



**STATEMENT BY MR. LUKE TANG
DELEGATE TO THE 69th SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
ON AGENDA ITEM 78,
ON CHAPTERS X, XI, XII AND XIII OF THE REPORT OF THE
INTERNATIONAL LAW COMMISSION ON
THE WORK OF ITS 66th SESSION,
SIXTH COMMITTEE,
3 NOVEMBER 2014**

Mr. Chair,

1. My delegation would like to express its thanks to the Commission for its report on the work conducted on the topics “Identification of customary international law”, “Protection of the environment in relation to armed conflicts”, “Provisional application of treaties” and “The Most-Favoured-Nation clause”.

2. On the topic of “**Identification of customary international law**”, my delegation wishes to express our thanks to the Special Rapporteur, Sir Michael Wood, for his second report as well as the expediency with which he had conducted his work. We note, in particular, the 11 proposed draft conclusions, which helpfully outline the issues under consideration.

3. My delegation wishes to comment briefly on paragraph 4 of draft conclusion 7, which pertains to the relevance of the acts (including inaction) of international organisations. We echo the comment of the Special Rapporteur that considerable caution is required in assessing the practice of such organisations. In our view, this is largely due to the wide variations in international organisations, including their organisational

structures, their mandates, the composition of their decision-making organs and the

of acceptance of these concepts, which would in turn affect the question of their applicability.

8. Finally, on the question of the outcome of the work, we continue to hold the view that non-binding draft guidelines may be an appropriate outcome on this topic.

9. On the topic of “**Provisional application of treaties**”, my delegation concurs with the general agreement reached by the Commission that the provisional application of a treaty is capable of giving rise to legal obligations as if the treaty were itself in force. In respect of the legal consequences of the provisional application of treaties, we look forward to the Commission’s study of whether or not provisional application could result in the modification of the content of the treaty. My delegation does not think that the answer to this question is a clear one. We are also preliminarily of the view that there

recent cases are also taken into account, as well as the suggestion that the outcome be prepared in a form that would be of practical utility to practitioners and policy makers. We look forward in particular to the analysis in Part III of the report, specifically on the contemporary relevance of the 1978 draft articles to the interpretation of Most-Favoured-Nation clauses, which will “close the loop” with the Commission’s earlier work on this area.

13. In conclusion, Mr. Chair, my delegation welcomes once again the work of the Commission on these issues and look forward to receiving its future deliberations on them, as well as on the other topics that are on its agenda.

14. I thank you, Mr. Chair.

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