



MALAYSIA

Permanent Mission to the United Nations, New York

[Check against delivery]

STATEMENT BY
MR. LUTFI SHEIKH GHAZALI
DELEGATE OF MALAYSIA
TO THE 76TH SESSION OF THE GENERAL ASSEMBLY

ON AGENDA ITEM 82:
REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS SEVENTY-SECOND SESSION

CLUSTER II - CHAPTERS VI (IMMUNITY OF STATE OFFICIALS
FROM FOREIGN CRIMINAL JURISDICTION)
AND IX (SEA-LEVEL RISE IN RELATION TO INTERNATIONAL LAW)

AT THE SIXTH COMMITTEE OF
THE 76TH SESSION OF THE GENERAL ASSEMBLY

NEW YORK, 29 OCTOBER 2021

Madam Chair,

IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION

Malaysia thanks Ms. Concepción Escobar Hernández, the Special Rapporteur for the topic “Immunity of State officials from foreign criminal jurisdiction”, for her outstanding contribution that has been made towards the Eighth Report.

2. Malaysia understands that the issues discussed in the Eighth Report, especially the draft articles which have been submitted to the Commission at its seventy-second session, are vital and warrant great consideration in determining and applying immunity of State officials from foreign criminal jurisdiction.
3. My delegation also notes the progress of discussions on this topic, particularly with the provisional adoption of draft articles 1 through 12 by the Commission as of its seventy-second session. Once the full set of draft articles are finalised, Malaysia opines that all

their practice. At the same time, Malaysia recalls the mandate of the Study Group and urges States to proceed on a cautious basis so as not to modify existing international law, in particular the United Nations Convention on the Law of the Sea 1982.

9. Malaysia wishes to highlight that reclamation activities may have the effect of altering a State's maritime space. Similarly, sea-level rise also poses risks and challenges to the law of the sea, including possible legal effects on the outer limits of a State's maritime space. Although both sea-level rise and reclamation activities pose possibly similar effects on a State's maritime space, both activities should be carefully distinguished so as to avoid any State from taking advantage by enlarging its maritime space under the pretext of sea-level rise. Additionally, Malaysia shares the view with the majority of States that maritime baselines, limits and boundaries should be fixed in perpetuity regardless of sea-level rise.

10. Malaysia looks forward to the second issues paper which will address issues relating to statehood and protection of persons affected by sea-level rise, under the co-chairpersonship of Ms. Patricia Galvao Teles and Mr. Juan Jose Ruda Santolaria.

Thank you.