





which both States are bound governs their mutual rights and obligations.

We take note of the ongoing discussions on definitions, as per draft article 2.

Brazil generally agrees with articles 3, 4, 5 and 6 as proposed by the special rapporteur, and we reiterate that these immunities have been widely recognized in customary international law and applied by courts at both national and international levels.

According to the settled jurisprudence of the International Court of Justice, for instance, Head of State enjoys in particular full immunity from criminal jurisdiction and inviolability which protects him or her against any act of authority of another State

Turning to draft article 7, Brazil reiterates that it does not reflect customary international law. The practice related to this article is limited to a few States, and lacks broad .

In this regard, the Commission should bear in mind the need to undertake a balanced and representative analysis of State practice. It is noteworthy that there is

practice of developed and developing states in the commentaries adopted in first reading.

Over 96% of national courts decisions referred to in the commentaries are from developed States, while less than 4% of all 101 cases mentioned are from developing countries.

Brazil urges the special rapporteur and the Commission to address this impressive shortcoming in the commentaries to be adopted in second reading.

In this endeavour, the Commission should also consider abstentionist practices, inasmuch as the deliberate decision not to act may reflect

The Commission should carefully reconsider draft article 7 in this perspective. Should it decide to retain the draft article, Brazil urges it to explicitly state in its commentaries that it does not reflect existing rules of customary international law.

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article 7, negotiating a treaty would allow States to express their views on them and decide whether to be bound by them in their mutual relations.

In this context, we do not favor an approach similar to the one adopted in relation to the articles on state responsibility, which, in our view, would not be inclusive or representative.

Mr./Madam Chair,

As regards chapter X of the report, on sea-level rise in relation to international law, Brazil believes that our discussions should be guided by basic principles of international law, such as sovereign equality, non-intervention, international cooperation, and human dignity.

Given the anthropogenic nature of climate change and sea-level rise, it is also important to take into account the principle of common but differentiated responsibilities, as set out in principle 7 of the Rio

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated

responsibilities. The developed countries



