As sea levels rise, what happens to maritime rights?

Under the 1982 United Nations Convention on the Law of the Sea, the distinction between land features which are above water at high tide and those which are below water determines whether a feature can be subject to sovereignty claims and whether it can generate maritime entitlement. Rising seas have legal and geopolitical implications as well.

**Nilofar Oral**

*For The Straits Times*

The June 24, 2018, cover of Time magazine dramatically featured United Nations Secretary-General Antonio Guterres standing in knee-deep seawater, drawing attention to climate change and sea-level rise. That same year, the Intergovernmental Panel on Climate Change (IPCC) issued its report: Climate Change 2018: The Physical Science Basis, highlighting that rising seas pose a threat to coastal regions worldwide and that the world faces a new reality of climate change. In its report, the UN Intergovernmental Panel on Climate Change (IPCC) warned that the world’s oceans are warming, acidifying and rising due to human activities, and that these changes have significant implications for coastal regions, infrastructure, and human well-being.

Rising sea levels are not just a threat to coastal areas; they also affect landlocked countries. For example, the nation of Kiribati, a Pacific island nation, faces a significant threat due to rising sea levels. The country’s capital, Tarawa, is built on coral reefs and is vulnerable to flooding. Kiribati has already announced that it plans to relocate its capital to another island due to the threat of sea-level rise.

The United Nations Convention on the Law of the Sea (UNCLOS) is an international law treaty that defines the rights and responsibilities of states in the use of the seas and oceans. The convention was adopted in 1982 and entered into force on November 16, 1994. It establishes a legal framework for the use of the oceans and their resources, and it provides a basis for resolving disputes over maritime boundaries and resources.

UNCLOS recognizes the right of states to exploit the resources of the continental shelf, which extends 200 nautical miles from the coast, and the right of states to use the airspace and seabed beyond the continental shelf. It also establishes the rights of innocent passage through the territorial waters of other states, which is the right of ships and aircraft to navigate through the territorial waters of other states for peaceful purposes.

However, the convention does not explicitly address the issue of rising sea levels and their impact on maritime rights. As a result, there is a need for new approaches and mechanisms to address the challenges posed by rising sea levels.

In conclusion, rising sea levels pose a significant challenge to the world’s oceans and coastal regions. The United Nations Convention on the Law of the Sea provides a legal framework for addressing these challenges, but it is essential to adapt and evolve this framework to meet the new realities of rising sea levels and climate change.