

# REPORT OF THE PANEL

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STATEMENT BY

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MINISTRY OF ECONOMIC AFFAIRS

OF THE REPUBLIC OF POLAND

SIXTH COMMITTEE OF THE UN

Report of the meeting

on the work of the sixteenth session

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November 2015

Mr. Chairman,

At the outset, let me congratulate the Chairman of the International Law Commission (ILC)

Mr. Narinder Singh, on his presentation of the Report of the Commission from its sixty-seventh session.

Several of the topics discussed by the ILC are of vital importance for the development of international law. Identification of customary law, the liability of state officials from foreign criminal jurisdiction. Commission is striving to find a proper balance between ensuring impunity for state officials and ensuring accountability.

And on some other topics that could be considered, the provisional application of treaties, the jurisdiction of international courts and tribunals.

Relation to the interpretation of treaties. ILC makes a distinction between

of international practice with a view to identifying the law.

**ILC Long-term Programme of Work and inclusion of new topics**

India is highly interested in the work of the Commission. We have been in close contact with the Commission. Last year during the debate in the Legal Committee,

we have made a proposal for new topic of work for the ILC "Duty of non-recognition as a legal situation created by a serious breach by a State of a norm of general international law" and this year we have sent to the Commission the Opinion of

the Legal Advisory Committee to the Commission on the subject of "Liability of state officials from foreign criminal jurisdiction".

We continue to hold the view that it would be in the interest of both the international community and the international law to initiate the consideration of the topic of non-recognition of a

illegal situation caused by a serious breach of a norm of general international law. This might be practical and useful for states.

In this context, I would like to mention that the Commission has adopted a long-term Programme of Work of the ILC and has also issued a working paper on the

list of topics. We hope that this process will ensure that the future work will be not only of great theoretical but also of practical importance.

Furthermore, my delegation would like to express its appreciation for the creation of new website of the International Law Commission. We would like to express our gratitude for inclusion of practice of States in the Commission's work. It is very helpful and gives States more time to adequately evaluate work of the Commission preparing for the meeting of General Assembly Sixth Committee.

#### The Most Favoured Nation

Mr. Chairman,

Poland takes note of the Final Report of the Study Group on The Most Favoured Nation (MFN) clause and its summary conclusions. We are pleased to note that the interpretative techniques referred in the report of the Study Group can assist in the interpretation and application of MFN clauses. The scope of the question of *ius cogens* must be determined on a case-by-case basis. Consequently, there is no basis for concluding that there will be a single interpretation of an MFN provision applicable to all cases.

Moreover, we consider that the general statements relating to international law made by the Study Group are of utmost importance in particular in the light of the jurisprudence of the International Court of Justice. We are pleased to note that the Study Group is adopting interpretations of fundamental principles of international law in its draft agreements.

#### Protection of atmosphere

Mr. Chairman,

On the topic "Protection of the atmosphere" Poland takes note of three draft guidelines together with several paragraphs, provisionally adopted so far. In the process of evaluating these provisions we noticed particularly the importance of the principle of obligation of States to protect atmosphere. This principle is of fundamental importance. In this context, the draft guideline 3 is covered by the set of guidelines.

Thank you Mr. Chairman.