

**GENERAL ASSEMBLY
73RD. SESSION (2018)
SIXTH COMMITTEE**

**FINAL STATEMENT BY THE CHAIR OF THE
INTERNATIONAL LAW COMMISSION,
MR. EDUARDO VALENCIA-OSPINA**

31 OCTOBER 2018

Mr. Chair, Distinguished Delegates,

The Sixth Committee has just concluded its consideration, under Agenda Item 82, of the Report of the International Law Commission on the work of its historic 70th. session, to which it devoted nine full meetings and two half meetings from 22 October until Today.

As stated in paragraph 400 of the Report, the Commission, at the end of its 2018 session in Geneva, “decided that it should be represented at the 73rd. session of the General Assembly by its Chair Mr. Eduardo Valencia-Ospina”.

Pursuant to the mandate thus conferred on me, this Chair has attended every Plenary meeting in which the Sixth Committee has dealt with the ILC Report, divided in three Clusters, each of which I have had the honor to introduce by separate, consecutive statements.

In the common quest for an enhanced dialogue between the Commission and its parent organ, the General Assembly, the Sixth Committee has had the added benefit of the presence, during the debate

on Agenda Item 82, of sixteen other ILC members, including seven Special Rapporteurs. In this connection I must stress that such presence, in particular that of all Special Rapporteurs, whose function is voluntary and pro-bono, does not depend on any kind of United Nations financial support which, at any rate, is wholly unavailable for the purpose.

Rather, in most cases, Special Rapporteurs and other members who come every Autumn to New York to follow the Sixth Committee's discussion of the ILC annual Report, do so by having recourse to other sources of financing for their travelling expenses, mainly their own private funds.

Mr. Chair,

The yearly consideration by the Sixth Committee of the ILC Report on the work of the session held on the same year, has traditionally been the central theme in the Committee's Agenda. This is so much so as the Report's consideration has been periodically held with the increasing participation of the Chief Legal Advisers of Foreign Offices and other Ministries from the Capitals of Member States. Their active involvement clearly attests to the importance that Member States attach to the work of progressive development and codification of International Law carried out by the International Law Commission.

The notable fact of the participation of Legal Advisers from Capitals, has led to the characterization as “International Law Week” of the week initially and exclusively allocated to the item of the Agenda concerning the Commission’s Report. That original one week has now grown to cover almost two calendar weeks. This state of affairs is evidently the result of the number of diverse other activities , also highly relevant to the Commission’s work, undertaken in conjunction with the Sixth Committee’s debate on the ILC Report.

But the lengthening of “International Law Week” undoubtedly reflects as well the considerable increase in the number of delegations delivering substantive statements on all or some of the three Clusters along which the debate is organized, averaging between 50 and 60 speakers per Cluster.

This is a most welcome development as it constitutes the positive and constructive response by the Sixth Committee to the call, repeatedly made by the Commission, for a far greater and varied representation of the different regional groups and legal systems in the debate, than it was the case in the past.

It is not the purpose of my brief intervention, nor would it be possible to do it in the short time remaining, to summarize the rich discussion held on eight substantive topics and other matters of concern to the Commission dealt with in the Report; nor is it to react or answer to the

various observations, suggestions or criticisms expressed by delegations.

While not an official record, a rather succinct overview of the discussion is helpfully prepared daily by the Department of Public Information and published in the corresponding Meetings coverage Press release. A fuller topical Summary is drafted in due course by the Commission's Secretariat, the Codification Division of the Office of Legal Affairs, and brought to the Commission's attention as a document of its immediately ensuing session.

The Commission will certainly and greatly profit from all the statements, not only as orally made and recorded in the respective Summary Records, but from their integral verbatim text as contained in the copies distributed by delegations in this Trusteeship Council, and specially as placed in the United Nations PaperSmart Portal. Members of the Commission and, in particular, Special Rapporteurs can, thus, have immediate access to the considered views expressed in the Sixth Committee, whose complete text is, furthermore, electronically transmitted by the Secretariat to each of them.

I would like to take this opportunity to reiterate the request made to Governments by the Commission to submit to the Secretary-General, by 1 December 2018, their comments and observations on the draft articles on Crimes Against Humanity, as well as comments and observations on the Draft Guidelines on Protection of the Atmosphere,

and the Draft Guidelines on the Provisional Application of Treaties, both by 15 December 2019. Such comments and observations will provide an invaluable assistance to the Commission for the second reading of all three sets of texts.

In addition, I strongly encourage Governments to provide the Commission, by 31 December 2018, with responses to the questions indicated in Chapter III of this year's Report.

Mr. Chair,

It has been a signal honor for me to Chair the Commission during its 70th. commemorative session, both in New York and in Geneva, and to have been entrusted in that capacity by the Commission with its representation at the current session of the General Assembly. In this latter respect, I have remained at all times at the disposal of the Sixth Committee not only during its consideration of the ILC Report but also as regards the many related activities undertaken in the context of "International Law Week".

In fulfilling my mandate, I have consistently endeavored to keep very much in mind what, as the representative of Peru opportunely reminded us yesterday, are the complementary but separate roles of the two organs concerned.

Allow me Mr. Chair to assure you, as well as all delegations, of the deepest appreciation and gratitude of the International Law Commission and its Chair to the Sixth Committee, as well as for the kind words of appreciation expressed on the occasion of the seventieth anniversary of the Commission.

I am specially thankful to you, Mr. Chair and the other members of the Bureau and to all delegations for the warm attitude with which I have been welcomed in the Sixth Committee. I am particularly grateful to those delegations that congratulated me on my performance as Chair during the commemorative and regular meetings during the 2018 session and for the Introductions to the three Clusters. My appreciation extends to the organizers of side events and the hosts of social receptions who courteously invited the Commission's Chair to participate as a panelist in or attend their respective events.

Finally, may I once again acknowledge the important contribution of the Codification Division to the success of the work of the two kindred organs whose Secretariat they assure with high competence and efficiency, the International Law Commission and the Sixth Committee.

Thank you.

