

Chairperson,

In relation to the second cluster of topics, Romania would like to share with the 6 Committee and the ILC the following considerations and views:

Chapter VI – Protection of the environment in relation to armed conflicts

Romania expresses its deep appreciation for the outstanding contribution of the Special Rapporteur, Ms. Marie Lehto, which had been the Commission's first Special Rapporteur on the

reading of the draft principles on protection of the environment in relation to armed conflicts. We also appreciate the valuable contribution of the previous Special Rapporteur, Ms. Marie G. Jacobsson, to

Regarding the organization of the subject, the Commission has decided to

Chapter VIII - Immunity of State officials from foreign criminal jurisdiction

We thank the Special Rapporteur (SR), Ms. Conception Escobar Hernandez, for her extensive work on the seventh report, which, together with the sixth report, has generated a rich debate on the procedural aspects of immunity during this year's ILC session.

We share the belief that clarifying the procedural implications of immunity is essential to all States that

Regarding **draft articles 8 and 9 (consideration and determination of immunity)**, we agree with a broader wording that would cover all possible situations that might arise under national law. However,

we think that while the courts of the forum state are to determine the admissibility of the case in view of all elements and information available to them, it is not their task to determine the admissibility of the case in view of the elements and information available to the courts of the state of the official.

reflected against the principle of equal sovereignty of States in order not to imply that the court might still find that it has jurisdiction in cases where the state of the official has expressly not waived it.

On **draft article 10 (invocation of immunity)**, we agree that there is no obligation to immediately invoke immunity. However, it is not the task of the courts of the forum state to determine the admissibility of the case in view of the elements and information available to the courts of the state of the official.

proceedings both in the process of considering and determining immunity and also in

during proceedings.

As regards **the future programme of work**, we acknowledge the SR's wish to provide a brief analysis
on the relationship of this topic with international criminal jurisdiction, including the possibility of

We note in particular the work of International Law Association, especially the latest report on the matter, issued in 2018.

~~Given these considerations we think that the subject is ripe enough for attention by the International~~

Law Commission. Romania welcomed thus decisions of the Commission to include the topic in its current programme of work and to establish an open-ended Study Group to address this matter.

We have noted the information provided in the Report about the composition of the Study Group, its programme of work, as well as its methods of work.