



**Statement by the Republic of Turkey
On Agenda Item 79
(Report of the International Law Commission on the work of its 71st
Session)
at the Sixth Committee
28 October – 6 November 2019**

Cluster II

Immunity of State Officials From Foreign Criminal Jurisdiction

Mr. Chair,

On the topic: “Immunity of State Officials from Foreign Criminal Jurisdiction”, we would like to thank Special Rapporteur Ms. Concepcion Escobar Hernandez for her work.

With regard to the procedural aspects of the topic, we think that some expressions used in the draft articles are ambiguous. For example, draft article 11¹, draft article 12² and draft article 13³ refer to “any means of communication accepted by both States” or “the procedures set out in international cooperation” as the primary methods of communication.

International agreements are accepted as the secondary choice; and diplomatic channels are accepted as the last choice.

¹ Waiver shall be effectuated preferably through the procedures set out in cooperation and mutual judicial assistance agreements to which both States are parties, or through other procedures commonly accepted by said States. A waiver of immunity may be communicated through the diplomatic channel.

² The notification shall be provided through any means of communication accepted by both States or through means provided for in international cooperation and mutual legal assistance treaties to which both States are parties. Where no such means exist or are accepted, the notification shall be provided through the diplomatic channel

³ That information may be requested through the procedures set out in international cooperation and mutual legal assistance treaties to which both States are parties, or through any other procedure that they accept by common agreement. Where no applicable procedure exists, the information may be requested through the diplomatic channel.

We believe that diplomatic channels shall have a primary and central role in this regard. In other words, the information, notification or waiver shall be conveyed through diplomatic channels unless otherwise decided in the procedures set out in bilateral or multilateral agreements.

We thank again the Special Rapporteur for all the hard work she has done on this topic.

Cluster II **Protection of the Environment in Relation to Armed Conflicts**

Mr. Chair,

With regard to the topic: Protection of the environment in relation to armed conflicts, we would like to thank Special Rapporteur Marja Lehto and the working group chaired by Vazquez Bermudez.

While the report gives reference to the protection and the usage of the water sources, water supply installations have not been highlighted.

In this sense, we believe that bearing in mind the 2nd and 4th articles of the 1976 “International Law Association Resolution on the Protection of Water Resources and Water Installations in Times of Armed Conflict” might be also useful in this work.

Therefore, we suggest the inclusion of the following sentences to the draft principles.

“Water supply installations which are indispensable for the minimum conditions of survival of the civilian population should not deliberately be cut off or destroyed.

The destruction of water installations containing dangerous forces, such as dams and dykes, should be prohibited when such destruction may involve grave dangers to the civilian population or substantial damage to the basic ecological balance.”

Furthermore, with regard to draft principle 22, commentary (2), instead of “*shared natural resources*”, we think it would have been better to use “*transboundary natural resources*” and “*transboundary waters and aquifers*” for “*international watercourses and transboundary aquifers*.”

Cluster II
Sea Level Rise in Relation to International Law

Mr. Chair,

Turkey welcomes the inclusion of the topic of sea level rise in relation to international law on the current work program of the International Law Commission.

Sea-level rise is one of the most pressing issues of our times that will affect many States and especially the small island States and States with low-lying coastal areas.

We wish to express our continued support for the work of the Commission on their work on sea-level rise.

Thank you.