



**Statement by**  
**Mr. Mohammad Sadegh Talebizadeh Sardari,**  
**Representative of the Islamic Republic of Iran**  
**before the Sixth Committee of the**  
**77<sup>th</sup> Session of the United Nations General Assembly**  
**on**  
**Agenda item 78: “Report of the International Law Commission on the**  
**work of its Seventy-third session”**  
**Cluster II**  
**Chaps: VI (Immunity of State officials from foreign criminal**  
**jurisdiction) and IX (Sea-level rise in relation to international law)**  
**New York, 28 October 2022**

**Mr. Chairperson,**  
**Distinguished members of Delegates**

I will begin our statement today by addressing the topic of “Immunity of State officials from foreign criminal jurisdiction”. I would like to appreciate the Commission and its members on their work as reflected in Chapter VI of the report on this challenging topic. My thanks should also go to the Special Rapporteurs, Ms. Concepción Escobar Hernández and Mr. Roman A. Kolodkin, for their considerable efforts and contribution in this regard.

Having considered the content of the ILC’s report on Chapter VI, we reiterate our observations and concerns which have been expressed in our prior statements made before this Committee<sup>1</sup> pertaining to a

---

<sup>1</sup> See: Statements already delivered by the Islamic Republic of Iran before the [69<sup>th</sup> \(cluster II\)](#), [70<sup>th</sup> \(Cluster III\)](#), [71<sup>st</sup> \(Cluster III\)](#), [72<sup>nd</sup> \(Cluster II\)](#), [73<sup>rd</sup> \(Cluster III\)](#), [74<sup>th</sup> \(Cluster II\)](#), and [76<sup>th</sup> \(Cluster II\)](#) Sessions of the Sixth Committee of the United



number of draft articles adopted by the Commission so far, specifically draft article 7. We note that despite the disagreement echoed by several Member States and divergent views among ILC members, the same commentary of the 2017 with minor updates<sup>2</sup> was disappointingly adopted in respect to the aforesaid draft article.

The Islamic Republic of Iran is of the conviction that the draft article 7 is neither in congruence with the State practice, nor does it reflect customary international law. We restate our view that meanwhile immunity is not equivalent to impunity, limiting the scope of immunity in favor of the responsibility and accountability of State officials should benefit from sufficient, widespread, representative and consistent State practice. My delegation is not yet convinced that this draft article is a reflection of codification of existing international law, rather it should be regarded as progressive development of the current law.

At the same time, we once again express our dissent with the list of crimes enumerated in draft article 7 as well as the annexed list of international treaties referred to therein, since all the listed treaties are not universally accepted, and therefore, the definitions therein fail to enjoy universal acceptance.

As a final remark on this topic, my delegation considers that a dispute settlement clause would only be relevant if the draft articles were intended to become a treaty. While the Commission had yet to decide on the final product of the topic, Member States views are vital

---

Nations General Assembly under the respective Agenda Items regarding the “Report of the International Law Commission” on its work.

<sup>2</sup> UNGA DOC. A/77/10, p. 231, para. (4).



for the Commission's final work in this respect. Accordingly, due to the sensitivity of the nature of immunity as the direct consequence of the principle of Sovereignty, we suggest the Commission to proceed cautiously. In case the current new framework of dealing with immunity of state officials fails to receive endorsement among Member States, it would be likely to endanger inter-State relations and even the very objective of ending impunity for the most serious crimes of concern to the international community as a whole.

**Mr. Chairperson,**

Concerning the topic of “**Sea-level rise in relation to international law**”, my delegation has eagerly considered the second issues paper which covers the subtopics of statehood and the protection of persons affected by sea-level rise as well as Chapter IX of the Commission's report. In this respect, we would like to commend the Commission, the Study Group on sea-level rise in relation to international law, and all its Co-Chairs, in particular, Ms. Patricia Galvão Teles and Mr. Juan José Ruda Santolaria, on their extensive work and valuable efforts to prepare the second issues paper.

No one can turn a blind eye on the importance and potential threats of the rise in global sea level which directly threatens the very existence of some States, and subsequently leads to several tragic consequences ranging from the displacement of their people to undermining their food and water security in the foreseeable future.



