

UNGA 79 Sixth Committee / Agenda item: 79 - Report of the International Law Commission on the work of its seventy-first session: Cluster III
Statement by the Delegation of Armenia

Mr Chairman,

&RQFHUQLQJ WKH WRS LF μSUHYHQWLRQ DQG ZHMSUDHQLWLRQ
WKH ILUVW 6SHFLDO DFRSXRUDWLRQ ZRUN DQG FRQJUDWXO
6SHFLDO 5D'SSRRXVLX 6D'YDQGLRWRD S\$RFLQDWPSHQWWSKURMHFW LV
WKDW μHOHPHQWV RI WKH GHILQLWLRQ FRQWDLQH LQ D
WKH /DZ RI WKH 6HD@ ZHUH GLILFXOW WR DSSO\ DQG WK
WKH FODVVLG GHILQLWLRQ RYRDS SUDPHQLWLRQ LQ WKH RYRDS Z RWK
&RQYHQWLRQ GRHV μQRW FRQWDLQ SURYLVLRQV H[SOLF

.HLVW DZKHWKHU 6WDWH SUDFWLFH VXSSRUWV \$UWLFOH
IDFLODWHQWLWLRQ RI D³PHGLWPHPEHU\ DIWWKHHD &RPPLVVL
WKDW VRPH RI WKH SURYLVLRQV SURSRVHG E\ WKH 6SH
FRQWHQW RI WKH \$V> &RQYHQWLRQ RYRDS SUDPHQLWLRQ LQ WKH RYRDS Z RWK
WKHUHLQ FRQWLQXH WR EH JRYHUQHTGXEV WLG RYRDS SUDPHQLWLRQ LQ WKH RYRDS Z RWK
WKH LQWHUSUHWDWLRQ RI SUDFWLFH

6LQ 6HFXULW\ URXQWLRQ SUHDREXEDDIISURDQUDS
LQWHUQDWLRQDO ODZ DV UHIOHFWHG LQ >WKH &RQYHQWLRQ
FRPEDWLQJ SLUDF\ DQG DUPHG UREEHU\

PDULWLRQ
UHVROXWLRQV FRXOG EH LQWHUSUHWHG DV DIILUPLQJ V
μGHURJDWLRQ SRRPWLWKDW PLJKW WKH XOHIXDO VER FIRQV LH
E\ WKH WHQ 6WDWHV WKDW FRQGLXWH XSRQHWE, WLRQV I
SRVVLEOH WKDW WKH WRD SURVWFHW XSRQHWE SUDPHQLWLRQ VHV
WKH\ FRQVLGHLSHQ HWDRODWRUQ LQ LQ LW FDQ EH FRQF
WKSUHVFLS WLRQ RI SLUDF\ LQ FXVWRPDU\ LQWHUQDW

¹ § & 1 μ)LUVW &LVVp 5HSRUW¶ SDUD
² A/79/10, para. 102.
³ Ibid., para. 106.
⁴ Ibid., para. 108.
⁵ Ibid., para. 102.
⁶ Ibid., para. 107.
⁷ § & 1 FJHWDULDW OHPRUDQGXP¶
⁸ Ibid., 48.
⁹ § & 1 Second Cissé Report ¶ para. 17; A/79/10, para. 107.
¹⁰ Secretariat Memorandum (note 7) 66.

agreements within the meaning of a specific legal provision.²² & R Q F H U Q L Q J W K H μ W K R U
of the potential effect of non-legally binding international agreements, we support the approach
R I W K H 6 S H F L D O 5 D S S R U W H X U Z K H U H E \ W K H μ V W D U W L Q J
that such legal effects exist ¶ , Q W K L V U H V S H F W Z H U H F R P P H Q G W K D V
legal effects exist due to the declaratory or exhortatory character of the agreement.²³ Although
we remain of the view that the nature of the subject could lend itself better to an analytical
report,²⁴ we are open to the proposal of the Special Rapporteur that the Commission adopt draft
conclusions.²⁵

2 Q W K H W R S L F μ V X F F H V V L R Q R I 6 W D W H V L Q U H V S H F W R I
of the Commission to reconstitute its Working Group under the chairmanship of Mr Bimal
Patel. We also welcome the mandate of the Working Group to S U H S D U H μ D V X P P D U \ U H
would describe the difficulties faced in the work on the topic without going into its substance
and that would be prepared with a view to concluding the work on the topic at the following
V H V V L R Q R I W K H μ V X F F H V V L R Q
For the preparatory work at summary report, we suggest that the
Commission emphasise that the working documents prepared in the course of the project
should not be accorded the same value as texts that are adopted by the Commission. As neither
the draft articles with commentaries nor the draft guidelines were adopted by the Commission