



Report of the International Law Commission on the work of its seventy



General comments and other decisions (Chapters I, II, III, XI)

Mr. Chair,

Portugal has followed the work and outputs of the International Law Commission during its seventyfifth session with great attention. We note in particular the provisional progress

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Mr. Chair,

We thank the Special Rapporteur, Mr. Claudio Grossman, for his first report, and commend the pragmatic approach under which he decided to cover only draft articles 1 to 6 at this stage.

Portugal takes good note of the work that was achieved this year by the Special Rapporteur, and the Commission, on this topic.

We particularly note the discussions on draft articles 5 and 6, since the relationship between immunity *ratione personae* and immunity *ratione materiae* provides an interesting
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crimes for which immunity *ratione materiae* does not apply.

Mr. Chair,

In its report, the International Law Commission noted that it would appreciate hearing further from Governments concerning draft articles 7 to 18 and the draft annex of the draft articles on immunity of State officials from foreign criminal jurisdiction.

Earlier this year, my country submitted written information to the Commission focusing on draft article 7. The content of this draft article is key to the success of the whole of the draft articles.

As was stressed on that occasion, Portugal believes that atrocities such as genocide, crimes against humanity, war crimes and the crime of aggression cannot simply be ignored by the operation of immunity.



This topic remains of great importance of existential importance, I would say. For the first time, global warming exceeded 1.5° C across an entire year in 2023, according to the EU's climate service. Global mean sea level reached a record high. It is clear that many SIDS currently face frightening and burdensome risks, including rising sea levels, food and water security, natural disasters, pollution, loss of unique biodiversity and in some instances threats to statehood. Indeed, increasing global warming amplifies the exposure of small islands, low-lying coastal areas and deltas to the risks associated with sea level rise and extreme sea level events. Moreover, this situation is particularly unfair for SIDS, whose carbon emissions have historically been among the lowest in the world.

The effects of sea level rise can vary significantly for different reasons. One distinguishing feature is whether the land surface of the affected state is only partially or completely flooded. In the first case, the land surface may be affected by erosion and salinization and may become uninhabitable because there is no adequate freshwater supply. In this case, the population may be forced to relocate within the territory or migrate to another State. The second scenario is that of total submersion, in which the land surface of the State becomes completely covered by the sea. Depending on which scenario the State in question finds itself in, the measures to be adopted differ.

In any of the scenarios, it is necessary to promote and strengthen the resilience of communities and ensure that ecosystems can adapt to the new circumstances. International cooperation is an essential principle of international law enshrined in many international instruments, including the UN Charter, UNCLOS, the UNFCCC, the Paris Agreement and more recently the BBNJ Treaty.

Innovative and practical cooperation requires technical and logistical assistance, human resources, and financial support, especially for States that are particularly affected by the phenomenon of climate change induced sea level rise and do not have sufficient capacities of their own.



In addition, Portugal participated in the high level plenary meeting of the General Assembly