



Statement by

Delegation of the Republic of Indonesia

at

the Sixth Committee of the General Assembly

on

Agenda Items 79:

**Report of the International Law Commission on the Work of its
Seventy-Fifth Session**

Cluster 1:

**Immunity of State Officials from Foreign Criminal Jurisdiction (Chapter
VII) and Sea-Level Rise in relation to International Law (Chapter X)**

Wednesday, 23 October 202

Mr. Chair,

Allow me to thank Mr. Marcelo Vázquez-Bermúdez, Chair of the International Law Commission (ILC), for his briefing to this Committee.

I would also like to congratulate him and all members of the Commission for their work during the seventy-fifth session.

My delegation takes note of the Report of the Commission presented in document A/79/80.

We wish to take this opportunity to comment on two topics under consideration in Cluster 1 of this Agenda Item.

Regarding Chapter VII on the topic of “Immunity of State Officials from Foreign Criminal Jurisdiction,” we would like to highlight three key points:

FIRST, this topic strikes an important balance between the rule of law and the promotion of friendly relations among states.

It addresses a critical issue—the balance between the principles of state sovereignty and the growing demand for accountability in cases of international crimes.

SECOND, we support the structured approach taken in the Draft Articles.

This approach will provide clear distinctions between immunity *ratione personae* for high-ranking officials and immunity *ratione materiae* for acts carried out in an official capacity.

This distinction is consistent with established customary international law and clarifies the scope of immunity for state officials.

We also encourage further clarification of key terms such as “*criminal jurisdiction*” and “*acts performed in an official capacity*,” to avoid ambiguity and ensure consistency in the application of the Draft Articles.

Additionally, we suggest reflecting more on State practice regarding *ultra vires* acts to guide judicial interpretation.

LASTLY, while we acknowledge the ILC's decision to limit personal immunity to the *Troika* – Heads of State, Government, and Foreign Ministers – we urge the Commission to consider offering additional guidance for other high-ranking officials who perform significant international roles assigned by the state.

Mr. Chair,

Turning now to **Chapter X on the topic of “Sea-Level Rise in Relation to International Law,”** allow me to make three important points.

FIRST, the continuity of statehood for states whose territories may become partially or fully submerged due to rising seas is the most favorable path forward.

We also need to ensure states retain their rights over maritime zones and resources, which are essential for their people's survival and prosperity.

SECOND, equally important is the protection of affected populations.

The current international legal frameworks are fragmented and inadequate.

We need a comprehensive, people-centered approach that upholds the dignity, safety, and human rights of individuals affected by sea-level rise.

International law must adapt to safeguard against statelessness and provide legal protection.

LASTLY, international cooperation is indispensable.

We must build on existing legal principles such as *equity* and *fairness* to ensure that states most affected by climate change – despite having contributed the least to its causes – receive the support they need.

We call on the international community to unite, not only to ensure the continuity of statehood but also to preserve the identity, culture, and sovereignty of affected populations.

Mr. Chair,

Allow me to conclude by emphasizing the importance for all Member States to follow up the conclusions of the *High-Level Plenary Meeting on Addressing the Existential Threats Posed by Sea Level-Rise* on September 25, 2024 and the General Assembly Decision 78/558 to strengthening international cooperation and partnerships to enhance comprehensive and effective responses to sea level rise.

Thank you.
