



Health Committee

Meeting of 11th November 2014

11/11/2014

Mr. Chiriac

with the participation of Mr. ...

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General observations about how the Commission works

1) First the French delegation welcomes the Commission's reaffirmation of its

the United Nations official languages in its conduct of work

In this respect, my delegation welcomes the fact that the Drafting Committee has adopted draft articles this year on the topics of "Crimes against humanity" and "Immunity

Commission's members. That would have assisted the Commission in reaching a consensus on draft Article 7.

~~Chapter V. Provisional application of treaties~~

Mr. Chairman, today I will share several observations on the topic of the "Provisional

application of treaties". I will begin with two remarks on the Commission's working methods used to study the topic. I will then speak in more detail about the different draft

certain draft guidelines if they decide otherwise". Such an affirmation can be surprising in that the Commission's drafts are not legally binding texts. Such an affirmation is

to the logic of the law of treaties: the rules in the matter are supplementary by nature, States are free to decide whether to agree or not. The Commission should not lose sight of this fundamental principle.

The French delegation would like to underline that although "the purpose of the draft guidelines is to provide assistance to States and international organizations" they can also

whether provisional application means that the treaty becomes binding or only that provisional application has a permissive power. It seems essential that the Commission clarify this point, which it has been silent about thus far. The approach the Commission has chosen seems very liberal in many respects. Yet the provisional application of a treaty is a practice that, because of its effects, must continue to be exceptional, and cannot be presumed. In *European Commission v. Greece*, Judgment of 20 May 1967, on the drafting and conclusion of international