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67th Session of the General Assembly

Item 79

Report of the International Law Commission on the work of its sixty-fourth session

Immunity of State Officials from Foreign Criminal Jurisdiction
(Chapter VI of the Report)

Provisional Application of Treaties
(Chapter VII of the Report)

Formation and Evidence of Customary International Law
(Chapter VIII of the Report)

The Obligation to Extradite or Prosecute
(Chapter IX of the Report)

Treaties Over Time
(Chapter X of the Report)

Most-Favoured-Nation Clause
(Chapter XI of the Report)

Statement by

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New York, November 2012

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Provisional Application of Treaties (Chapter VII of the Report)

Mr. Chairman,

Turning now to the topic "Provisional Application of Treaties", Portugal would like to

Mr. Chairman

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cases where the formation of customary law begins with a “need for law” – meaning that in such cases the *opinio juris* precedes a reiterated practice.

As the debate surrounding the obligation to extradite or prosecute progressed over the