



**71<sup>ST</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY  
SIXTH COMMITTEE  
AGENDA ITEM 78  
REPORT OF THE INTERNATIONAL LAW COMMISSION  
[CLUSTER II]**

**STATEMENT BY**

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**Mr. Chairman,**

national jurisdiction, preliminary measures when alleged offender is present and fair treatment of the alleged offender.

Paris Agreement. That made us the 89<sup>th</sup> country to do so. Without being complacent, now that we have legal framework in place, Indonesia is looking forward to walk our commitments and obligations owed to international community.

As with the draft articles, we take seriously the international legal obligation to protect not only that of atmosphere but to environment in general.

Draft guidelines 3, 4 and 8 altogether concerns respectively with the obligation to protect atmosphere, obligation to undertake environmental impact assessment and obligation to cooperate. We take note that these obligations are inseparable and mutually reinforcing each other. Importantly, they form the essential pillars of atmospheric protection. Obligation to protect, in particular, entails the obligation to prevent and to carrying out enforcement measures, that take into account, cooperation with other states for its effective performance thereof.

As a matter of law, enforcing these obligations comes with prescription of relevant domestic legislation, criminalization of acts that cause atmospheric pollution, international cooperation, and importantly effective enforcement of criminal, administrative or civil measures against individual and legal persons as such.

Indonesia takes these obligations seriously as exemplified from our response to atmospheric pollution caused by forest fires in recent years. We are continuing relentlessly to undertake systematic and concerted policy efforts as well as effective law enforcement measures to ensure that Government do not stand idle towards irresponsible actors that cause atmospheric pollution as well as carrying out the necessary mitigation efforts. As of today, Indonesia had subjected about 30 (thirty) companies to administrative sanctions over the occurrence of contemporary forest fires. Those found guilty will be given warning and could have their permit revoked. There are also ongoing civil lawsuits against 10 (ten) companies and numerous others. On policy basis, Indonesia is applying a temporary moratorium on permits for forest management, palm plantations and management of peat lands.



**On the work of jus cogens**, Indonesia continues to closely follow the work of the Commission. We would like to thank Special Rapporteur Mr. Tladi for his diligent work in such a delicate subject. Hence, we welcome his first report on this matter. As the topic is evolving, we are also developing our views and prepared to contribute our comments to this work.

I thank you.

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