

Check against delivery

**69th Session of the General Assembly of the United Nations
Sixth Committee**

Agenda item 78

**International Law Commission
Report on ILC's 66th Session**

Chapters I -III - Introductory parts

Chapter IV – Expulsion of aliens

Chapter V – Protection of persons in the event of disasters

Chapter XIV - Other decisions and conclusions of the Commission

**Speech delivered on behalf of Mr. Ion Gâlea
Director General for Legal Affairs
Ministry of Foreign Affairs of Romania**

New York 2014

Mr. Chairman,

I would like to thank the Chair of the International Law Commission for the comprehensive presentation of the report on the last ILC session and to express the gratitude and appreciation of my delegation to all members of the International Law Commission for the work carried out during the Commission's 66th session.

As reflected in the report that is before us these days for debate, the Commission has continued its work on the topics already under its consideration, with significant progress on most of them, while it initiated, conscientiously, the consideration of other important topics for the development of international law, newly introduced on its agenda.

Romania's delegation welcomes the outcome of this work and takes this opportunity to present some of its views with regard to each of the topics. Our interventions will follow closely the cluster division and the organization of work proposed by the Chair.

We have taken note, as well, of the interest of the Commission in the comments of the States on some specific issues concerning a number of topics on its agenda as mentioned in Chapter III of the Report. We firmly intend to contribute to the research of the Commission on those particular topics by providing, in the delay specified, relevant Romanian practice and legislation, if any.

With regard to the items that make up the first cluster of our debate, my delegation underlines the following:

Expulsion of Aliens

The issue of the expulsion to aliens is an important and controversial issue which requires in depth and careful consideration on the part of States.

We commend the special rapporteur, Mr. Maurice Kamto (Cameroon), as well as the International Law Commission for the conclusion of the work under this topic and for the ample commentaries provided in support of the draft articles. We are well aware of the difficulties the rapporteur was faced with in dealing with this topic, given the sensitiveness of the subject.

The draft articles bring important added value, containing elements of both codification and progressive development. Romania considers that the suggestion to consider the elaboration of a Convention should be regarded with greatest care. Leaving the draft articles in their current shape might represent a better solution for the moment, allow practice of States to develop and consolidate.

The draft articles recognize a general right of states to expel aliens from the territory, in accordance with the current draft articles and other generally recognized norms of international law, with particular emphasis on those related to human rights and, in a narrower manner, to refugees law.

My delegation considers, from the outset, that the draft articles should have made a more pregnant distinction among different categories of aliens: refugees, asylum seekers, migrants, victims of

human smugglings and trafficking. We should bear in mind that displacement is a human condition, individuals have always moved from their original places of settlement seeking employment, shelter and protection from danger. This has always been a strategy used by humans when their means of livelihood have been destroyed or to protect themselves from extreme weather conditions, natural

the protection of the persons in circumstances of disaster, both by adopting preventive measures as well as by adopting the imperative disaster relief and assistance measures.

The draft articles emphasize both the duty of the affected State to take, in view of its sovereignty, the necessary measures to ensure the protection of persons and provision of disaster relief and assistance on its territory, such duty not excluding the external assistance if such assistance is available and the affected state is willing to make recourse to such external assistance. The articles make as well compulsory for States to make recourse to external assistance should its national response capacity be exceeded. This duty is exceptional in nature and is only relevant in serious circumstance of gravity. In either of the cases ~~±~~internal or external assistance ~~±~~the affected State has the primary role in the direction, control, coordination, supervision of such relief and assistance, whereas the external assistance is subject to the consent and possible conditions of the affected State

We have taken note of the decision of the Commission to submit for commentaries and observations these draft articles with the deadline of 1 January 2016. Romania will pay due