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Statement of Japan

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Report of the International Law Commission on the work of its seventy-fifth session
Cluster I

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Thank you, Mr. Chair.

At the outset, on behalf of the delegation of Japan, I would like to extend our sincere congratulations on your assumption of the Chair of the Sixth Committee.

Japan also appreciates the leadership of the Chair of the International Law Commission this year, Mr. Marcelo Vázquez-Bermúdez, as well as the contributions of all the Special Rapporteurs and the members of the Commission.

Further to the previous initiatives Japan has taken for the rule of law, at this year's Summit of the Future held in September, Japan reiterated its firm position that the rule of law must be upheld. To ensure the rule of law, promoting the progressive development of international law and its codification is essential; therefore, as the organs to carry out this mandate, close cooperation between the Sixth Committee and the Commission is critical.

In this respect, it is regrettable that the commemorative session planned during the 75th anniversary of the Commission this year was held in a reduced format due to the liquidity crisis facing the United Nations. As an opportunity to enhance dialogue between the Member States and the Commission, Japan welcomes the Commission's recommendation to hold the first part of the seventy-seventh session (2026) in New York and hopes it will be organized accordingly. Japan would like to reiterate our assurance of full support and active contribution to the work of the Commission.

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Japan remains committed to promoting the rule of law in the international community by contributing human and financial resources to the international judicial organizations. Japan would like to take this opportunity to express its unwavering support for the ICJ, ITLOS and the ICC, the latter of which is under the leadership of Judge AKANE Tomoko as the President, in upholding the rule of law.

Immunity of State officials from foreign criminal jurisdiction

Mr. Chair,

Japan welcomes the start of the second reading of the draft articles on "Immunity of State officials from foreign criminal jurisdiction." Our appreciation goes to the members of the Commission, particularly the Special Rapporteur, Mr. Claudio Grossman, for his untiring contribution.

At the start of the second reading, Japan would like to emphasize the importance of draft article 7, "Crimes under international law in respect of which immunity *ratione materiae* shall not apply," which will be considered at the next session. It is the key article of the entire draft articles. As indicated in the comments and observations submitted to the Commission by Japan last year, given the lack of sufficient State practice, Japan remains cautious in recognizing that draft article 7 is grounded in State practice and considers it necessary for the Commission to redouble its efforts in analyzing such State practice to facilitate further in-depth discussion.

Having said that, Japan remains committed to carrying out further efforts to combat impunity for serious crimes of concern to the international community and to strengthen the rule of law. When it comes to the fight against impunity, Japan firmly believes that promoting the universality of the Rome Statute of the International Criminal Court would be an optimal approach. The Court's practice on immunity from prosecution before the Court is not convincing to be regarded as common practice generally applicable among States.

In order to overcome the differences of views and to find an appropriate solution on the

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draft articles, in particular draft article 7, it is important to fully understand the position of each State. Japan hopes that more States will express their views on this topic to contribute to the consideration in the Commission.

Sea-level rise in relation to international law

Mr. Chair,

Now, I would like to turn to the topic of sea-level rise in relation to international law. Japan recognizes that climate change-induced sea-level rise is a serious and imminent problem, particularly for those States that are most affected by the phenomenon. In this regard, Japan commends the progress made thanks to the Commission's continued and dedicated work on this pressing issue for the international community as a whole.

Because this issue could have direct relevance to questions of peace and security around the world, it is crucial for the international community to cooperate on preserving the territory and territorial integrity and safeguarding the people of those States that are affected by sea-level rise, as well as ensuring legal stability and predictability. At the same time, Japan hopes that, if the Commission were to suggest obligations and responsibilities of States in the context of sea-level rise, careful consideration should be given to the basis and the specific contents of those obligations and responsibilities, including the obligation to cooperate.

In addressing issues relating to statehood, Japan agrees and finds it appropriate to distinguish between two different scenarios, given the progressive nature of climate change-induced sea-level rise. Japan, in particular, notes with great interest the views expressed in the Study Group with regards to the presumption of the continuity of statehood in the case of the permanent loss of a territory, one of the criteria established by the Montevideo Convention.

With regard to the joint final report to be considered at next year's session, Japan expects that the connection and consistency between the three subtopics will be fully analyzed and ensured. Also, Japan is of the view that the report should reflect relevant developments in the practice of States and international organizations as well as judgments, decisions and advisory opinions by international and regional courts and tribunals. Japan hopes that the report will provide practical legal guidance for States'

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reference.

On a final note, Japan would like to reiterate its position with regard to the subtopic on issues related to the law of the sea. Japan takes the position that it is permissible to preserve the existing baselines and maritime zones established in accordance with UNCLOS, notwithstanding the regression of coastlines caused by climate change, taking fully into account the Commission's view and State practices.

Japan remains committed to work and discuss with other States toward reaching a consensus on this issue, taking into account the consideration of the Commission and the position of each State.

Thank you.

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