



We also take note of the Commission's request for comments and observations from States to be submitted to the Secretary-General by 15 December 2019. My delegation will be ~~considering the twelve draft guidelines and the commentaries thereto and provide our comments~~

in due course before the given deadline.

**Mr. Chairperson,**

As regards **Provisional Application of Treaties**, my delegation would like to express its appreciation to the Special Rapporteur, Mr. Juan Manuel Gómez-Robledo, for his fifth report on the topic. We are sure the final outcome of the work, including the guidelines and the commentaries thereto, could contribute to clarification of the diverse aspects of the institution of ~~provisional application of treaties~~

First, Draft Guideline 4 refers to form of agreement on provisional application of a treaty. we maintain that in case of silence of the treaty concerning provisional application such formality should be applied as well. On this Draft Guideline, we reiterate our concern regarding agreement purportedly demonstrated through "resolutions" "declarations" or "any other means

disadvantage the affected individuals or population. Thus, the relevant acts such as registration

~~which is identified as Namibia Exception~~

Finally, on draft Conclusion 23, providing for the non-applicability of immunity *ratione materiae* for offences prohibited by *jus cogens*, the practice cited by the Special Rapporteur in the draft Conclusion proposed. We consider that the Draft