
New York, 28 October 2022

agree with the concerns expressed in the Drafting Committee - referenced in the Commentary - that the current formulation appears to be too restrictive.

While noting that this wording is based on the UN Convention on Jurisdictional Immunities of States and Their Property, in our view the proposed text does not correspond with recent practice concerning the creation of international criminal courts and tribunals and therefore requires further consideration in order to achieve the intended goal. Specifically, we believe that the current wording would omit those international criminal courts and tribunals which are not established by international agreement, such as tribunals established by the UN Security Council. In our view, the provision should not be limited to criminal courts and tribunals established by international agreement.

Turning now briefly to draft Article 7, we note the apparent continuing divergence of views within the Commission on this provision, notwithstanding the absence of a vote this year. Ireland will provide detailed observation on Article 7 in our written submissions next year. However, at this stage we wish to record our welcome for the additional safeguards regarding draft Article 7 introduced now by draft Article 14(3).

Noting also the possibility that the implementation of the draft Articles in any given case could give rise to disagreements or misunderstandings between states, Ireland supports the inclusion of draft Article 17 as a useful mechanism whose purpose is to prevent conflict between the forum state and the state of the relevant official, and to protect stability in international relations.

Mr / Madam Chairperson,

Ireland notes that the inclusion of draft Article 18 is related to the final form of the draft articles and the recommendation to be addressed by the Commission to the General Assembly in due course. Ireland will comment on both of these issues in its written comments. At this stage, however, we remain of the view that should that final form be an international agreement, a dispute settlement provision would form an important part of safeguards aimed at protecting the stability of international relations and avoiding political and abusive prosecutions.

Finally, while noting that the Commission has not yet recommended a proposed outcome for this topic, Ireland welcomes the opportunity for States to comment on the full set of draft articles as a whole. This will allow consideration of the

complete set of draft articles including the interplay between different articles and to provide comments and observations to the Commission for consideration.

Mr / Madam Chairperson,

I would like now to address the other topic for consideration today, Chapter IX
_____,
and the work of the Study Group in its first two issues papers.

Sea-level rise is a pressing, even existential issue. Its impact will be disproportionately felt by people in low-lying areas and in developing countries, particularly small island developing states.

As an island state itself

submitting its views – as well as any relevant state practice – to the Commission before the end of June next year, as requested.

As the Study Group returns its focus in 2023 to the Law of the Sea aspects of the topic, I wish to mention here that, further to the earlier request made by the Commission, Ireland has submitted detailed information on updating both baselines from which the breadth of maritime zones is measured and national laws regarding baselines, as well as other related national practice.

Ireland recently carried out a full resurvey of the points from which our system of straight baselines and our bay closing lines are drawn, and subsequently amended the national laws prescribing these straight baselines and bay closing lines. We wish to note, however, that to date our practice in this area has not been formulated expressly in contemplation of sea-level rise.

Mr /Madam Chairperson,

We look forward to reviewing the outcome of this next phase of the work of the Study Group next year. The issues raised are complex, difficult and urgent.

I thank you for your kind attention.