

STATEMENT BY MR. YUSUKE NAKAYAMA
REPRESENTATIVE OF JAPAN
AT THE MEETING OF THE SIXTH COMMITTEE
ON THE REPORT OF THE INTERNATIONAL LAW COMMISSION

THREE)

Protection of the environment in relation to armed conflicts

Thank you, Madam Chairwoman / Mr. Chairman

hopes that the Commission would, while referring to the project of the law of transboundary activities, as well as its own previous work, carefully examine the

terminology and explain the difference of the terms in the commentaries at the next session.

Succession of States in respect of State responsibility

Madam Chairperson / Mr. Chairman,

non-succession to State responsibility seems to be widely accepted among the members of the Commission, and stipulating this rule would be meaningful in order to clarify the legal basis of this topic.

Finally Japan would like to request the Commission to continue its cautious approach, considering previous outcomes of the Commission and paying attention to the scarcity of State practices.

Immunity of State officials from foreign criminal jurisdiction

Madam Chairperson / Mr. Chairman,

Turning to the topic of "immunity of States officials from foreign criminal jurisdiction", allow me to first express our warm appreciation to the Special Rapporteur Ms. Concepción Escobar Hernández for her dedicated work on this

important and challenging subject. Although the sixth report for this topic became accessible in all official UN languages just three days before the plenary, the plenary nonetheless produced a number of valuable comments. Following the report and the discussion, Japan would like to make some comments.

Firstly, as Japan pointed out the previous year, a proper balance between State sovereignty and the fight against impunity is essential on this topic, and a consideration of the procedural aspects of immunity would be beneficial to ensure such balance. In this regard, it has not been made clear yet how the procedural aspects of immunity would mitigate the risk of abusive use of the exception of immunity. We must pursue the practical measures which will effectively prevent the law enforcement authorities from abusing the exception of the immunity and would not impair the stable interstate relationship.

Secondly, it is necessary to recognize that State practices have not been sufficiently accumulated. Japan finds it meaningful to collect State practices from

Lastly, in the future work on this topic, it would be desirable to further

address draft article 7 based on the discussion of the Commission.

immunity. Unfortunately, last year, the members of the Commission could not reach a consensus about this article. Japan hopes that all of the draft articles, including draft article 7, will be adopted by consensus with adequate discussion.