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Mr. Chairman,

In this statement I will address three chapters of ILC Report from its sixty eight session envisaged for cluster two and additionally issues of immunity of State officials from foreign criminal jurisdiction and provisional application of treaties.

Crimes against humanity

Mr. Chairman,

Poland commends Special Rapporteur Sean Murphy for his second report and welcomes adoption by the Commission of six new draft articles regarding the topic "Crimes against humanity". We are of the view that the preparation of draft articles on this topic is of particular importance. This endeavor can close the regulatory gap in combating the most heinous crimes under international law.

Poland takes this opportunity to present several specific comments. Firstly, there is a need to indicate, for clarity reasons, in provision relating to the right of States to establish national jurisdiction, contained in draft article 6 paragraph 3, that this right should be exercised without prejudice to any applicable rules of international law.

Finally, as regards draft article 4 paragraph 2 we are of the view that ending formulae should

issue only in the context of the obligation

Protection of the atmosphere

Furthermore, Poland is of the view that all norms of *ius cogens* are obligations of *erga omnes* nature but this does not work in the other direction. Norms recognized as having an *erga omnes* validity set up undoubtedly important obligations but this importance does not determine that they have also *ius cogens* status. In general we consider norm *ius cogens* as a special quality of particular norms and not as kind of specific, additional source of international law.

Referring to the issue of possibility of developing an illustrative list of norms that had acquired the status of *ius cogens*, we notice that the Commission in its report on fragmentation of

Provisional application of treaties

Mr. Chairman,

-Robledo for his fourth report, which included a proposal for a draft guideline 10 on internal law and the observation of provisional application of all or part of a treaty. We would like as well to congratulate the Commission for adopting draft guidelines 6 to 9.

Poland supports the general position of the ILC that provisional application of a treaty in principle produces the same legal effects as if the treaty were in force, unless the treaty provides otherwise or it is otherwise agreed. However, it seems that the nature and effects of the provisional application should be further studied and the comparative analysis of treaty practice is necessary in that regard.

As the relation between provisional application and reservations is concerned we endorse the opinion that the issue should be given careful attention. In particular,

Finally, Poland would like to reiterate that ~~w~~ ~~emb~~ ~~F~~ ~~1~~ ~~2~~ ~~s~~ ~~g~~ ~~(~~ ~~of~~ ~~g~~ ~~l~~ ~~the~~ ~~0~~ ~~27~~ ~~(~~ ~~I~~ ~~)~~ ~~13~~ ~~(~~ ~~L~~ ~~)~~ ~~1~~ ~~1~~ ~~C~~ ~~0~~ ~~2~~ ~~0~~ ~~0~~ ~~1~~ ~~wh~~ ~~1~~