



UNGA70: Sixth Committee  
Report of the International Law Commission,  
Cluster I

**New Zealand statement**

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Mr Chair,

New Zealand wishes to make some comments on Chapters IV and XII included in Cluster one of the debate on the Report of the International Law Commission. We would like to take this opportunity to welcome Mr Narinder Singh's election as Chairman of the Commission this year. The work of the Commission members is valuable in the codification and progressive development of international law.

Mr Chair,

New Zealand thanks the Chairman of the Study group on the Most Favoured Nation Clause, Professor Donald McRae, for his significant work in the completion of the final report. Since the revitalisation of this topic, New Zealand has supported the work of the Commission in reviewing the 1978 draft articles. We share Professor McRae's assessment that it was necessary to consider whether further practical guidelines on the application and interpretation of the Most Favoured Nation clause were required.

New Zealand welcomes the final report, including the conclusions drawn by the Study Group. We note, in particular, the ever-evolving nature of jurisprudence on the Most Favoured Nation clause, which increasingly restricts the ability to authoritatively define how this clause should be applied in international law. The 1978 draft articles provide guidance on the interpretation of MFN, and New Zealand agrees that there is no appetite to revisit the draft articles with the



regional courts and tribunals. We note that States' contributions on these important issues may allow the Commission to determine whether it has sufficient information to provide an illustrative list of norms which have achieved the status of *jus cogens*, for consideration and discussion with States. We acknowledge the Commission's ongoing careful analysis of the material provided to it, including by giving this material appropriate weight in its considerations.

New Zealand reiterates our strong support for further cooperation of the International Law Commission in sharing its knowledge of international law, and in building relationships with New York based delegates to the Sixth Committee. The importance of sharing information between delegates and Commission members, and building quality working relationships, is integral to ensuring efficient and effective work in both the Commission and this Committee. In this regard, we welcome the increase of informal briefings to Sixth Committee delegates by ILC Commissioners that has occurred in the last year. To continue this positive trend, we appreciate the Commission's consideration of holding a half session in New York and we look forward to that occurring in either 2017 or 2018.

New Zealand welcomes the improvements to the new website of the Commission and emphasises our thanks to the Secretariat for the completion of this update. The updated website provides a format that is easier to use, and modernises the way in which the work of the Commission is presented. Consistent with New Zealand's long-standing support of the wide dissemination of the work of the Commission, we see the improvements to the website as an encouraging

