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Mr Chair

On the first matter, Australia welcomes the second report of the Special Rapporteur, Mr Juan Manuel Gomez-Robledo, on the provisional application of treaties. \$XVWUDOLD VKDUHV WKH 6SHFLDO the task of the International Law Commission is neither to encourage nor discourage the provisional application of treaties, but rather to provide guidance to enhance understanding of this mechanism. In that regard, \$XVWUDOLD DSSUHFLDWHV WKH 6SHFLDO 5DSS legal effects of the provisional application of treaties.

Mr Chair

Australia notes the views expressed by Members on the value or otherwise of a comparative study of domestic provisions relating to the provisional application of treaties.

Individual States decide whether to provisionally apply treaties in light of the purpose, scope and content of the specific treaty, as well as domestic legal and political considerations. For example, Australia has adopted a dualist approach to the implementation of treaties under which treaties have no effect in Australian domestic law until incorporated formally by OHJLVODWLRQ \$FFRUGLQJ \$XVWUDOLD ¶V general practice is not to provisionally apply treaties ±but there are exceptions, for example bilateral air services agreements. In short, for each State, domestic law, including constitutional law, is key to the provisional application of treaties by that State.

Finally, Australia very much VXSSRUWV WKH 6WXG\ *URXS providing the international community with an outcome on MFN interpretation that has practical utility for policy makers and those involved in the investment field.

Thank you, Mr Chair