



DEPARTMENT OF CHINESE LANGUAGE AND LITERATURE

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比较而言 对久国的普遍实践和法律确信较少提及 例如 草

案第2条将危害人类罪与“战时”这一传统条件脱钩，主要依据来自于国际司法机构的实践，而未考察各国实践是否一致认为国际法规范的危害人类罪已不再限于战时。再如，草案第3条危害人类罪定义完全照搬《国际刑事法院罗马规约》的规定，直接将后者视为国际社会普遍接受的定义。实际上，《规约》

色工作表示肯定。借此机会，我想提及亚洲-非洲法律协商组织对研究该问题所作的贡献。今年4月，亚非法协第54届年会在北京举办，该组织习惯国际法问题非正式专家组特别报告员易显河教授提交了有关研究报告。今年8月，亚非法协还在马来西亚召开非正式专家会，邀请伍德委员与法协专家就该报告展开交流与讨论。相信报告有助于委员会理解众多亚非国家在习

专题谈以下两点中方看法：

第一，在判断条约规定是否反映习惯国际法规则时，应该适用客观公正的标准，严格从普遍实践和法律确信两个方面予

规定国家官员“以官方身份实施的行为”是指“国家官员在行使国家权力时实施的任何行为”，我们也持赞成态度。在此我愿就具体问题谈两点看法：

第一，对何为“行使国家权力”应做广义的理解。正如去年六委会议上中国代表团对官员系“代表国家或行使国家职能”

作了明确说明。

主席先生，

最后，关于“与武装冲突有关的环境保护”专题，中国代表