



**PERMANENT MISSION  
OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS  
NEW YORK**

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NEW YORK, 23 OCTOBER 2023

CHECK AGAINST DELIVERY

GENERAL ASSEMBLY, SIXTH COMMITTEE

**AGENDA ITEM 79, CLUSTER I: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK  
OF ITS SEVENTY-FIRST SESSION (CLUSTER I)**

**STATEMENT BY MR. SINA ALAVI, LEGAL ADVISER**

PERMANENT MISSION OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Chairperson,

Liechtenstein welcomes this year's report of the International Law Commission and wishes to place on record our support for its important work. Under this cluster we wish to take the floor on the topics of "**Immunity of State officials from foreign criminal jurisdiction**" and "**Sea-level rise in relation to international law**". Given the Commission's important role in the progressive development of international law and its codification, the ILC can be assured of Liechtenstein's continued support.

Liechtenstein appreciates draft article 7 on crimes under international law in respect of which functional immunity shall not apply. This is a key provision of the draft articles in the context of the fight against impunity for the core international crimes, which are: the crime of aggression, genocide, war crimes and crimes against humanity. Given that these four crimes make up what we call core crimes: we do not understand why draft article 7 leaves out the crime of aggression. In our position, the crime of aggression should have been included in the list of crimes in draft of aggression, especially given it is a leadership crime which requires us to overcome immunities to ensure meaningful accountability and its future prevention. We will be making a written submission to that effect to the ILC on draft article 7.

Chairperson,

Turning to the topic of “Sea-level rise in relation to international law”. As we have emphasized in previous statements and submissions to the ILC on this topic, the right to self-determination of those States and countries most immediately affected must be at the heart of our consideration of the impacts of sea-level rise on international law. As such we are pleased to see the importance of self-determination in the present context reflected in paragraph 170 in particular.

While not a State party to UNCLOS, and aware of Article 60 of that convention, we continue to appreciate efforts in this respect to institutionalize the ‘fixing’ of maritime zones, so that these could not be challenged or reduced as a result of sea-level rise, as has been proposed by the Pacific Islands Forum. The colonial status of relevant peoples should not be an impediment to joining these or other such efforts. We support the interpretation in paragraph 153 that the Study Group should consider *sui generis* status for territories submerged owing to sea-level rise, in particular because sea-level rise is not a natural phenomenon, but human-caused. Accordingly, we approve of the Co-Chair’s suggestion to further explore this issue, noted in paragraphs 156 and 226.

We look forward to the ILC’s continued work on the subtopics of statehood and the protection of persons affected by sea-level rise in 2024, including through contributing to these deliberations where possible in due course. In the interim, we will continue to work with like-minded States to consider legal avenues to fight climate change, including on the issue of sea-level rise as a whole.

I thank you.