



**Statement by the Republic of Türkiye at the Sixth Committee  
Report of the International Law Commission on the Work of its 73<sup>rd</sup> Session  
(3 October - 18 November 2022)**

**CLUSTER II**

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

Mr. Chair,

In regards to the topic of “Immunity of State officials from foreign criminal jurisdiction”, we would like to thank and extend our appreciation to Special Rapporteur Ms. Concepción Escobar Hernández and the Commission for their work.

We refer to and reiterate our previous statements on the topic, particularly our statement in which we proposed, as regards draft article 12 (formerly draft article 11), to include the phrase “*with the consent of the State official*”.

We also recall supporting the view of deleting the fifth paragraph of draft article 12 (formerly draft article 11), which states that waiver of immunity is irrevocable, on the grounds that neither relevant treaties nor domestic laws of States have expressly referred to the irrevocability of waivers of immunity, and that practice on this issue is limited.

We took note of the decision of the Commission to transmit the draft articles to Governments for comments and observations, and we may submit further comments on the draft articles and commentaries thereto in writing as necessary.

**“Sea-level rise in relation to international law”**

Mr. Chair,

Türkiye was one of the delegations that welcomed the inclusion of the topic of “sea-level rise in relation to international law” in the programme of work of the International Law Commission.

Türkiye believes in the necessity of the promotion of international coordination and cooperation from all the countries affected by sea-level rise to the study of the Commission and encourages examination of the legal aspects of sea-level rise.

Thus, the establishment of an open-ended Study Group in 2019, the publishing of the First Issues Paper under the co-chairpersonship of Ms. Nilüfer Oral and Mr. Bogdan Aurescu in 2020, and the publishing of the Second Issues Paper under the co-chairpersonship of Ms. Galvão Teles and Mr. Ruda Santolaria in 2021 are crucial steps in this endeavour. Türkiye is thankful for their hard work and dedication.

Türkiye is aware that sea-level rise has potential impact not only the on environment and the livelihood of coastal communities, but also on statehood, maritime jurisdiction areas, and statelessness.

Indeed, numerous studies proved that sea-level rise could have catastrophic effects on small island states and states with low-lying coastal areas.

However, the potential legal effects of sea-level rise need in-depth research and analysis. The literature is yet immature.

That is why Türkiye encourages the consultations and discussions on the Study Group's analysis of the legal dimensions of sea-level rise.

The Second Issues Paper also argues that “when analysing the phenomenon of sea-level rise with a particular focus on the issue of statehood, it is worth considering, inter alia, ...[T]he preservation of the rights of States affected by the phenomenon of sea-level rise in respect of the maritime areas under their jurisdiction and the living and non-living resources therein.”

We consider this argument to be far-fetched and hypothetical considering the fact that “there has not been a situation of a State whose land territory has been completely covered by the sea or that has become inhabitable for its population.” The Second Issues Paper also concedes this fact.

We are of the view that, for maritime zones where maritime boundary delimitation has not taken place, sea-level rise might have potential effects for the final delimitation.

Türkiye advocates that the impact of sea-level rise on statehood and the impact of sea-level rise on the rights regarding maritime jurisdiction areas should be dealt with as separate issues and on a case-by-case basis.

Therefore, we believe that the Study Group should continue to work on the potential legal effects of sea-level rise, and analyse the inputs from various countries that are affected by sea-level rise.

Our statement today constitutes Türkiye's preliminary remarks and we will be further evaluating the Second Issues Paper along with the future work to be conducted by the Commission on this topic.

Thank you, Mr. Chair.