

and exceptions is legally complex and politically sensitive, my delegation concurs with the view that this topic needs to be approached prudently and with sufficient caution.

Therefore we are also of the view that it may be premature at this time to discuss emerging trends, unless clearly established rules of customary law can be identified.

With regard to the proposed **draft article 7**, based on the conclusions in the report that immunity of State officials from foreign criminal jurisdiction *did not* apply to State officials in the context of immunity *ratione materiae*, it is unclear whether customary international law recognises the existence of an exception to immunity *ratione materiae* before a foreign criminal jurisdiction. In this regard we note that the report has not sufficiently followed the analytical process of identification of customary international law referred to therein.

Our delegation is of the view that there must be a delicate balance between the principle of sovereignty of states and maintenance of stability of relations among states on the one hand and the fight against impunity and the need for accountability on the other. Exceptions and limitations should therefore not be used as a mechanism to disturb the peace, interfere in the internal affairs of states or allow for politically motivated prosecutions. The principle of sovereignty of states or the will of their peoples should not be subordinated. The stability of inter-state

relations must not be undermined nor normal diplomatic relations between states so disturbed that it would defeat the course of international justice rather than contribute to the protection of human rights.

Therefore our delegation is in agreement with the views expressed by some members of the Commission that the focus should be on codification rather than progressive development of new norms of international law in dealing with the issue of limitations and exceptions.

We look forward to further work on this topic and reserve the right to make detailed observations at future sessions.

Thank you Mr. Chairperson.