

**PERMANENT MISSION OF THE REPUBLIC OF BULGARIA  
TO THE UNITED NATIONS**

**79<sup>nd</sup> Session of the General Assembly**

**Agenda item 79: Report of the International Law Commission  
on the work of its 75<sup>th</sup> session**

**Cluster I - Chps: VII (Immunity of State officials from foreign  
criminal jurisdiction, X (Sea-level Rise in Relation to  
International Law) and XI. Sect.C (Other decisions and  
conclusions of the Commission (Compensation for the  
damage cause by internationally wrongful acts, Due Diligence  
in International Law)**

**Statement by**

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**Check against delivery!**

Mr/Mme. Chairperson,

Thank you for the opportunity to speak on the first cluster of topics, contained in the International Law Commission's Report. I would like to begin by thanking the Chairperson of the International Law Commission, Mr. Marcelo Vázquez-Bermúdez, for his report to the Sixth Committee and to all of the members of the Commission for their valuable work accomplished during this year's session.

First of all, on behalf of the Republic of Bulgaria, I would like to extend my warmest congratulations to the International Law Commission and its current and former members on the occasion of the Commission's 75th anniversary. On the subject of the annual report of the Commission, today I would like to address three topics: "*Immunity of State officials from foreign criminal jurisdiction*", contained in Chapter VII, "*Sea-level Rise in Relation to International Law*", contained in Chapter X, and "*Other decisions and conclusions of the Commission*", contained in Chapter XI, section C of the Report.

Mr/Mme Chair,

Allow me to begin with the topic "***Immunity of State officials from foreign criminal jurisdiction***". The Republic of Bulgaria acknowledges the significance of the Commission's efforts for clarifying and codifying the principles regarding the Immunity of State officials from foreign criminal jurisdiction. This issue is of utmost importance in maintaining the delicate balance between protecting the sovereign functions of States and ensuring accountability for the most serious crimes under international law. Bulgaria expresses its appreciation to the Special Rapporteur, Mr. Claudio Grossman Guiloff, for his first report and his efforts to address the concerns raised by the Member States. Immunities, including those of state officials from foreign criminal jurisdiction, are an important element for maintaining stable and friendly relations among States, based on the principle of sovereign equality between the States. However, Bulgaria stresses the need for these immunities to be clearly defined and limited, ensuring that they are not misused and exploited to evade justice, particularly in cases involving serious violations of international law.

We believe that while the protection of state officials is necessary, it must not come at the expense of accountability and the fight against impunity, to which we would like to reiterate our commitment. In this vein, Bulgaria calls for a balanced approach that upholds both the principles of state sovereignty and equality between States and the imperative of accountability in international law. We look forward to further discussions on the draft articles and to contributing to their refinement to achieve a fair and just international legal framework.

Mr/Mme. Chair, I would like to once again reaffirm Bulgaria's appreciation for the work of the Commission and the Special Rapporteur on the topic. We look forward to the opportunity to engage in constructive discussions on the topic at the next session.

I will now turn to the topic ***Sea-level Rise in Relation to International Law***. I would like to begin by thanking the Co-Chairs of the Study Group, Ms. Galvão Teles and Mr. Ruda Santolaria, and the members of the Commission for their extensive and valuable work accomplished during this year's session.

Bulgaria aligns itself with the statement made by the European Union. I will now make some remarks in our national capacity.

As a preliminary remark, Bulgaria would like to reaffirm its position that the United Nations Convention on the Law of the Sea is the "Constitution of the Oceans", which together with its implementing agreements, sets out the legal framework within which all activities in the oceans and seas must be carried out.

The Convention is regarded by the international community as the most significant achievement in the evolution of the Law of the Sea and the fundamental pillar of ocean governance. In this regard, it is Bulgaria's position that the process of deriving legal conclusions on the topic of "Sea-Level Rise in Relation to International Law" should be undertaken only on the basis and with full respect of the integrity and the relevant principles, provisions and the balance between rights and obligations enshrined in the Convention.

Regarding the present topic, it should be emphasized that sea-level rise poses great risks to the international community as a whole and is particularly challenging for coastal communities and island nations. Bulgaria closely follows the work of the International Law Commission on this topic since it was included in the programme of work of the ILC in 2019.

