and HRs)
2. Bruce Borson (*on-line participation*) (Manager, Refugee and Protection Stream, at the New Zealand Immigration and Protection Tribunal)
3. Alexey Bulatov (ILC Secretariat, United Nations)
4. Gian Luca Burci (Adjunct Professor of International Law at the Graduate Institute of International and Development Studies, former Legal Counsel World Health Organization)
5. Guillaume Charron (Director, Independent Diplomatic, Geneva)
6. Vincent Chetail (Professor of International Law at the Graduate Institute of International and Development Studies; Director of the Global Migration Centre; President of the Board of the Geneva Academy)
7. Duygu Çiçek (Legal Consultant, World Bank)
8. Sasha Dixon (Diplomatic Officer, Human Rights, Permanent Mission of The Bahamas to the United Nations and other International Organizations in Geneva)
9. Ângela Dourado (Counsellor Humanitarian Affairs and Migration, Permanent Mission of Portugal to the United Nations Office at Geneva and other International Organizations in Geneva)

10. H.E Ambassador Mere Falemaka (Permanent Observer of the Pacific Islands Forum to the United Nations Office at Geneva; Permanent Representative to the Permanent Delegation of the Pacific Islands Forum to WTO)
11. Elisa Fornalé (SNSF Professor, World Trade Institute, University of Bern)
12. Ian Fry (*on-line participation*) (Special Rapporteur on the promotion and protection of human rights in the context of climate change)
13. Gloria Gaggioli (Director of the Geneva Academy of IHL and HRs; SNSF Professor, Geneva University)
14. Patrícia Galvão Teles (Professor of International Law, Lisbon Autonomous University; Member of the International Law Commission, Co-Chair of the Study Group on sea-level rise in relation to international law)
15. Madeline Garlick (Chief, Protection Policy and Legal Advice, Division of International Protection, UNHCR) or other UNHCR representative
16. Patricia Georget (ILC Secretariat, United Nations)
17. Dina Ionesco (United Nations Framework Convention on Climate Change Secretariat, Manager in the Adaptation Division)
18. Walter Kälin (*on-line participation*) (Envoy of the Chair, Platform on Disaster Displacement; Emeritus Professor of international law, Berne University)
19. Ahreum Lee (Human Rights Officer, Special Procedures Branch, Office of the High Commissioner for Human Rights)
20. Jane McAdam (*on-line participation*) (Scientia Professor of Law, Director of the Andrew & Renata Kaldor Centre for International Refugee Law, UNSW, Editor-in-Chief International Journal of Refugee Law)
21. Helen Obregón Gieseken (Legal Adviser, Legal Division, International Committee of the Red Cross)
22. Nilufer Oral (Director of the Centre for International Law, National University of Singapore, Member of the International Law Commission, Co-Chair of the Study Group on sea-level rise in relation to international law)
23. Photini Pazartzis (Professor of International Law and Director of the Athens Public International Law Center, National & Kapodistrian University of Athens, Chair of the Human Rights Committee, President of the European Society of International Law)
24. Richard Pearhouse (Director of Environment and Human Rights Division, Human Rights Watch)
25. Ileana Sînziana Pușcaș (Programme Officer, Migration, Environment, Climate Change and Risk Reduction Division, IOM)
26. H.E. Ambassador Nathalie Rossette-Cazel (Ambassador of the Cook Islands to UNESCO, Chair UNESCO SIDS Group)
27. Juan José Ruda Santolaria (Professor of International Law, Pontifical Catholic University of Peru, Member of the International Law Commission, Co-Chair of the Study Group on sea-level rise in relation to international law)
28. Mara Tignino (Reader of International Law, Department of Law and Institute for Environmental Sciences, Geneva University; Lead Legal Specialist of the Platform for International Water Law at the Geneva Water Hub)
29. Eduardo Valencia-Ospina (Member ILC, Former Special Rapporteur 'Protection of Persons in the Event of Disasters')
30. Sanjula Weerasinghe (Migration and Displacement Coordinator, IFRC)

31. Margaretha Wewerinke-Sink (Assistant professor of international law, Leiden University; Member of the Committee of Legal Experts of the Commission of Small Island States on Climate Change and International Law)