

United Nations General Assembly | Sixth Committee
Report of the International Law Commission (Cluster I)
25 October 2021

Statement by the Principle Legal Adviser of the Ministry of Foreign Affairs
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(check against delivery)

Madam Chairperson,

I would like to thank the International Law Commission for its Report of its 72nd

questions requiring simple and direct answers about State practice. For some countries, especially developing ones, the elaboration of written comments on the work of the ILC can be a challenging task. Addressing this shortcoming could therefore ensure more geographically balanced inputs.

There could also be more opportunities for interaction among ILC members and state representatives, beyond International Law Week. As part of the celebrations for the 70th anniversary of the ILC, for instance, the first segment of its sessions was held in New York. The positive impact of this change of venue encourages us to envisage this approach on more occasions. We hope, therefore, that it becomes a frequent practice of the Commission, since it creates improved conditions for enhancing the interaction of States with the ILC through the early engagement of the Sixth Committee.

Brazil would also like to propose one issue to be taken up by the Working Group on Working Methods. While the statute refers solely to articles as possible outcome of the discussions in the ILC, other types of products were created over the past years: principles, conclusions and guidelines, to name a few. It would be useful if the Commission could provide more clarity on the taxonomy of its products, including by clarifying which are the criteria it applies to decide between one and another form of product.

Madam Chairperson,

Turning now to Chapter IV on
Mr. Shinya Murase

According to guideline 6 recently adopted, the provisional application of a treaty produces legally binding obligation to apply the treaty, and a breach of this obligation entails international responsibility, in accordance with article 8 of the guide. However, the Brazilian constitutional system, as a general rule, requires