With regard to the subtopic on statehood which was a particular focus of this year's work on the ILC, we would like to express our support for the presumption of continuity of statehood for countries whose territories may be partially or entirely submerged due to rising sea levels. It is our understanding that this continuity is vital for maintaining international stability, securing sovereign rights, and upholding the principles of self-determination and territorial integrity. It should be noted that this continuity also applies to insular state territory whether inhabited or uninhabited.

In this regard, Bulgaria would like once again to reiterate its position that UNCLOS does not contain a legal obligation for state parties to regularly review and update their baselines and the borders of their maritime zones, established in accordance with the applicable rules of the Convention. Conclusions that suggest that a periodic review should be carried out by states could potentially have a negative impact on the relations between coastal states and may affect the stability in different regions of the world, especially in cases of already established maritime delimitations.

In summary, it is Bulgaria's understanding that legal discussions on the topic of sea-level rise in relation to continuity of statehood, maritime zones, baselines, and delimitation should take into due account the importance of preserving the boundaries and rights of coastal states over their maritime spaces, established in line with the principles and relevant provisions of the Convention and the principle of legal stability.

On the subtopic of protection of persons affected by sea-level rise, it is Bulgaria's understanding that the human dimension of sea-level rise is of paramount importance. In this regard, it is crucial that the international community creates the necessary safeguards for the rights of displaced individuals and those impacted by sea-level rise and ensures that the dignity, identity, and rights of those persons are respected and protected.

As a final note on this subtopic, Bulgaria would like to emphasize the key role that global cooperation plays in addressing the multifaceted challenges posed by sea-level rise. Bulgaria urges the international community to prioritize its support for the affected communities, particularly those lacking the resources to mitigate or adapt to these impacts.

Mr/Mme Chair,

Turning now to **Chapter XI section C of the Commission's report (“*Other decisions and conclusions of the Commission*”)**, section C, I would like to make the following comments on the two annexes contained in the Report.

Please allow me to start with Annex I – “***Compensation for the damage caused by internationally wrongful acts***”. We would first like to thank Prof. Martins Paparinskis for his excellent work. Bulgaria welcomes the inclusion of the topic in the long-term programme of the Commission. We believe that the future work on the topic would provide a more detailed and complex understanding of the issues related State responsibility in general and would be an important addition to the previous work of the Commission on the matter, building upon the existing law of responsibility and compensation.

We would also like to welcome the proposal to address open questions regarding compensation, such as those relating to claims for macroeconomic damage resulting from violations of the prohibition of the use of force and the relevance of the financial burden imposed on the responsible State.

Finally, we would like to underline that Bulgaria finds the proposed topic to be of great practical value for States and international courts and tribunals dealing with compensation claims, and is looking forward to the forthcoming work of the Commission on the identification and the clarification of compensation rules, as well as on their application.

Mr/Mme Chair, please allow me to turn now to the topic “***Due Diligence in International law***”, covered in Annex II of the Commission's Report. We would like to commend Prof. Penelope Ridings for her excellent work and to welcome the inclusion of the topic in the long-term program of the ILC. We agree that providing detailed analysis on the topic would be especially beneficial and would be of interest to both legal practitioners and domestic and international courts.

As the concept of due diligence has evolved over a long period of time in different branches of international law, we believe in the importance of the codification work of the Commission regarding the topic and we share the view that it would provide a much-needed framework that would be of use to the States facing global challenges such as terrorism, climate change and cyber security.

We support the ILC's work on identifying the legal aspects and the character of the concept of due diligence and we believe that establishing a unified approach on whether due diligence should be viewed as a standard of conduct, an obligation or a legal principle, would provide both States and domestic and international courts and tribunals with the necessary theoretical background to apply the concept of due diligence in practice.

Considering the fact that the topic aims at codification of practice relating to due diligence in international law, we agree with the view expressed in the Commission's Report regarding the preferred outcome of the topic being in the form of draft principles.

We look forward to continuing our engagement as the work and the discussions on this topic progress.

Mr/Mme Chair,

In conclusion, we would like to express our continued support for the work of the International Law Commission.

Thank you for your attention!