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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SEVENTY-SIXTH SESSION, AGENDA ITEM 82,
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS 72ND SESSION: PART I (A/76/10)
CHAPTERS I – III (INTRODUCTORY PARTS) and X (OTHER DECISIONS
AND CONCLUSIONS OF THE COMMISSION)
CHAPTER IV (PROTECTION OF THE ATMOSPHERE)
CHAPTER V (PROVISIONAL APPLICATION OF TREATIES)

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Madam Chair,

1. I would like to begin by congratulating Ambassador Mahmoud Hmoud on his election as Chair of the International Law Commission. The United Kingdom thanks Ambassador Hmoud for his expert chairing of the Session and his excellent and clear report to the Sixth Committee.
2. The United Kingdom wishes to express its thanks to all the members of the Commission for the valuable progress they have achieved this year across the Commission's current programme of work – including the completion of two topics - despite the restrictions imposed by the coronavirus pandemic. The United Kingdom is also particularly grateful to the Chair of the Drafting Committee, Ms Patricia Galvão Teles, for all her hard work during the session.
3. The United Kingdom commends and thanks the Codification Division of the Secretariat and its director, Mr Huw Llewellyn, for their consistently excellent work, including the additional efforts required this year to support the session's hybrid format.

Madam Chair,

4. Before addressing specific chapters in the Commission's report, I would like to recall briefly two key points from the United Kingdom's statement at the 74th session of this Committee in 2019. First, the importance of the Commission distinguishing clearly in its products between when it is codifying existing law and when it is suggesting the progressive development of the law, or new law. And, secondly, the need for greater engagement with States. The United Kingdom

welcomes the recognition of these issues and looks forward to further steps to take account of this.

Madam Chair,

5. Turning to Chapter X of the Commission's annual report concerning '**other decisions and conclusions of the Commission**', the United Kingdom notes the Commission's decision to recommend the inclusion of the topic 'Subsidiary means for the determination of rules of international law' in the long-term programme of work of the Commission. It thanks Mr Charles Jalloh for his preparation of the syllabus annexed to the Commission's report.
6. The United Kingdom welcomes the Commission's decision not to move any topics onto its **current programme of work** this year. The United Kingdom has previously expressed its concern at the speed at which important and wide ranging topics have been dealt with by the Commission. Particular account needs to be taken of the resources of States to engage with the work of the Commission.
7. In looking at topics to move onto to its current programme next year, it will be important for the Commission to proceed with caution and rigour both in the choice of topics and in ensuring that its products take into account the views and practice of States. The United Kingdom notes that the topic on the settlement of disputes to which international organisations are parties is one which potentially addresses an ongoing problem.

Madam Chair,

8. The United Kingdom is grateful to the Commission and to the Special Rapporteur, Mr Shinya Murase, for their hard work to conclude the topic '**Protection of the atmosphere**'. The work this year was sensitive to the concerns of States, and the United Kingdom welcomes the finalisation of the work with the adoption, on second and final reading, of a preamble and set of 12 draft guidelines, with commentaries.
9. The United Kingdom considers the draft guidelines to be a potentially useful contribution to the international law on protection of the atmosphere. It continues, however, to emphasise the significance of existing international obligations concerning protection of the environment that already address many of the issues concerning protection of the atmosphere.

Madam Chair,

10. I now turn to the topic of '**Provisional application of treaties**'. The United Kingdom is grateful to the Commission, and especially to the Special Rapporteur, Ambassador Juan Manuel Gómez Robledo, and the Drafting Committee for their work on this important set of guidelines. The United Kingdom welcomes the Commission's adoption on second reading of the 'Guide to Provisional Application of Treaties', including the draft guidelines, accompanying commentaries and a draft annex containing examples of provisions on provisional application.
11. The Commission is to be commended for giving due weight to the comments of States. Some important clarifications were introduced, both in the guidelines themselves and in the commentaries. Above all, in draft guideline 6 the Guide makes clear the legal effect of provisional application. The Guide to Practice seems likely to become a useful tool for all those who have to address questions on provisional application.

12. The United Kingdom strongly supports the recommendation before this Committee, especially in encouraging the widest possible dissemination of the guidance. A consistent approach from all countries and jurisdictions to provisional application will aid the negotiation and drafting of treaties, and promote a uniform approach. The United Kingdom, however, remains of the view that provisional application should not become a routine occurrence and should remain a tool used in a specific context.

Madam Chair,

13. In conclusion, the UK wishes to restate its strong support for the Commission and its vital work promoting the rule of law through the codification and progressive development of international law. The UK is pleased to have nominated - alongside Nigeria, Japan, Kenya and Slovenia – the world-renowned expert in public international law, Professor Dapo Akande, as our candidate for the Commission for the period 2023-2027.

Thank you, Madam Chair.