My delegation would like to make some comments on this topic and the second issues paper, in addition to what we have stated previously:<sup>3</sup>

First of all, with respect to the subtopic of “Ceding or assignment of segments or portions of territory to other States, with or without transfer of sovereignty”, on page 49, we would like to put forward the idea, that another option for a State, subject to further analysis by the Study Group, could be transfer of sovereignty over a portion of the territory of the affected State to an international mechanism, including but not limited to the International Seabed Authority (ISA), an organization through which States Parties to 1982 United Nations Convention on the Law of the Sea (UNCLOS) organize and control all mineral-resources-related activities in the Area for the benefit of mankind as a whole. We believe a mechanism as such or any other international organization that could act based on the scientific standards and rules of international law can ensure the proper use of State resources for the benefit of its population.

Since we have instances of several land territories that are currently or were formerly administered directly by the United Nations, it appears that the Study Group can kindly examine the possibility of this option. United Nations Peacekeeping Force in Cyprus (UNFICYP) [1974-present], United Nations Disengagement Observer Force (UNDOF) in Syria [1974-present], and United Nations Interim Administration Mission in Kosovo (UNMIK) [1999-present (only de jure since 2008)] are examples of territories currently under

---

<sup>3</sup> See: [Statement of the Islamic Republic of Iran](#) before the Sixth Committee of the 76<sup>th</sup> Session of the United Nations General Assembly on Agenda item 83: “Report of the International Law Commission on the work of its seventy-second session”, (Cluster II).



administration by the UN; and United Nations Temporary Executive Authority (UNTEA) in Indonesia [1962-1963], United Nations Transitional Authority in Cambodia (UNTAC) [1992-1993], United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in Croatia [1996-1998], and United Nations Transitional Administration in East Timor (UNTAET) [1999-2002] are instances of territories that were once under administration by the UN. Needless to say, these are not to be confused with UN trust territories, which were run by a single country under a UN mandate.

That being said, **Mr. Chairperson**, I would like to make my second comment and raise another issue. In general when we are talking about the notion of State in accordance with 1993 Montevideo Convention, one of the key criteria of statehood is a defined territory. In addition, this is particularly evident from the 1982 UNCLOS that State Parties enjoy sovereign rights and maritime zones based on the criterion of the territory. And it goes without saying that sea-level rise might inevitably lead to changes in baselines and, consequently, outer limits of maritime zones or even in case of land loss, reduction or cease of maritime entitlements. In other words, sea-level rise will ultimately affect the territory of the States. Nonetheless, we are of the view that any change in lines shall be based on principles of equity and fairness.

Considering the position raised by some Member States that the 1982 UNCLOS is of a universal and unified character and it should remain unchanged, our understanding is that the *lex lata* seems to be of little or even no help to address some aspects of sea-level rise. That being so and bearing this matter in mind that the Commission should address progressive development of international law and its



codification according to its Statute, and dealing with future law is not within its mandate, we are wondering what is the Commissions approach in that regard?

My delegation would like to reiterate my government's position that while we recall the importance of the 1982 UNCLOS as a general legal framework for activities in the oceans and seas along with acknowledging the status of the Islamic Republic of Iran as its signatory, we are of the view that this Convention is not the only legal framework governing activities carried out in the oceans and seas.

**Mr. Chairperson,**

With respect to my third comment, I would like to recapitulate that the practice of land reclamation, coastal fortification and other means to maintain coastal areas, base points, baselines and islands can be considered as an appropriate response to sea-level rise, as far as such fortifications will not result in the creation of any new rights for the States. Moreover, in line with paragraph 8, Article 60 of the 1982 UNCLOS, "artificial islands, installations and structures do not possess the status of islands", and thus, any discussion about the relationship between artificial islands and the change of maritime zones in relation to sea level rise is irrelevant.

Last but not least, as to the scope of the study, by virtue of the scientific nature of the topic, the Islamic Republic of Iran would like to note that this topic raises many complex questions and certain subjects deserve further study, since the exact range of its impacts on the entire planet is yet to be discovered. In view of this, we believe a functional



approach on a case by case basis with respect to each specific issue could be taken into consideration.

My delegation once again commends the work carried so far and looks forward to the subsequent report of the Study Group on the consolidated results of the work.

**I thank you Mr. Chairperson.**