



Mr. Chairman

I wish to introduce relevant topics of the ILC.

### I. On Protection of Persons in the Event of Disasters

At the 65<sup>th</sup> session, Special Rapporteur Valennia Osinn submitted the 6<sup>th</sup> history and evolution of disaster prevention, preparedness and reduction, the source of relevant law, the current status of international cooperation, and national policy. The report contained two new draft articles on "Duty to prevent" and "Cooperation for disaster relief." I wish to pay tribute to Ms. Valennia Osinn for the way she has effectively, in a continuous manner.

I endorse the Special Rapporteur's proposal to extend the temporal scope of the topic by including post disaster response to all the preparedness. This is in line with reflects an important consensus of the international community in the field of disaster prevention and relief. In this regard, the Chinese government has initiated a process to build working mechanisms for disaster prevention, preparedness and reduction at home while actively participating in international cooperation. As to be conducted, I believe

natural and man-made disasters, who are responsible for consequences should be imposed on affected states, for disasters that are hard to predict.

Today, space technology plays an important role in disaster prevention, reduction, sensing, early warning, meteorological observation, navigation and communication, and relief and reconstruction of the affected population. The Chinese delegation proposes that the Convention pay attention to the use of space technologies in the protection of persons in the event of disaster and consider including in the draft articles the following formula, “encourage states to find innovative ways to use space technology applications in disaster prevention, preparedness and reduction”.

## II. On Identification of Customary International Law

The Chinese delegation takes note of the change of the title of the topic from “Formation and Identification of Customary International Law” to “Identification of Customary International Law”. We believe that the new title better defines the content of the topic and aligns itself better with the current trend of international law. The Chinese delegation also notes that the Commission on International Law of the International Law Commission, established by the General Assembly of the United Nations in 1948, was the first to identify the scope and content of the topic. It laid out the scope and content of the topic in its



presented an overview of various approaches and  
promised a clear and broad approach.

The Chinese delegation believes that the  
identification of customary international law  
according to the substance and area of international law of its address.  
Consequently, a unified approach should be adopted  
customary international law and its relationship with  
their interrelations. It is thus far more important  
to deal with its contents under this topic. Instead of  
clarifying the relationship between customary international law  
the one hand and treaty law on the other hand.  
As to the possible outcome of the topic, we believe that the  
Commission should formulate clear and specific  
and clear guidance to practitioners of international law for  
identifying and applying customary international law.

### III. On Provisional Application of Treaties

The Chinese delegation has expressed its appreciation to  
Rapporteur Juan Manuel Gómez Roldán for his report on this  
topic. This report has raised some important legal  
issues that need to be further studied and clarified.  
Treaties and set the direction and plan for the next  
State practice in provisional application of treaties has existed  
long time, but relevant rules have never been clarified or  
while relevant provisions in the Vienna Convention on the Law of

Treaties are also signed by states as a result of states finding themselves in a muddle when deciding whether or how to resort to the provisions of a treaty. The Commission may have obligations need for the study of this topic.

On the approach to the study of the delegation of the views of the Commission should be based on the basis of an in-depth study of the practice, focus on the legal effects of a provisionally application, particularly when it comes to related rights and obligations. The Commission may provide guidance on the following issues: will a signature state become bound by the treaty as a consequence of provisional application? Will those rights and obligations exist prior to the final ratification? How to terminate provisional application? After a treaty comes into force, what are the relations in the context of rights and obligations under the treaty between states that continue with provisional application and states that have completed their domestic process of ratification?

In addition, the Commission should study the relations between provisional application and the domestic process of ratification and the relations of the lower courts and the means that are being provided by the Commission. The Commission should also study the effects and consequences of provisional application.

repeatedly challenge the creation of this right. More than one provision relating to the executive and the legislative as to the decision to apply the treaty. It may also lead to application in any regard. Some states have made use of a provisional application. Some treaties stipulate that recourse to provisional application is available after a state has completed its internal procedures and before the treaty enters into force. The Chinese delegation believes that the key to the solution of this problem is the balance between a provision which allows a state to apply a treaty on one hand, and a provision which requires that a state should be appropriate to states to decide on the application of a treaty in accordance with their internal law.

Thank you, Mr. Chairman