Statement by Ms. PARK Jeewon
Permanent Mission of the Republic of Korea to the United Nations
General Assembly Sixth Committee
Report of the International Law Commission on the work of its sixty-seventh session [Agenda 83] 11 November, 2015
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Thank you, Mr. Chairman.
My delegation will make comments on three subjects under discussion in cluster 3.

(Protection of the environment in relation to armed conflicts)
On the protection of the environment in relation to armed conflicts, my delegation welcomes the second report prepared by Special Rapporteur, Ms. Marie Jacobsson, and wishes to express our gratitude to the members of the ILC who have developed this topic throughout their discussions.

The introductory part clearly illustrates the scope and purpose of the topic, which applies to the protection of the environment before, during and after an armed conflict. My delegation supports this comprehensive approach, in particular, the inclusion of preventative and remedial measures.

However, my delegation takes note with caution that the term "armed conflict" was used to include both international and non-international armed conflicts, since finding identical legal principles applicable to both circumstances can be of a big challenge. Regarding the term "natural environment", given that 'environment' per se can be interpreted too broadly, it seems more appropriate to limit discussion to the 'natural environment'.

Regarding the draft principle II-2, it is the wish of my delegation that the ILC will prepare a detailed explanation on how the principles and rules on distinction, proportionality, military necessity and precautions in attack can be applied to the environment.

My delegation shares the view of the importance of the protection of the environment in relation to armed conflict, and hopes that relevant commentaries on the draft principles will be considered at the next session.
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(Immunity of State officials from foreign criminal jurisdiction)

Mr. Chariman,

Immunity of State officials from foreign criminal

(Provisional application of treaties)

Mr. Chairman,

My delegation welcomes the third report by Special Rapporteur Mr. Juan Manuel Gomez-Robledo on the provisional application of treaties, and wishes to thank the Secretariat for providing the memorandum (A/CN.4/676) on the provisional application.

The third report is focused on the relationship of the provisional application of treaties with other provisions of the 1969 Vienna Convention on the Law of the Treaties and on the question of the provisional application with regard to the practice of international organizations. While my delegation agrees with the opinion that the provisional application of treaties would produce certain legal effects, we would like to highlight that the legal effects of the provisional application of a treaty should be distinguished from those of the entry into force of the treaty.

The Special Rapporteur concentrated on the articles whose relationship to provisional application is most salient, namely Articles 11, 18, 24, 26 and 27. We also think that these articles are applicable to the provisional application of a treaty. However, given that the 1986 Vienna Convention has not been entered into force yet, my delegation believes that the question on whether it is appropriate to compare the provisional application in the 1986 Vienna Convention on the same terms with Article 25 of the 1969 Convention needs careful consideration.

Finally, my delegation believes this topic will greatly contribute to the development of the area of treaties law by providing clearer guidelines on the mechanism of provisional application of treaties, and looks forward to more in-depth discussion of the topic.

Thank you for your kind attention.

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