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**76th Session of the General Assembly of the United Nations
Sixth Committee**

Agenda item 82

**Report of the International Law Commission
(72nd Session, A/76/10)**

*Chapter VI – Immunity of State officials from foreign criminal jurisdiction
Chapter IX – Sea-level rise in relation to international law*

**Speech delivered by Mrs. Alina Orosan
Director General for Legal Affairs
Ministry of Foreign Affairs**

New York, October 2021

Chairperson,

In relation to the second cluster of topics, my delegation submits the following elements for future considerations:

Chapter VI - Immunity of State officials from foreign criminal jurisdiction

Generally, we find the proposed texts as providing a correct approach to the matter, in line with the relevant practice on immunity of State officials. There is, indeed, a particular need for consistency in the terminology used in the d0 gBTft aularl(e)4(e)4(sETQ.00000912 0 62 792 reW*nBT/F1 12 Tf1 0 0 1 233.048.9

the authors of the *Paper*. Therefore, we welcome the commitment of the Study Group, as reflected in paragraph 294 of the Report, that further work will be devoted, on a priority basis, on issues such as sources of international law, principles and rules of international law, practice and *opinion juris*, navigational charts.

One of the most complex elements of the whole issue, as also reflected in the *First Issues Paper* is the effect that rising sea-level has on the baselines from which maritime areas are to be determined. We found a comprehensive analysis in the *Paper* on this particular issue and on the “divergence” between ambulatory vs. fixed baselines. This analysis included an exhaustive presentation of the relevant UNCLOS provisions, as well as of the work of other international bodies, such as the International Law Association, and specially extended reference to the State practice.

As previously mentioned, Romania believed the subject was ripe enough to be included in the work of the Commission. In this spirit, it replied positively to the request of the Commission to receive examples of national practice that might be relevant – even if indirectly – to sea-level rise in relation to law of the sea. We provided information from the national legislation and treaty practice, though conscious that it would only relate to the subject in an indirect manner. As righteously evidenced in the *Paper*, our legislation could be interpreted *as favouring an ambulatory system of baselines*, though a connection with the specific case of sea-level rise is difficult to make, given the particular character of the Black