

Chapter IV: Crimes against humanity

Mr. Chairman,

At the outset I wish to commend on behalf of my delegation the Special Rapporteur Mr

Spain Member for his detailed and exhaustive Third report on this topic as well as the

like, at this stage, to echo the concerns expressed by some Commission members regarding the extensiveness of these provisions which risks overshadowing the main topic of the

Draft Articles and undermining their balance.

The fact that the initial 5-page Draft Article on mutual legal assistance proposed by the Special Rapporteur was divided in two parts, with the second part forming the current Annex in the Draft Articles is not, in our view, a sufficient remedy.

We also consider it appropriate to recall in this respect the current initiative aiming at negotiating an international instrument dealing exclusively with issues of extradition and mutual legal assistance in relation not only to crimes against humanity but also to other core crimes under international law.

An additional point that we wish to make with regard to the Draft Articles is that, while the

Chapter V: Provisional Application of Treaties

Mr. Chairman,

Let me now turn to the topic "Provisional application of treaties". We express our appreciation to the International Law Commission which under the guidance of the Special

Regarding draft guideline 6, a key provision of the present set of draft guidelines, as it deals with the legal effects of provisional application, we consider that, in view of the far-reaching statement contained therein, both the text of the said guideline and the commentary thereto should be further elaborated in order to better reflect the position taken

by the Commission according to which the provisional application of treaties (albeit a different concept from that of entry into force) "produces the same legal effects as if the treaties were in force" unless otherwise agreed

Similarly, with respect to draft guideline 8, we think that it would be useful to further address the question of how long provisional application can (or should) last, particularly in those cases where a long period of time has already elapsed since the commencement of

cerned to become a party to the treaty provisionally applied, nor an express treaty provision regulating the termination of provisional application.

We further note with satisfaction the inclusion of a new draft guideline 11 in the form of

give priority to the study of those new issues which are more topical in the light of current

In that context we believe that the Commission should be kept informed of the