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Phone: (212) 861 4900
Fax: (212) 628 0252

STATEMENT

Permanent Mission
of the Russian Federation
to the United Nations

136 East 67'h Street
New York, NY 10065

Unofficial translation

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By the Representative of the Russian Federation at the
VI Committee of the 67th session of the General Assembly
on Agenda item
"Report of the International Law Commission on the work of its 64th session"(topics: "Expulsion of aliens", "Protection of persons in the event of disasters")

Mr. Chairman,

Allow me to thank the Chairman of the International Law

Commission for presenting the report on the work of the Commission at its

64 th session.

The Russian Federation has always followed the work of the

Commission with great attention and interest. It is hard to underestimate

the contribution over many years of work

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The topic of "Expulsion of aliens".
We have studied with interest the set of 32 draft articles on the expulsion of aliens together with the relevant comments adopted in the first reading by the Commission. We believe that as a good basis and orientation for the future work of ILC on these draft articles we can use the opinion provided in the decision by the International Court of Justice on Sadio Diallo case (Guinea vs Congo) of30 November, 2010. This decision
in particular touched upon several aspects of extradition of aliens procedure as well as analyzed legal guaranties at the disposal of the expelled person.

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enormous material loses to the states the urgency of efforts undertaken by the Commission during its work on this topic can hardly be overestimated. The Russian Federation is interested in continuing the work of the Commission on this exclusively important topic which should be logically completed by the adoption of the guidelines.
The central and key problem for the topic under consideration is the issue of equitable balance between the state sovereignty on the one hand and the need to provide adequate assistance to victims, on the other. The search for and legal codification of such a balance is an uneasy task before the Commission. It is essential for the Commission in this case to follow cautious approach and to be guided by the existing norms of the international law. Taking into account the complexity of this subject the establishment of new rights and obligations not supported by the international practice would hardly be appropriate.
Further, I would like to deal in detail with some draft articles.
We believe it is undesirable to establish an obligation of the affected state to request assistance under draft article 10. Raising such an issue creates a number of legal problems. It is not clear who will be authorized to determine whether the calamity actually takes place and whether the affected state complies with an obligation to request assistance and whether the natural disaster has reached the level outside national capabilities of the affected state. Besides, the establishment of a strict legal obligation implies that in case of non-compliance a state will bear an in international legal obligation which in its tum creates additional questions and problems.

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We believe that draft article 10 should stipulate a moral and political obligation rather than a legal obligation of an affected state to request assistance and not to reject deliberately the external assistance.
We support the view of the Special Rapporteur that the existing international law, common law or practice do not envisage a legal obligation of states to provide assistance at the request of the affected state. As to an obligation to offer assistance it would be at least premature
to state that currently it does exist at the universal level. The offer of assistance should be considered as a clear moral obligation.
We support the general idea of draft article A. However, we share the view that the obligation to cooperate in this draft is not defined sufficiently and as such it requires additional drafting. We would like to underline in particular the need to fully exclude the possibility to interpret draft article A as a legal obligation to provide assistance.
Draft article 13 also requires additional drafting. On the one hand, it provides an important idea that the affected state can in light of its sovereignty establish conditions for the provision of assistance. On the other hand, it seems that the draft article is stated in rather abridged way. This leaves a wide freedom of interpretation for the affected state in formulating the conditions for such assistance and creates the risk that the

that the

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Draft article 14 first of all raises doubts concerning the language it contains that allows us to consider consultations between the affected state and the assisting entities as a legal obligation. Such an approach seems a little bit strange.
In conclusion, we would like to note that in light of high practical significance of this topic the Commission should