

Check against delivery

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The overall achievements of the Commission are summarised in **The Commission concluded the second reading of two topics: The concerning which the Commission adopted an entire set of draft guidelines comprising a draft preamble and 12 draft guidelines, together with commentaries thereto; and in relation to which it adopted an entire Guide, comprising 12 draft guidelines and a draft annex, containing examples of provisions on provisional application of treaties, together with commentaries thereto.**

On the topic, “ with the adoption of 6 draft w2ieomme did

exchanges of information with the other bodies, even though it was able to have an informal exchange of views with the International Committee of the Red Cross on 15 July 2021. For two years running, the Commission was unable, and ruefully, to host the International Law Seminar. As you know, this is an important component of the Commission's work in the teaching, study, dissemination and wider appreciation of international law. The Commission decided that its seventy-third session next year would be held in Geneva from 18 April to 3 June and from 4 July to 5 August 2022. It is hoped the circumstances will be much more congenial to undertake some of these other activities.

Palais des Nations

Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier”

“Responsibility of States for internationally wrongful acts”.

Protection of the atmosphere



application of treaties,”

Chapter V

Provisional

United Nations Legislative Series

Draft articles 8 to 12 address questions concerning procedural provisions and safeguards seek to address sequentially the various steps that need to be taken, procedurally, to facilitate eventual determination of immunity, starting with the process of examination, notification, invocation and possible waiver, and requests for information.

Allow me to highlight an issue that the Commission seeks particular comment from Governments which relates to paragraph 5 of draft article 11, according to which waiver of immunity once manifested is irrevocable. There were various views expressed to the Commission as the commentary on the paragraph shows. However, given possible exceptional situations where, for example, new relevant facts could be discovered or where an exceptional or fundamental change occurs, for instance, regarding the human rights situation in the forum State, it was considered that views of member States were merited, as there could be exceptions to irrevocability of waiver, despite the certainty that the proposal presents.

The hope of the Commission is to complete the first reading next year. The Commission still welcomes any information from Governments first requested in 2019, preferably by December 2021 on manuals, guidelines, protocols or operational instructions addressed to officials and bodies that are competent to take any decision that may affect foreign officials and their immunity from criminal jurisdiction in the territory of the forum State.

Madam Chair,

I now turn to the topic of Succession of States in respect of State responsibility, addressed in chapter VII of the report. The topic, on the Commission's agenda since 2017, aims at clarifying the interaction and filling possible gaps between the law of succession of States and the responsibility of States for internationally wrongful acts, while bearing in mind the importance of maintaining consistency with the previous work of the Commission on various aspects of international law, including the 1978 Vienna Convention on Succession of States in respect of Treaties; the 1983 Vienna Convention on Succession of States in respect of State Property, Archives and Debts; the 1999 Articles on nationality of natural persons in relation to the succession of States (annexed to General Assembly resolution 55/153 of 12 December 2000); and the 2001

