



United Kingdom Mission
to the United Nations

One Dag Hammarskjold Plaza
(885 Second Avenue)
New York, NY 10017

Tel: +1 (212) 745 9200
Fax: +1 (212) 745 9316

Email: uk@un.int
http://twitter.com/UKUN_NewYork

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SEVENTY-NINTH SESSION, AGENDA ITEM 79,
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS 75TH SESSION: PART I (A/79/10)
CHAPTERS I – III (INTRODUCTORY PARTS) and XI (OTHER DECISIONS
AND CONCLUSIONS OF THE COMMISSION)
CHAPTER VII (IMMUNITY OF STATE OFFICIALS FROM FOREIGN
CRIMINAL JURISDICTION)
CHAPTER X (SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW)

STATEMENT BY MS SALLY LANGRISH
LEGAL ADVISER
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE

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Chair,

1. I would like to begin by thanking the Chair of the International Law Commission's 75th session, Mr. Marcelo Vázquez-Bermúdez, for his report to the Sixth Committee. I would also like to thank the Chair of the Drafting Committee, Ms. Phoebe Okowa, and all members of the Commission for their work this year, which has particular significance as the 75th anniversary of the International Law Commission.
2. The United Kingdom congratulates the two new members of the Commission on their election to fill the casual vacancies and expresses particular thanks to those who have left the Commission this year.
3. The United Kingdom also commends and thanks the Codification Division of the Secretariat for their excellent work. I would like to take the opportunity to warmly congratulate Mr. Arnold Pronto on his appointment as Director of the Division, and to once again thank Mr. Huw

Llewellyn for his service and wish him well for his future. We also take this opportunity to thank Mr. Miguel de Serpa Soares, who I understand has finished eleven years serving the United Nations as its Under-Secretary-General for Legal Affairs and Legal Counsel.

Chair,

4. Turning to Chapter XI of the Commission's annual report concerning '**other decisions and conclusions of the Commission**', the United Kingdom notes with interest, and welcomes, the preparation of a handbook on the working methods and procedures of the Commission. The United Kingdom supports the ongoing work on this handbook and the aim of enhancing transparency of the important work of the Commission.
5. The United Kingdom notes the Commission's decision to recommend the inclusion of the topics "Compensation for

the damage caused by internationally wrongful acts” and “due diligence in international law” in its long-term programme of work. We thank Mr. Mārtiņš Paparinskis and Ms. Penelope Ridings for their preparation of the syllabuses annexed to the Commission’s report. The United Kingdom is considering these carefully.

Chair,

6. I now turn to the topic of **‘immunity of State officials from foreign criminal jurisdiction’**.
7. The United Kingdom congratulates Professor Grossman on his appointment as Special Rapporteur during the Seventy-Fourth session. We welcome the measured approach he has taken to this topic so far and the careful consideration of States’ comments on draft articles 1 to 6 set out in his first report.

8. The United Kingdom emphasises the importance of the Commission's final product being grounded in State practice. Therefore, it is welcomed that the Commission has allowed further time for States to provide comments on the draft articles adopted at first reading.
9. We further note that draft article 7 and Part Four are due to be considered by the Special Rapporteur in his second report and will be reviewed at the Commission's Seventy-Sixth session next year.
10. There continue to be deeply differing views both in the Commission and amongst States on the proposals contained in draft article 7; and in our national submission last year the United Kingdom encouraged the Commission to engage with the questions and challenges that have been identified in the current text of the Commission's proposal and the methodology it has used.
11. We also consider that particularly careful attention needs to be paid to the procedural provisions and safeguards in Part Four to ensure that they respect, and are capable of application across, diverse national legal systems. The

United Kingdom also questions whether exactly the same procedural provisions and safeguards would be appropriate for examining and determining both questions of personal immunity and those of functional immunity. For example, it is important in practice for the proper and effective application of immunity *ratione materiae* that the foreign State expressly acknowledges the act of its official as its own, whereas invocation by the foreign State is in practice not always necessary for the application of immunity *ratione personae* which depends not on the nature of the relevant act but on the senior status of the official which is likely to be readily apparent.

12. Therefore, it is vital that the Commission takes sufficient time to reflect and amend those proposals before concluding second reading. Delivering a balanced product which accurately reflects the practice of States and enjoys broad acceptance across the international community as a whole is more important than rushing to conclude the Commission's work on this topic next year.

13. On the topic '**Sea-level rise in relation to international law**', the United Kingdom welcomes the Commission's ongoing work on this important topic. The United Kingdom recognises that this topic continues to be of immediate relevance and concern for many Member States and, in this regard, the United Kingdom was pleased to participate recently in the High-Level Meeting on this topic at the UN General Assembly.
14. The United Kingdom notes that the co-chairs and members of the Study Group have further considered the Statehood and protection of persons aspects of this topic during the Commission's most recent session, the results of which are set out in Chapter X of the Commission's annual report.
15. The United Kingdom continues to carefully consider the implications of sea-level rise, including relating to Statehood and the protection of persons. The United Kingdom observes that these represent fundamental aspects of international law, beyond the issue of sea-level rise. The United Kingdom, therefore, supports

approaches to addressing these important issues that are grounded in international law, with a view to potential broader consequences.

16. The Commission is due to produce a final report next year, which is expected to address the various strands of the Study Group's work on this topic. States will of course wish to consider this report in the round before reaching conclusions on it. The United Kingdom looks forward to considering the results of this work, with the close attention that this issue deserves.

Thank you, Chair.