

recommended to the General Assembly the elaboration of a convention on the basis of the said draft articles.

Mr. Chairman,

The topic of **Protection of Persons in the Event of Disasters** hold dear to my country as Indonesia is located in one of the most seismically region known as the Pacific Ring of Fire. It is a circum-Pacific belt where almost 90% of volcanic activities takes place, and consequently, natural calamities has become our second nature. This fact also speaks for Indonesia's neighboring countries as issue of disasters occupied an important dimension in the relation between countries, particularly in Southeast Asia's region.

Within the context of the Association of Southeast Asian Nations there have been quite much work performed on this topic, as reflected in the robust references made by the draft commentaries to ASEAN instruments, importantly, the Agreement on Disaster Management and Emergency Response of the Association of Southeast Asian Nations and the 1976 ASEAN Declaration on Mutual Assistance on Natural Disasters. It is against this background that I would like to submit the following observation under this topic:

On the draft preamble, My Delegation concurs with the approach taken by the Commission to opt for the principle of "sovereignty of states" rather than phrases such as "by virtue of their sovereignty" or "sovereign equality of states" that was debated during the preparation of the current draft articles. Such reference reflects and reaffirms the primary role of the affected states in the provision of disaster relief assistance. Hence, it is important that it is against this principle that the entire draft articles should be understood.

My Delegation welcomes the reference to the element of "**particularly vulnerable**" under article 6 of the draft articles.

and at international conferences in the formation and identification of customary international law have played an important role and are widely noted. At the same time it is necessary to ensure that before a resolution or any form of normative position adopted by Member States at an international organization or at international conference be regarded as reflecting customary international law, a certain process of examination concerning practice of the Member States and degree of its acceptance as law is necessary. The very wording of draft conclusion 12 paragraph (1) that “A resolution adopted by an international organization or at an intergovernmental conference cannot, of itself, create a rule of customary international law”, justifies the need for caution.

With regard to draft conclusion 13 on decisions of courts and tribunals, my delegation wish to emphasize the importance of the real effect of judicial decisions depending on the weight given to each of the decisions.

With regard to draft conclusion 15 on persistent objector rule, my delegation would like to share the view that both judicial decisions and State practice have confirmed that states are not bound by an emerging rule of customary international law to which that State has persistently objected and maintains its objection after such rule has crystallized. The rule of persistent objector is indeed important for preserving the consensual nature of customary international law. It is in this conjunction that duly caution should be exercised by the Commission when elaborating inaction as expressive or creative of customary international law.

Mr. Chairman,

Before I conclude my statement, I wish to express the support of my delegation to further the work of the International Law Commission.

I thank you.

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