

**STATEMENT BY TURKEY AT THE SIXTH COMMITTEE
UNDER AGENDA ITEM 78
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF
ITS SIXTY-EIGHTH SESSION
(25 OCTOBER 2016)**

Mr. Chair,

Let me begin by thanking the Chairman of the Commission, Mr. Pedro Comissário Afonso for his presentation of the Report. Turkey would like to commend the Commission for its work during its 68th session and the progress achieved in many topics, as well as the special rapporteurs for their contributions to the work of the Commission. We also would like to express our gratitude for the Codification Division of the Secretariat for their tireless work.

The International Law Commission has made significant contributions to the development and codification of international law, carrying out the mandate of the General Assembly set out in article 13 of the UN Charter. Although today the rise of other fora for international law making has raised the question of the relevance of the Commission, Turkey is convinced that the Commission, thanks to its composition – by experts and practitioners of international law representing different regions and approaches - and its relations with states through the General Assembly, continues to have an important role to play in the progressive development and codification of international law, and thus in the advancement of the rule of law at international and national levels. We look forward to the seventieth anniversary commemorative events to be held during its seventieth session in 2018 and hope that this would constitute an opportunity to highlight this continuing important role.

In this context, we believe that interaction between the Sixth Committee delegates and the members of the International Law Commission greatly contributes to the mutually beneficial dialogue between Member States and the ILC on its work. In this regard, we take note with interest of the recommendation by the Commission to hold the first part of its seventieth session in New York.

In this connection, I wish to point out to the difficulty of providing thorough observations on the report of the Commission during its examination in the Sixth Committee. Indeed, we continue to believe that the time between the publication of the report and the time of its consideration here at the Sixth Committee remains relatively short, especially taking into consideration that many topics which are currently on the agenda of the Commission require an examination process involving many institutions and agencies. Although we are aware of the efforts made to this end, further improvements in this regard would be appreciated.

Mr. Chair,

I would like to say a few words on chapter XIII of the report concerning "**other decisions and conclusion of the Commission**".

Regarding the addition of two new topics to the long-term programme of work of the Commission, we believe that given the long list of topics in its current programme of work, the Commission should only take up new ones when the current ones are exhausted.

Moreover, we take note of the decision of the Commission to include the topic of Succession of States in respect of State Responsibility in its long-term programme of work. In this regard we would like to point out that, on the one hand, the draft articles on Responsibility of States for Internationally Wrongful Acts, could be adopted in 2001 only after a long period of consideration by the Commission. Moreover, to date, states have still not been able to agree on a course action. On the other hand, the topic of the Succession of States, previously considered by the Commission, is a complex issue presenting numerous aspects. My delegation has serious doubts on the possibility for states to reach a common understanding on this issue and therefore is not convinced on the relevance for the Commission to take up this topic.

Regarding the topic "**Identification of Customary International Law**", we would like to congratulate the Commission for the adoption on first reading of a set of 16 draft conclusions and the Special Rapporteur, Sir Michael Wood, for his important work, including his fourth report.

In this regard, we particularly welcome the adoption of draft conclusion 15, on the persistent objector rule, which is a well-established concept in international law. We thank the Special Rapporteur for the many references to practical examples in the commentary.

Thank you.