



# IRELAND

Statement by

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at the

Sixth Committee  
United Nations  
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Agenda Item 31

The Report of the International Law Commission  
of its 63<sup>rd</sup> and 65<sup>th</sup> Sessions

PART 3 – Ch VI (Protection of Persons in the  
of  
the environment in relation to  
Ch XI (Most-Favoured Nation Clause)

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Mr Chair,

Ch VI – Protection of Persons in the Event of Disasters

Regarding the topic of “Protection of Persons in the Event of Disasters”, I once again thank Special Rapporteur for his comprehensive and thorough work. I also thank the Drafting Committee for its report on draft Article 13 and the statement on behalf of the European Union at the end of the debate on the ILC report.

My delegation very much welcomes the detailed and extensive treatment given by the Special Rapporteur to the topic of disaster relief, prevention, mitigation and preparedness in respect of disasters is carefully examined. The informative overview of existing provisions in global, regional and bilateral instruments, as well as in national legislation, is extremely helpful. Ireland supports draft Articles 9, 10 and 11 and the commentaries thereto.

My delegation also welcomes the commentary to draft Article 13, in particular the statement in paragraph (2) that “offers of assistance which do not constitute an interference in the affected State’s internal affairs” as well as the highlighting of the role of NGOs in paragraph (5).

In addressing this topic Ireland therefore the explanation in the commentary to draft Article 15 and the term “identification of persons in need” made known. Similarly, we approve of the statement in paragraph (2) of Article 15 that “offers of assistance which do not constitute an interference in the affected State’s internal affairs” in draft Article 2, such that decisions on termination of assistance are to be made in consideration the needs of the persons affected by disaster, namely, prevention and relief needs have been met”. We welcome too the forms of external assistance through the commentary to draft Article 14.

Mr Chair,

Ch VII - Formation and Evidence of Custom

I turn next to the topic of Formation and Evidence of Custom. I welcome the report by the Commission “Identification of Customary International Law” expressed at last year’s session for Special Rapporteur Michael Wozniak on this important topic, and we thank him for his assistance in the preparation of the report. We also thank him for the excellent report on the topic of Customary International Law in the previous work on this topic.

As Ireland states in its report, we welcome the Commission’s work on this topic, which is practical and provides guidance not only to those operating at the international level, but also those operating in the domestic sphere. We are very much in support of the Commission’s work on this topic.

Special Rapporteur, in his

at this stage.

As regards future work, in the report, I have examined the relationship between international law, as well as consideration of approaches to the identification of customary international law depending on the field of international law at issue. We will, with the Special Rapporteur, continue to place a high priority on this work and we believe that this may form a significant contribution to the work on this topic. We would also wish to thank the Institute of International Law and the International Committee

#### *CIV VIII - Provisional Application of Treaties*

Turning to the topic of "Provisional Application of Treaties", Ireland expresses its gratitude to the Special Rapporteur, Mr. Juan Manuel Gómez Roldán, and the Secretariat for their work on this topic. The work done through the work of the International Law Commission and the Vienna Conference on the Law of the Sea, as well as the work done on the mechanism of provisional application and the legal issues to which it gives rise, provides a valuable framework for our future discussion.

In particular, my delegation looks forward to further consideration of Article 25 of the Vienna Convention on the Law of the Sea, which provides that provisional application may apply to provisions of a treaty, the provisions of which are not yet in force, in order to give effect to the object and purpose of the treaty. We would also encourage consideration of the question whether these provisions are applicable as rules of customary international law, or whether they do not apply. Finally, my delegation would like to express its appreciation for the consideration of provisional application of treaties by international organisations, as envisaged by Article 25 of the Vienna Convention on the Law of the Sea, and the work of the International Organisation for the Harmonisation of Business Law (UNCITRAL).

#### *CIV*

Finally, Mr. Chair, Ireland would like to thank the Special Rapporteur for his work on "Protection of the environment in relation to armed conflicts" in the programme of work. We thank Mr. Marie-Josée Jacquot, Special Rapporteur, for her work on "The right to a fair trial" and her proposals for a future study on "The right to a fair trial" and her proposals for a future study on "The right to a fair trial".