Mr. Chairman,

Statement by
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Before the Sixth Committee
69th Session of the United Nations General Assembly

On Agenda item 78:
Report of the International Law Commission
on the work of its sixty-sixth sessions

Chapters IV and V:
Expulsion of aliens
Protection of persons in the event of disasters

New York, 29 October 2014

In the name of God, the Compassionate the Merciful

At the outset I would like to begin by expressing my delegation's appreciation to Mr. Kirill Gevorgian, Chairman of the International Law Commission for his comprehensive presentation on the work of the Commission at its sixty-sixth session. We commend the members of the Commission for their contributions to the work of the Commission on its agenda items. We also recognize the efforts of the Codification Division of the Office of Legal Affair as the secretary of the Commission.

On the work of the Commission as reflected in Chapter IV: Expulsion of aliens, I would
like to congratulate the Special Rapporteur and other members of the commission for the successful conclusion of the second reading of the draft articles. Expulsion of aliens is the inherent right of sovereign States. It is the law of each State that provides the legal grounds for expulsion of aliens. But the grounds for expulsion shall not stand against treaty-based obligations of the respective States. Nevertheless, these obligations are not absolute in nature and divergence in practice is possible in certain emergency situations insofar as it is consistent with the imperative norms of international law. We also deem it necessary that those articles that are not supported by enough practices of States to be considered with regard to the above-mentioned observation.

Mr. Chairman,
We have observed that the concept on which the commission has based its consideration
of the term "refugees" is described in a way that goes beyond the realm of the definition of "refugees" in 1951 Convention on the Status of Refugees. We appreciate the careful

consideration of refugee matters within the framework of the draft articles but the direction of the exercise described in the commentary of article 6 is not underpinned by sufficient State practice. According to its commentary, the term "refugee" should be understood not only in light of the general definition contained in article one of the 1951 Convention on the Status of Refugees, but also in accordance with the subsequent development of the matter including the practice of UNHCR and the definition adopted by the Organization of African Union. In regard to the former, we have to reiterate that the practice of UNHCR does not necessarily reflect the States' practice. Even within the framework of the Executive Committee of UNHCR, many States are of the view that the "Refugee within

view, the explanation given under article 8, concerning the existence of complex emergencies (armed conflicts with disasters) do not comply with article 21 concerning the relationship of the draft articles with international humanitarian law. Even if we accept the explanation given by the Special Rapporteur, the obligation to cooperate in situation of armed conflict can not in our view extend to non-governmental organizations other than the ICRC.

By the same token, article 13 of the draft concerning the duty of the affected State to seek external assistance raises some concerns. This provision obliges the affected State to seek assistance from other States, United Nations and relevant governmental and non-governmental organizations. International law as it currently stands does not recognize such a duty and this has been upheld by some members of the commission as well.

Mr. Chairman,

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