

SIXTH COMMISSION

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WILLIAMSON & CO. LTD.

100, BROADWAY, LONDON, E.C.4

Telephone: 5541

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Mr. Chairman,

Israel would like to commend the Special Rapporteur, Mr. Shinya Murase, for his valuable work on the fourth report on the “**Protection of the Atmosphere**”, as well as the three previous reports regarding other aspects of this topic. In his recent report, the Rapporteur focuses on the interrelationship between international law on the protection of the atmosphere and other fields of international law, namely

international trade and investment law, the law of the sea and international human rights law.

The State of Israel recognizes the importance of the issues that are referred to in the three new preambular paragraphs, including marine pollution from land-based

sources; greenhouse gas emissions from ships; sea-level rise; and intergenerational equity considerations.

Furthermore, the State of Israel supports the principle of harmonization of laws. Having said that, Mr. Chairman, the State of Israel objects to the integrative approach proposed by the Special Rapporteur and believes that each subject should be addressed in the context of the appropriate legal regime. The State of Israel objects to the unnecessary linkage of the separate legal regimes and to creating potential overlap, as each legal sphere constitutes the *lex specialis* to be applied to the

Mr. Chairman,

With respect to the Special Rapporteur intention to address matters relating to implementation, compliance and dispute settlement in his next report, the State of Israel would like to take this opportunity to briefly express its general position regarding these matters:

The State of Israel recognizes the need to promote compliance and adherence to

principle of immunity of State officials from foreign criminal jurisdiction. As is well

known, this immunity is procedural and is separate from the substantive question of the legality of the conduct in question which, in appropriate circumstances, could be prosecuted by the State of the official or, when such a State waives immunity, by foreign States.

But the fact that such immunity is procedural does not make it any less essential or fundamental as a legal principle. Indeed, the field of immunity is well established in international law and was developed to protect the important principles of the

allow the proper functioning of State officials in the performance of their duties and

because of the character and the necessity of their functions to the maintenance of international relations and international order, it follows that such immunity should not be limited to the *troika*, and should be granted to additional high-ranking State officials including, for example, Ministers of Defense and Ministers of International

