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Wednesday October 24, 2018

Chapter VII: Provisional application of treaties

Mr. Chairman,
Greece expresses its appreciation to the International Law Commission and its Special Ran-
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porteur, Mr. Juan Manuel Gómez-Robledo, for the work accomplished during the present
session in relation to the topic "Provisional application of treaties".
The adoption, on first reading, of an entire set of 12 guidelines, as the draft Guide to provi-
sional application of treaties, as well as the text of the draft model clauses proposed by the
Special Rapporteur, in his fifth report, regarding the commencement, termination and scope
of provisional application, are a significant step towards bringing more clarity on the rules
applicable to the matter.
approacte to the matter.
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We welcome the approach taken by the Commission in handling this important issue, as
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Turning now to the legal effects of provisional application, we agree with the statement, in the commentary to draft guideline 6, that provisional application is not intended to give rise to the whole range of rights and obligations deriving from the consent of a State or an inter-

Chapter VIII: Peremptory norms of general international law (jus cogens)

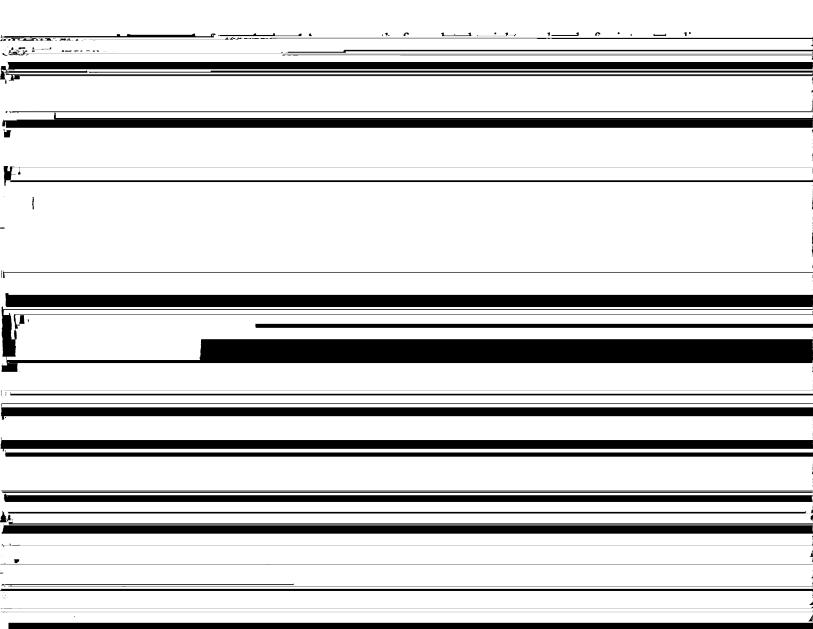
Mr. Chairman,

On the topic of peremptory norms of general international law (jus cogens), allow me first of all to express our deep appreciation to the Special Rapporteur, Mr. Dire Tladic, for the high quality of his three reports. This year's report addresses in a pragmatic and holistic way, going beyond the law of treaties, the consequences and legal effects of jus cogens, and this despite the scarcity of relevant state practice. We wish also to extend our appreciation to the Drafting Committee for its ongoing consideration of the draft conclusions.

My delegation wishes to make the following additional observations on the draft conclusions

proposed by the Special Rapporteur in his last report¹:

Draft conclusion 14 on dispute settlement as redrafted by the Drafting Committee is, according also to the oral interim report of its Chair, dated 26 July 2018, of a recommendatory nature. However, it should be stressed that terms such as "is to" or "are to", are, in our view, at the crosssroads between soft and hard law formulations. In addition, paragraph 4 which prescribes, *inter alia*, that the invoking State "may not carry out the measure which it has proposed until the dispute is resolved" does not really fit, because of its blocking effect, into a non-binding context.



putes although it intends to cover, according to page 9 of the above mentioned oral report of the Chair of the Drafting Committee, also cases where a State invokes a peremptory norm as a ground for the invalidity or termination of a binding resolution of an international organization. Dispute settlement provisions should vary in the latter case, as evidenced by the text of article 66 of the 1986 Vienna Convention which deviates substantially from the one of