PEOPLE'S REPUBLIC OF CHINA

MISSION TO THE UNIT AND DEPOSIT

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Mr. Chairperson,

	First of all, I would like to draw the Committee's attention to the fact that in
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delegation noted that the Commission had adopted on first reading a set of 12 draft guidelines, with commentaries thereto. We are of the view that the scope of legally binding obligations on the parties concerned created by the provisional application should be defined cautiously, with due respect for the gamma intentions of those parties. The conditions and procedures of the

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following two points:

First, draft conclusion 17 states that binding resolutions of the Security Council of the United Nations do not establish binding obligations if they conflict with *ius concers*. China does not agree with this conclusion. We have

noted that the Commission has not fully discussed this yet, and therefore,

will follow closely its future discussions. The Sacurity Council is at the

pantar of the LIN. collective courity system atablished after Woold Was II

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	single clause, which would read: "[t]he present draft conclusions are
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Rapporteur proposed that draft conclusions 22 and 23 be replaced with a

Mr. Chairperson,

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Since I will not be here to participate in the discussions next week, I'd like to present China's views on Cluster III as well.

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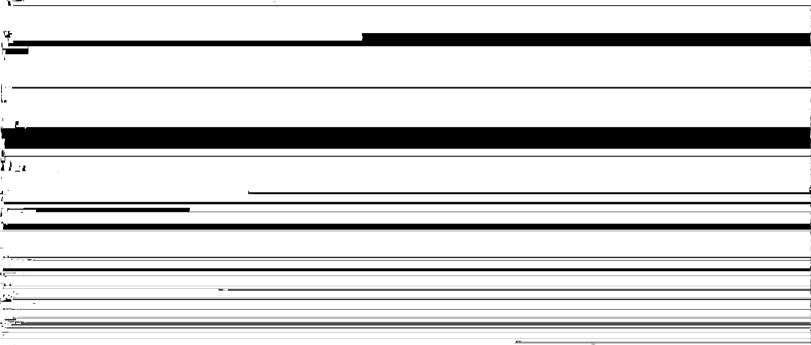
respect of State responsibilities and what little State practice that is available is specific to complex political and historical contexts that vary from State to State, all of which poses a real challenge to any attempt to codify a <u>general rule. We encourage the Commission to consider whether it is</u>

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immunity implications and the issue of immunity does not come into the equation at this stage. China is of the view that immunity of State officials is not only required to safeguard the performance of their functions, but also arises from the principle of "par in parem non habet imperium" ("an equal has no power over an equal"), which is a basic principle of international law,

and ac such is a mark of respect for State comminents. In light of the



and when the forum State initiates legal proceedings against an act of a foreign official in performance of his or her functions, even if these proceedings have no binding force, impose no obligations or have no impact on the performance of his or her functions, they still have the potential to violate the immunity of the official and, by extension, to infringe on the severeignty of the State of the official Theorefore is situations like this of the official to the official theorem.

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international rights and obligations as a whole. As for which authority in the

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