

I would like to express once again the appreciation of my delegation for the opportunity to make additional comments on the issues that are currently being discussed under the Report of the Commission in its 66th session. Please allow me to begin by providing comments on certain topics of Part 2 then continue to Part 3 of the Report.

aut dedere aut judicare

The Indonesian Delegation considers the work of codification and clarification of issues concerning is of great importance to prevent impunity,

given the fact that every criminal should be brought to justice and serve the punishment relevant to the crime. We welcome the final report of the commission which would provide valuable guidance for states on the topic.

We would like to express our appreciation Mr. Kriangsak Kittichaisaree, the Chairman of the Working Group and Mr. Zdzislaw Galicki, the former Special Rapporteur of the topic for their valuable contribution in the deliberation and consideration of the topic.

Allow me first of all to express my appreciation to Mr. Shinya Murase, the Special Rapporteur for the topic Protection of the Atmosphere for his excellent work as it is clear that it reflects extensive work on the topic including the 3 draft guidelines.

There is no denying that the topic is controversial, as shown by differing views of states, however the study on the topic by the Commission is important as it will help us not only in enhancing our understanding of the nature of the atmosphere as a limited natural resource beneficial to humankind, but more importantly, it will enable the international community to prevent the environmental degradation occurring in the atmosphere by preserving and conserving the natural resource.

It is important to emphasize that the atmosphere, a limited natural resource, is vital for life on earth and for the survival of humankind. Thus, the protection of the atmosphere, its natural and human environments, is of great importance. We support the suggestion that the modalities of the use or utilization of the atmosphere should be considered in depth. The degradation of the condition of the atmosphere has long been a matter of serious concern to the international community. In this

On the Topic of Immunity of State Officials from Foreign Criminal Jurisdiction, let me begin by

Hernandes, for her excellent work on the topic especially regarding the immunity ratione materiae and in particular the concept of a State o ive research on practice of national and international judicial institutions, treaty practice and other work of the Commission, as well as her analysis on the issues will be beneficial for in the discussions and elaborations to come.

I would like to make brief comments on the two draft articles provisionally adopted by the Commission in its last session. On Draft Article 2 (e), my Delegation supports the inclusion of a n is essential for identifying the individual who is entitled to immunity from criminal jurisdiction, either immunity ratione personae or ratione materiae. Furthermore, it is important to note that this definition is

applicable solely for the purpose of the draft articles, so as to not be confused with the general

systems that might have different meanings.

consideration until the Commission will specifically deal with the use of terms in a comprehensive manner.

<u>Draft Conclusion 3: Basic approach: two constitutional elements</u>

It is essential that in order to identify the existence of a rule of customary international law, there has to be the required two constitutional elements, namely the general practice, and the acceptance

recognized by national courts, international courts and tribunal, UN Member states in the Sixth

basic approach. Therefore, it is necessary in the future report to go deeper into the meaning of opinio juris

Draft Conclusion 4: Assessment of evidence

Draft Conclusion 4 provides that in assessing evidence for a general practice as law, regard must be had to the context, including the surrounding circumstances. The

In order to assist

those who are responsible for assessing evidence for a general practice accepted as law such as judges, practitioners, government legal advisers, the words to be chosen should be easily understood.

<u>Draft Conclusion 5: Role of practice</u>

My Delegation is supportive of the view that the conduct of states, as the primary objects of international law, contribute to the creation, or expression of rules of customary international law.

<u>Draft Conclusion 6: Attribution of conduct</u>

Draft Conclusion 6 provides that State practice consists of conduct that is attributable to a State, whether in the exercise of executive, legislative, judicial, or any other function. However the inclusion of the term

Conclusion, thus creating the possibility of confusion or uncertainty.

Draft Conclusion 9: Practice must be general and consistent

My delegation has reservations with regard to paragraph 4 on the need to pay due regard to the practice of States whose interests are specially affected in assessing practice. There should be further clarification on the need for paragraph 4 in the context of the principle of sovereign equality of States.

Draft Conclusion 10: Role of acceptance of law

requirement, as an element of customary international law, that the general practice be accepted as law means that the practice in question must be accompa

opinio jurisµ.