

STATEMENT

BY

We recognize and congratulate the importance of work done by the Special Rapporteur Mr. Maurice Kamto and for elaborating the draft articles on this topic.

The approach adopted with regard to the right of a State to expel an alien and the rights and remedies available to the person subject of expulsion, including the legal consequences of unlawful expulsion are in general acceptable to us.

We recognize, in principle, the right of a State to expel an alien from its territory as provided under draft article 3 as exercised in accordance with the applicable rules of international law, particularly the human rights law. We would like to emphasize that the State concerned must also take into account the minimum standards of the treatment of aliens.

We found the provision under draft article 12, prohibiting expulsion in order to circumvent an extradition procedure, a convincing one. Although the expulsion and extradition both have the effect of a person leaving from the territory of State to another, however, the legal basis and the laws governing the process and the procedure are altogether different and one cannot be used as an alternate for the other.

We consider that the issues relating to the suspensive effect of an appeal against an expulsion decision under the draft article 27, recourse to a competent international body and the re-admission of aliens into the expelling State under draft article 29 require more understanding as there is no sufficient State practice in this regard. Recourse to an international body might raise issues relating to competence of such bodies where the expelling State is not a party to the relevant international instrument.

Protection of persons in the event of disasters

We congratulate the Special Rapporteur, Mr. Eduardo Valencia Ospina for his seventh report on the subject. Through this report the Special Rapporteur proposed five draft articles for consideration of the Commission. This report and the ILC drafting Committee report enabled the Commission to complete the first reading of 21 draft articles and also to adopt the commentary thereon at its Sixty-Sixth Session.

We note that the Commission adopted the new draft articles, namely Articles 4, 18, 20 and 21, on the use of term; Protection of relief personnel, equipment and goods; Relationship to special or other rules of international law; and Relationship to international humanitarian law, respectively.

While we commented earlier on the other draft articles, we now focus on some aspects of the new articles introduced by the Special Rapporteur and adopted by the International Law Commission.

We consider in general that the set of draft articles 1 to 21 adopted by the Commission represent the progressive development of international law, rather than codification of

