

**Statement of Slovakia**  
**on Cluster II of the Report of the International Law Commission**  
**at the 77<sup>th</sup> session of the Sixth Committee of the United Nations General Assembly**  
**(October 2022, New York)**

---

Ms/Mr. Chair,

In my today's statement I will address the **Chapters VI and IX** of the Report of the International Law Commission.

With regards to the **topic of Immunity of State officials from foreign criminal jurisdiction**, allow me to start by expressing our appreciation to the Special Rapporteur Ms. Concepción Escobar Hernández, as well as to the previous Special Rapporteur Mr. Roman Kolodkin, for their valuable contribution to the adoption of the 18 draft articles and the commentaries thereto by the Commission on first reading. We commend the Commission for the high standard of the draft articles, as adopted on first reading. I, therefore, will limit myself only to a few comments.

We concur with the Commission's view expressed in the general commentary that the immunities from foreign criminal jurisdiction must not lead to the impunity for the most serious crimes under international law.

Slovakia notes with appreciation the draft article 1. In particular, we welcome that the Commission decided to address the relationship of the draft articles with the international criminal jurisdiction in paragraph 3 instead of a stand-alone draft article, as proposed previously.

With regard to listing of crimes in paragraph 1 of draft article 7, we note the explanations provided in the commentary concerning the methodology used. In this respect, we wish to recall our previous concerns on this matter. Additionally, we consider it necessary that the list of crimes should include also the crime of aggression.

Lastly, in relation to the Part Four, we reiterate our general support for the inclusion of the procedural provisions and safeguards. They contribute to the trust and cooperation between the forum State and the State of the Official in light of the principles of the sovereign equality of States.

Ms/Mr Chair,

Let me now address the **topic of Sea-level rise in relation to international law**.

Firstly, Slovakia wishes to praise the Co-Chairs of the Study Group, Ms. Galvão Teles and Mr. Ruda Santolaria, for preparing the second issues paper on the subtopics of statehood and protection of persons affected by sea-level rise, which served as the basis for the report of the Study Group adopted by the Commission.

With regards to the subtopic of statehood, we note that the second issues paper discusses, *inter alia*, criteria for the creation of a State, examples of continuation of international legal personality despite the loss of territory, issues relating to the phenomenon of sea-level rise, and several possible alternatives for the future work concerning statehood.

We also note that, with respect to the subtopic of protection of persons affected by sea-level rise, the second issue paper discusses the existing legal frameworks potentially applicable to the protection of these persons as well as the practice of States and relevant international bodies in this area.

While fully agreeing with the view that sea-level rise is a global phenomenon that needs to be addressed on the international level, we suggest that the Commission focuses on legal aspects of this topic in line with its mandate and does not embark upon issues of policy.

Therefore, we call for a prudent approach regarding the discussion on possible alternatives as far as the preservation of international legal personality without territory is concerned, since such solutions are conditional upon prior political agreement.

With respect to the protection of persons affected by sea-level rise, we acknowledge that the applicable international legal framework is fragmented and general in nature, and that different categories of international law might be applicable, including *inter alia* human rights law, humanitarian law, refugee law, migration law, disaster law or climate change law.

We, therefore, encourage the Commission to examine in more details whether existing instruments sufficiently protect persons affected by sea-level, while taking into account, as proposed, also its previous work on related topics, additional practice from States and expertise of international organisations.

In conclusion, we would like to stress that the present subtopics shall be considered in light of the observations expressed in the first issue paper on sea-level rise with respect to law of the sea, and that any proposals on the present subtopics need to respect the principles of the United Nations Convention on the Law of the Sea and its integrity.

I thank you Ms/Mr Chair.