PERMANENT MISSION
OF THE PRINICIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
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GENERAL ASSEMBLY

SIXTH COMMITTEE

CLUSTER I

STATEMENT BY MS. MARION CREPET

LEGAL ADVISER OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Chair,

The International Law Commission plays a crucial role in the development and codification of international law, and Liechtenstein commends the publication of the Commission's 2026 report.

Regarding the progress made by the Commission on the immunity of State officials from foreign criminal jurisdiction, we are pleased to see that the Commission adopted on a second reading the entire set of draft articles.

The immunity of State officials is grounded on the principle of the sovereign equality of States. As established by the International Court of Justice and outlined in the Commission's report, State officials enjoy immunities not for their personal benefit but to ensure their ability to represent their State or to exercise State functions. The draft articles ensure that the immunity of State officials does not result in impunity for the most serious crimes under international law. In doing so, they strike a careful balance between the principle of sovereign equality and the imperative of accountability, while preserving the coherence and consistency of the international legal framework.

Draft article 6, which includes the list of crimes in which respect immunity *ratione materiae* should not apply, is an important achievement. It is supported by the Nuremberg and Tokyo Trials, the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice. It also reflects the jurisprudence of national jurisdictions on the prosecution of foreign State officials for international crimes during the Second World War.

The inclusion of the crime of aggression in draft article 6 is a significant contribution to the fight against impunity. As a leadership crime, its prosecution necessarily involves the immunity of State officials. Recognizing an exception to immunity in such cases is consistent with both customary international law and contemporary international criminal law. Moreover, aggression is among the four core crimes identified in the Rome Statute and reflects the enduring legacy of Nuremberg, which remains a cornerstone of the contemporary international legal order, as embodied in Nuremberg Principles I, III and VI.

The adoption of the draft articles is a significant step towards a more consistent interpretation of the law towards the immunity of State official. However, Liechtenstein believes that the recommendation of the Commission to elaborate, at the appropriate time, a convention by the General Assembly or an international conference of plenipotentiaries on the basis of the draft articles is premature. In our view, a dedicated convention on immunities would not provide significant added value beyond the framework already reflected in the draft articles. Rather, States should focus on drawing upon these draft articles when negotiating future international instruments, including the Convention on the Prevention and Punishment of Crimes against Humanity.

Chair,

Another important milestone that demonstrates the impact of the Commission's work is the adoption by consensus of the Political Declaration on Sea-Level Rise. The Declaration reflects key elements of the work of the ILC Study Group on sea-level rise in relation to international law. Its legal dimensions underscore States' commitment to the continuity of statehood in the face of sea-level rise, including the important presumption of the continuity of membership in the United Nations. This provides a practical safeguard to ensure that States affected by the loss of territory can continue to participate in multilateral institutions and exercise their sovereign voice.

Chair,

This year, States were invited to reflect on the relationship between the International Law Commission and the Sixth Committee. The examples discussed today provide a compelling answer. Whether clarifying the rules governing the immunity of State officials or helping States address the unprecedented legal consequences of sea-level rise, the Commission demonstrates its unique capacity to combine legal rigor with practical relevance. Liechtenstein therefore remains committed to strengthening this partnership and ensuring that the Commission's work continues to serve the needs of the international community. I thank you