



STATEMENT
BY
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AT THE DEBATE OF AGENDA ITEM 82:
REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS SEVENTIETH SESSION
(CLUSTER I)

THE SIX COMMITTEE OF THE 73rd SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

NEW YORK, USA
24th OCTOBER, 2018

- **The Chairperson, Mr. Michel Xavier Biang;**
- **Your Excellencies, Permanent Representatives;**
- **Distinguished Delegates;**
- **Ladies and Gentlemen.**

Since my delegation is taking the floor for the first time, allow me to congratulate you, Chairperson and other Members of the Bureau on your election. I wish to assure you of my delegation's cooperation and support. We are confident that under your leadership, the Committee will have fruitful deliberations.

My delegation would like to align itself with the statements made by Gambia on behalf of the Africa Group and wish to make the following points in my national capacity:

Chairperson,

Allow me to congratulate the Chair of the International Law Commission for his elaborate presentation of the Report which is contained in document A/73/10 on this agenda item.

Malawi welcomes the ILC's report and, in particular, takes note of the tremendous progress the ILC has made on its work during the seventieth session. My delegation takes note that the Commission finalised and adopted draft conclusions and commentaries on two topics: (a) Subsequent agreements and subsequent practice; and (b) Identification of customary international law.

Chairperson,

The two sets of draft conclusions represent a significant step forward in the codification of international law. The draft conclusions will guide those who are called on to interpret treaties and those called on to identify rules of customary international law,

respectively. Apart from international courts and tribunals, they will offer guidance for States, including national courts, as well as international organisations and others. In that regard, Malawi welcomes the recommendations of the Commission.

Chairperson,

Regarding other decisions and conclusions of the Commission, my delegation takes note of the inclusion of the topic, “General principles of law” and wish to congratulate the Special Rapporteur for this topic. My delegation looks forward to the deliberations on the work of the Commission on this topic.

I now turn to the long-term programme of work of the Commission. My delegation wishes to take note of the decision of the Commission to recommend the inclusion of two topics in its long-term programme of work. My delegation supports the inclusion of “Sea-level rise in relation to international law” and would like to state that it has come at the most opportune time when effects of climate change continue to devastate the world. The effects are even more pronounced when it comes to developing states and small-island states.

Malawi takes cognisance of the various efforts to fight climate change and takes note of the recurring devastating effects. In that regard, the effects of sea-level rise on statehood require careful study. The 70th anniversary of the Commission should be a beacon for the Commission’s maturity in choosing topics that will contribute to the global solutions to such critical issues as the environment. Accordingly, Malawi is pleased that the Commission has put this topic on its current programme of work and I pledge my delegation’s cooperation with other delegations and the Commission on this important topic.

Chairperson,

Last but not least, my delegation takes note of the request by the Commission on the topics, “Protection of the atmosphere” and “the Provisional application of treaties”. Malawi wishes to encourage all Member States to make the submission of comments and observations so that the Commission’s deliberations are enriched by State practice.

Chairperson,

In conclusion, Malawi looks forward to the deliberations in this Committee at this session and will be ready to engage with other delegations and the Commission towards the successful outcomes on the various topics in the programme of work of the Commission.

Thank you for your attention