<u>72nd Session of the Sixth Committee of the General Assembly of the United Nations</u>

Report of the International Law Commission on the work of its 69th Session

Cluster 1 (Chapters I, II, III, IV, V and XI)

Statement by

Ms Marta REQUENA

Head of the Public International Law and Treaty Office Division of the Council of Europe

New York, 23-27 October 2017

Mr Chairperson,
Dear colleagues,
Ladies and gentlemen,

First and foremost, I would like to congratulate the International Law Commission for its comprehensive, interesting and well-drafted Report prepared during its 69th Session. I would in particular thank the Chairperson, Mr Georg Nolte, for having presented the main trends of this Report earlier this week. I would also like to express my gratitude to Mr Nolte for his participation in the 54th meeting of the Council of (CAHDI)

(crimes against humanity) and Chapter V (provisional application of treaties) of this
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1.	Chapter III (Specific issues on which comments would be of particular interest to the Commission: Succession of States in respect of State Responsibility)

On the specific issues on which comments would be of particular interest to the ILC, I
respect of State
Responsibility . In this respect, I
recent appointment as Special Rapporteur on this topic and further express our gratitude to Mr ty under

Chairmanship of the Committee of Ministers of the Council of Europe and on the occasion of the 54th meeting of the
Public International Law (CAHDI) on 20 September 2017 in Strasbourg (France).

n Succession of States in
respect of State Responsibilit eport, the Special Rapporteur introduces a preliminary survey of State practice concerning cases of succession in Central and Eastern Europe in the 1990s (paras 47-64). In this regard, we would like to draw your attention to the *Pilot Project of the Council of Europe on State Practice regarding State Succession and Issues of Recognition* carried out under the aegis of the CAHDI. For the Pilot Project sixteen member States of the Council of Europe submitted national reports covering official documents and statements made by all three branches of State powers, i.e. the executive, the legislative and national courts and tribunals, in the period from 1989 to 1995. On the basis of the information gathered, the CAHDI entrusted to prepare a Report to several experts from the three following international institutes: the Max Planck Institute for Comparative Public Law and International Law (Germany), the T.M.C. Asser Institute (the Netherlands) and the Erik Castrén Institute of International Law and Human Rights (Finland) with the aim of analysing the practice of the contributing member States. We believe that this detailed study, available as a CAHDI and Council of Europe Book[1], could be of assistance for the work of the International Law Commission and the Special Rapporteur concerning this topic.

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[1]*State Practice Regarding State Succession and Issues of Recognition*, edited by Jan Klabbers, Martti Koskenniemi, Olivier Ribbelink and Andreas Zimmermann, © Council of Europe, The Hague 1999, ISBN-13 9789041112033.

2.   Chapter IV (crimes against humanity)

societal recognition of victims - including the role of the media -, and involving victims of terrorism in the fight against terrorism.[30]The Guidelines aim at recalling the measures to be taken by the member States in order to support and protect the fundamental rights of any person who has suffered direct physical or psychological harm as a result of a terrorist act, and, in appropriate circumstances, of their close family. We would welcome if Draft Article 14 on   would adopt an equally holistic approach in addressing the different needs of victims of crimes.

would like to draw your attention to paragraph 222 of the Third Report of the Special Rapporteur on crimes against humanity referring to a S   [4]
on information existing on treaty-based monitoring mechanisms which may be of relevance to the future work of the ILC concerning the topic of crimes against humanity. This Memorandum with regard to the treaty-based monitoring mechanisms within the system of the United Nations and beyond is a very comprehensive one. With regard to the Council of Europe this Memorandum makes reference to the European Court of Human Rights as an example of a regional monitoring mechanism in Europe. The European Court of Human Rights has in its case law dealt with the issue of extensive time lapses between the commission of such offences and their prosecution. In the case of *Kolk and Kislyiy*[5]

3.   Chapter V (provisional application of treaties)

We would like to thank the Special Rapporteur, Mr Juan Manuel Gómez-Robledo, for the preparation of four reports on the analysis of the relationship of provisional application of treaties to other provisions of the 1969 Vienna Convention and of the practice of international organisations with regard to provisional application.

We would like to welcome the Memorandum[8]

Committee of Ministers at its 126th Ministerial session on 18 May 2016