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Mr. Chairman,

The Czech Republic commends the Commission on the completion of the first reading of the topic "Protection of Atmosphere" and appreciates the contribution of the Special Rapporteur

Professor Shinya Murase, to this outcome.

The Czech Republic commented extensively on individual draft guidelines adopted on first reading during past years. Today we will limit our comments to draft articles adopted during the 70th session of the Commission. We will avail ourselves of an opportunity to submit written comments on the draft guidelines adopted on first reading as a whole, assuming that the General Assembly resolution will invite Member States to do so.

Before we comment separately on three new draft guidelines, we want to make a more general observation in relation to all of them. It concerns usefulness of an exercise consisting in generalization of provisions frequently found in various treaty instruments.

Our first question is what is the purpose and value of such generalization. The mere fact that this

type of provisions is frequent in various treaties dealing with protection of environment does not

grant them any normative value on their own, independently of such instruments. They do not

Similarly, paragraph 2 of this guideline is referring, in a descriptive manner, to facilitative and
arbitration procedures available under relevant agreements. Stating the obvious fact, namely

that these procedures may be used in accordance with these agreements.

In the draft guideline 12, we doubt whether it is appropriate to include in the draft

guidelines of this kind a guideline on dispute settlement. We understand, that the primary focus

A reservation may be formulated before the action triggering provisional application is taken

Accordingly, the standard provisions concerning reservations apply directly, not "*mutatis mutandis*", to such reservation. Both paragraph 1 and 2 put inappropriate accent on the moment

span of the reservation, namely limitation of reservation's duration to the duration of the provisional application of the treaty. In other words, it is about the exclusion of some treaty

However, we note that the Special Rapporteur's approach to the topic is primarily based on references to doctrine rather than international practice. In this regard, the Czech Republic would