



**Statement by the Republic of Turkey  
at the Sixth Committee  
on the Report of the International Law Commission  
25 October - 3 November 2021**

**CLUSTER II**

**Immunity of State officials from foreign criminal jurisdiction**

Madam Chair,

With respect to the topic: “Immunity of State officials from foreign criminal jurisdiction”, we would like to thank Special Rapporteur Ms. Concepción Escobar Hernández for her eighth report.

I would like to express our views and, in line with this, make some proposals on the text of the draft articles.

Regarding draft Article 11, Turkey proposes to include the consent of the State official to the first paragraph.

With this addition, the first paragraph of draft Article 11 would read as follows:

*“The immunity from foreign criminal jurisdiction of the State official may be waived, with the consent of the State official, by her/his State.”*

Additionally, as indicated in the ILC Report, since neither the relevant treaties nor the domestic laws of States have expressly referred to the irrevocability of waivers of immunity, and the

practice on this issue is limited, Turkey supports the view of deletion of the fifth paragraph of draft Article 11 which states that the waiver of immunity is irrevocable.

We also have some hesitations regarding draft Article 17, that was referred to the Drafting Committee. We believe that it would be more appropriate for the question of suspension to be treated on a case-by-case basis by the court or arbitral tribunal in the context of provisional measures.

In this vein, it is also important to emphasize that it would be necessary to ensure that domestic legal systems had provisions to give effect to any suspension.

Further, we consider that a dispute settlement clause would only be relevant if the draft articles were intended to become a treaty. Therefore, a more general clause regarding procedural recommendations would be appropriate.

### **Sea-level rise in relation to international law**

Madam Chair,

Turning to the topic: “Sea-level rise in relation to international law”, we would like to express our appreciation for the very comprehensive and excellent work done by the two Co-Chairs, Ms. Nilüfer Oral and Mr. Bogdan Aurescu, on issues related to the law of the sea.

Climate change has become a global challenge that has no borders.

No country is immune from the negative effects of this phenomenon.

The recent IPCC report clearly depicts widespread and rapid changes in the Earth’s oceans, ice and land surface caused by human influence.

The UN’s recent report stresses that the current commitments of countries imply about 16% increase in global greenhouse gas emissions in 2030 compared to 2010.

The IPCC predicts that such an increase may lead to a temperature rise of about 2.7°C by the end of the century.

If effective measures are not taken and greenhouse gas emissions continue to increase, sea levels that rose 20 centimeters over the past century, are expected to rise by more than 1 meter by the end of this century, with catastrophic consequences.

Madam Chair,

Climate change is a reality and sea-level rise is one of its consequences. It is already impacting the lives and livelihoods of millions around the world, especially the least developed and small island nations.

Since countries are not able to fight against this phenomenon on equal terms, close international collaboration between all countries is necessary in this regard. There is an urgent need for adaptation and resilience building support to these countries. Developed countries should support developing countries with adequate financial and technical means. Sharing technology, best practices and know-how with countries in need are significant matters for their climate resilience building.

Madam Chair,

Sea-level rise, in addition to many social and humanitarian consequences, has the potential to create many legal issues on different levels.

For the areas where delimitation of maritime jurisdiction areas has not taken place, sea-level rise might have potential effects for the final delimitation.

Turkey therefore encourages the consultations and discussions on the Study Group's analysis of the topic, including legal dimensions of sea-level rise.

Turkey gives utmost importance to climate change and its implications.

The recent ratification of the Paris Agreement is a testimony of Turkey's sincere determination on combating climate change.

We are determined to contribute more to global climate action efforts in close cooperation with our partners.

Turkey believes that the Study Group should continue to work on the issue and analyze the inputs from various countries that are most affected by sea-level rise.

Turkey has always expressed support for this study, and will continue to do so.

Madam Chair,

In view of the upcoming elections for this esteemed body, I would also like to take this opportunity to refer to Turkey's decision to nominate Dr. Nilüfer Oral, Co-Chair of the Study Group on Sea-Level Rise, for a second term as Member of the Commission.

With her wealth of experience and expertise in various fields of international law, Dr. Oral has already made invaluable contributions to the work of the International Law Commission. We are confident that the much-deserved trust and appreciation that she has earned over the years will be the basis for her re-election.

Further, it gives us great pride that, as one of the seven women who have served on this body in over seven decades, Dr. Oral has indeed set a great example for other female candidates.

We wish the best to all of the accomplished candidates in the upcoming elections, and reiterate our support to the work of the International Law Commission in the progressive development and codification of international law.

Thank you.