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UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE: INTERNATIONAL LAW COMMISSION CLUSTER I

25 October 2021

Statement by Ms Alexandra Hutchison,
First Secretary and Legal Adviser of the Permanent Mission of
Australia to the United Nations

Thank you Madam Chair

Australia wishes to thank the International Law Commission for its report
this year on the work of its 72nd session.

We are proud to have achieved these achievements this year, despite the
challenges posed by the COVID-19 pandemic.

work on Provisional Application of Treaties.

We thank the Special Rapporteur, Mr ~~du~~ Manuel Gómez Robledo, for his work on this topic through the publication of six reports, and the Commission for the development of the Guide to Provisional Application of Treaties.

Australia welcomes the Guide as a framework for guiding international bodies and governments on the provisional application of treaties. It is a useful compilation of contemporary practice.

Provisional application is an important and practical mechanism available to States and international organisations where circumstances call for the

The draft guidelines strike a good balance between protecting compliance with domestic or constitutive procedures and facilitating provisional application of treaties.

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Assembly should request the Secretary

This is especially so when the Commission decides to develop guidelines that reflect a progressive development of international law. In such cases, the Commission should make clear which parts of the guidelines represent the codification of existing international law, and which parts represent the progressive development of international law.

Australia also encourages the Commission to give due consideration to specific actions that it could recommend to States to most effectively promote its nonbinding work going forward.

Thank you.