

MALAYSIA

Permanent Mission to the United Nations, New York

3. Malaysia also appreciates the detailed and precise work that was undertaken by Mr. Murase in preparing the Sixth Report on the Protection of the Atmosphere dated 11 February 2020, which had largely taken into account the comments and observations by States and international organisations. Malaysia acknowledges the challenges, complexity and technicality of matters relating to the protection of atmosphere and the resulting contemporary practice on the same, particularly the different levels of development among Member States. In this regard, Malaysia hopes that the draft guidelines will take into consideration the proposals that were made by the Special Rapporteur in his Sixth Report.

4. Noting that the Sixth Committee has recommended for a resolution to be drafted in the current General Assembly session for purposes of taking note of the draft guidelines that will be annexed to the resolution, Malaysia has undertaken the necessary domestic consultation to review the revised version of the draft guidelines.

5. In general, Malaysia is supportive of the draft guidelines and the commentary that have been prepared. Overall, Malaysia views that the draft guidelines should work towards providing clear guiding principles and approaches for States to convene appropriate steps to protect the atmosphere. Nevertheless, Malaysia also views that an in-

the scarcity of resources, among others, in addressing the issue on protection of atmosphere.

Draft Guideline 11

8. Secondly, Malaysia observes that compliance under draft guideline 11 refers to the compliance of the obligations under the relevant international law, as well as the forms of enforcement measures. Specifically on termination of rights and privileges under the relevant agreements as part of the enforcement procedures envisaged under this draft guideline, Malaysia is of the view that the said termination of rights and privileges will be subject to the respective provisions of the relevant agreement.

9. As a conclusion, Malaysia is still positively considering the draft guidelines as a whole. Nevertheless, we would appreciate if the concerns raised herein can be deliberated further, considering the technical nature of this subject matter.

Madam Chair,

CHAPTER V: PROVISIONAL APPLICATION OF TREATIES

10. Turning to the topic of “Provisional application of treaties”, Malaysia commends the effort of the Special Rapporteur for the submission of the Sixth Report on the subject, and the Commission upon the adoption, on second reading, the entire Guide to Provisional Application of Treaties, comprising 12 draft guidelines and a draft annex containing examples of provisions on provisional application of treaties, together with commentaries thereto.

11. Malaysia further notes that in accordance with article 23 of its statute, the Commission recommended to the General Assembly to take note of the Guide and to encourage its widest possible dissemination; to commend the Guide, and the commentaries thereto, to the attention of States and international organisations; and to request the Secretary-General to prepare a volume of the United Nations Legislative Series compiling the practice of States and international organisations in the provisional application of treaties, as furnished by the latter over the years, together with other materials relevant to the topic.

