



Republic of Cyprus

73rd Session of the United Nations General Assembly

**Report of the International Law Commission on the work of its seventieth session
(Agenda item 82)**

Cluster I: Chapter V (Identification of Customary International Law)

and

Cluster I: Chapter XIII, Annex B (Other decisions and conclusions of the Commission)

Concerning **Chapter V** on the **Identification of Customary International Law**, allow me to commend the Special Rapporteur, Sir Michael Wood, for his continued efforts to advance the
We take note of the adoption by the Committee of the 16 draft conclusions.

On the notion of the so-called persistent objector we would like to affirm our previous comments and reiterate our concerns regarding the proposed draft conclusion 15. Our concern is twofold: 1) we are of the view that the concept of the persistent objector does not
entify customary international law, and 2) we consider that the unconditional acceptance of the persistent objector doctrine opens the door to an *à la carte* approach to rules from which no State can be exempt. While we welcome part 3 of draft conclusion 15, which recognizes that
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obiter dicta

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Another important element that must be noted, is that in 1973, the International Law Commission faced significant political difficulties arising from any definition of Statehood, which ultimately impeded the Commission from ever proposing one. On at least four occasions between 1949 and 1974, the ILC debated the possibility of defining statehood. This occurred during the preparation sessions of three different instruments: the Declaration of the Rights and Duties of States in 1949, the Vienna Convention on the Law of the Treaties in 1956 and 1966, and for the Articles on Succession of States in Respect of Treaties in 1974). Given that the ILC has been unable to agree on a definition of Statehood, we are mindful of the risk of assigning it with the task of determining any possible loss of that status because of rising sea levels.

In conclusion, let me reiterate that should the legal effects of the sea-level rise be examined, it must be done by fully respecting the letter and the spirit of the UNCLOS and in this context, Cyprus would be ready to participate in a dialogue between the ILC and the 6th Committee.

I thank you for your attention.