



**New Zealand Permanent Mission to the United Nations  
Te Aka Aorere**

**United Nations General Assembly: Sixth  
Committee, Agenda Item 82 - Cluster I.  
Report of the International Law  
Commission**

**New Zealand Statement delivered by  
Permanent Representative, H.E. Craig J. Hawke**

26 October 2021

**CHECK AGAINST DELIVERY**



Thank you Chair,

New Zealand thanks the International Law Commission and each of its Commissioners for the report on the work of the seventy-second session. We also thank the Chair, Mr Mahmoud Hmoud, for his introduction of the report.

For New Zealand, COVID-19 has underscored the importance of international law in supporting global cooperation amongst States to address shared challenges. The Commission is a critical institution in this regard and New Zealand has deep appreciation for the Commission's work on the progressive development and codification of international law.

For these reasons, New Zealand is proud to have nominated Dr Penelope Ridings for election to the ILC, for the term beginning in 2023. Dr Ridings is also co-nominated by the governments of Australia, Canada, and Sierra Leone, and we believe that she would make a valuable contribution to the future work of the Commission.

We acknowledge that due to the COVID-19 pandemic, the seventy-second session originally scheduled for 2020 had to be postponed, and we commend the Commission for holding the session earlier this year under challenging circumstances and for nevertheless producing a substantive report. We also thank the Secretariat for their hard work in making the session possible.

I will now turn to the substance of the report relating to the first cluster, beginning with Chapter Four on the Protection of the Atmosphere.

New Zealand expresses its deep appreciation to Special Rapporteur, Mr Shinya Murase, and the Drafting Committee for their excellent work on the draft preamble and guidelines on the protection of the

atmosphere. We consider that the rules of international law relating to the protection of the atmosphere and other relevant rules of international law should be identified, interpreted and applied in a coherent manner, to the extent possible. New Zealand welcomes the referral of the draft preamble and guidelines to the General Assembly to note in a resolution and ensure their widest possible dissemination.

We appreciate the emphasis that atmospheric pollution and atmospheric degradation are a common concern of humankind and that the utilization of the atmosphere should be undertaken in a sustainable manner, given it is a natural resource with a limited assimilation capacity. New Zealand supports the references in the preamble and the guidelines that special consideration should be given to persons and groups particularly vulnerable to atmospheric pollution and atmospheric degradation, including indigenous peoples, people of least developed countries and people of low-lying coastal areas and small island developing states affected by sea-level rise. The emphasis in guideline 3 on the importance of exercising due diligence in taking appropriate measures to prevent, reduce or control atmospheric pollution and atmospheric degradation is also helpful.

Turning to Chapter five, on Provisional Application of Treaties, New Zealand thanks Special Rapporteur, Mr Juan Manuel Gómez-Robledo and the Commission for their work in finalising the Guide to the Provisional Application of Treaties.

The Guide and Commentaries will be a valuable practical tool for States, supporting the development of consistent practice in this area. New Zealand also welcomes the detailed analysis in the Special Rapporteur's report on the crucial question of which rights and obligations arising from the entry into force of a treaty are triggered in the event of provisional application. In New Zealand's view,

provisional application is not, and cannot be used as a means of bypassing Parliamentary procedures. Retaining the flexibility of provisional application is key to managing the tension between bringing a treaty into force at the international level, and ensuring relevant domestic constitutional procedures are completed.

Thank you.