



Statement by

Delegation of the Republic of Indonesia

at

**the 78th Session of the Sixth Committee of the
United Nations General Assembly**

on

**Agenda 79:
Report of the International Law Commission
– Cluster I –**

Wednesday, 25 October 2023

Thank you, Mr. Chair,

My Delegation wishes to thank the International Law Commission for its report this year as contained in Document A/78/10.

Indonesia acknowledges the valuable works of the Commission to initiate studies and make recommendations for the purpose of **encouraging the progressive development of international law and its codification.**

Mr. Chair,

On the topic "**General Principles of Law,**" my delegation congratulates the adoption of the *Draft Conclusions on General Principles of Law* and the accompanying commentaries by the Commission on first reading.

The Commission's efforts on this topic offered a much-needed elucidation on the nature, scope, and function of general principles of law, as well as of the criteria and methods for their identification.

This endeavor would also complement the existing work on the sources of international law, as outlined in Article 38, paragraph 1, of the ICJ Statute.

The general principles of law are understood as **those fundamental principles that have garnered acceptance across community of nations and can be applied universally irrespective of domestic law.**

While the Commission's work in this area has been largely commendable, some challenges persist.

The identification and application of general principles of law can sometimes be ambiguous and subjective.

Also, the challenge of ensuring that these principles evolve in line with changing international realities, values, and expectations.

On the use of term “*intrinsic*” on Draft Conclusion 7 paragraph 1 the definition of the term on the accompanying commentary is still open to interpretation hence it needs further elaboration.

The use of “without prejudice” caveat on Draft Conclusion 7 paragraph 2 might defeat the purpose of that “*intrinsic*” criteria.

We understand that there might eventually be general principles of law that emerge from international legal system and not from national legal systems.

However, the methodology sets up to determine the existence and content of this kind of general principle of law might arguably be similar to that of the customary international law.

Thus, my Delegation is of the view that we need to be more mindful because in so doing we might confuse ourselves with other sources of international law.

Nevertheless, despite these challenges, my Delegation is of the view that the ILC continued efforts to clarify and develop these Draft Conclusions remains crucial.

Mr. Chair,

Allow me now to move to the topic of **“Sea-Level Rise in Relation to International Law.”**

Sea-level rise is already a present reality – bringing impacts to at least 70 States around the world, including Indonesia.

The impacts are multifold affecting the daily livelihood of the people to the very existence of our being.

Indonesia therefore stands in solidarity with our brothers and sisters in archipelagic and small island States to work together to address the sea level rise and ensure it gets the attention it deserves.

As we stand on the brink of potentially irreversible environmental changes, the role of the Commission has never been more crucial.

The Commission’s work on sea level rise is a testament to its commitment to safeguarding the interests of all nations and ensuring a just and equitable framework to navigate the challenges ahead.

At this juncture, allow me to emphasize that preserving statehoods and territorial integrity is crucial.

If not handled carefully sea-level rise could alter existing maritime zone limits and boundaries.

This will create future uncertainties and conflicts.

In this regard, my Delegation concurs that the principles of legal stability, certainty, and predictability, as well as the preservation

of the balance of rights and obligations under UNCLOS should be maintained.

Stability of baselines and outer limits of maritime zones in accordance with UNCLOS should be upheld regardless of sea-level rise.

Existing maritime boundary agreements shall be respected and that the law of treaties shall prevail.

Charts or lists of geographical coordinates of baselines that have been deposited with the Secretary General pursuant to Article 16 (2) and 47 (9) of UNCLOS shall also continue to be relevant.

Thank you.

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