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Statement by
The Delegation of Indonesia
at the Sixth Committee of the General Assembly
on
Agenda item 79:
“Report of the International Law Commission on the work of its
Seventy-first session (Cluster II)”
November 2019

Mr. Chairman,

Indonesia wishes to comment specifically on Chapters VI, VIII and X of the ILC Report.

With respect to the **Protection of the environment in relation to armed conflict** (Chapter VI), Indonesia is of the view that the rules on this issue have always had a firm foundation in international law.

In this regard, the inclusion of principles applicable during armed conflict, which are described in draft principles 12 - 19, are of the utmost importance.

We believe that Parties to armed conflict are under obligations to make a prudent distinction between civilian and military objects, in order to mitigate the impact of such conflict on the environment and minimize the negative environmental consequences thereto.

Therefore, in relation to an armed conflict that causes damage to the environment, we are of the view that the burden of responsibility for making that distinction lies with those parties.

Furthermore, in relation to the use of the term, ‘indigenous people’ within the draft particularly in draft Principle 5, our position remains the same as it has been for many years.

We maintain that any reference or any draft provisions intending to be expressive or creative in imposing both substantive and procedural duties or obligation under international law, in relation to indigenous people, is only applicable to those States which fall under these provisions.

In the Indonesian context, we do not recognize the concept of “Indigenous People,” as the entire population of Indonesia since the time of colonization and independence, has remained unchanged. As a multicultural nation, we do not have a policy of clustering our society based on such concepts or backgrounds. What the

Indonesian Government recognizes is the customary law community (*masyarakat hukum adat*), which is firmly inscribed and protected under the Indonesian Constitution.

Mr. Chairman,

Turning to the topic of **Immunity of State Officials from Foreign Criminal Jurisdiction**, I would like to thank the Special Rapporteur, Ms. Escobar Hernandez, for her tireless work on this difficult topic.

Indonesia's position is that there should be no impunity for grave international crimes.

Regarding the Draft articles on immunity of State officials from foreign criminal jurisdiction provisionally adopted by the Commission, my delegation wishes to observe that given the sensitivity and complexity of this issue, it is desirable to have a further extensive study and analysis of the draft articles.

In fact, this matter is interconnected with the principle of the sovereign equality of States and the fight against impunity for the most serious international crimes. It also relates to the national legal systems, which are varied. Therefore, Indonesia would like to reiterate its view that the Commission need to strike a balance in its work in this regard.

Mr. Chairman,

On the topic of Sea-level rise in Chapter X of the ILC Report, Indonesia, as the largest archipelagic State, always see this topic as a crucial matter to be addressed.

Indonesia, along with certain countries -particularly island and archipelagic in nature-face serious challenges in this area, including climate change. Based on a study by our Ministry of Maritime Affairs and Fisheries, we are losing around 1,950 hectares in our coastal areas annually, due to rising sea levels and unsustainable economic activities.

On the other hand, there is no specific legal framework yet at the international level on the issue of the rise of sea levels.

Despite several studies, reports and deliberations which have been convened on a more particular impact of sea-level rise, namely the baseline of states and its relationship with the maritime boundary, no clear-cut legal solution or common understanding has been reached, specifically on the consequences from changes of coasts or disappearance of features as the impact of sea-level rise, on which baselines and base points are established.

In this regard, my delegation strongly supports the work of the Study Group including its recommendation on this pertinent topic.

I thank, **Mr. Chairman.**