

77th Session of the Sixth Committee of the UN General Assembly

**Report of the International Law Commission (ILC) on the work of its
73rd Session (A/77/10)**

Cluster 1 (Chapters I -V and X)

Statement by

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Mr Chairperson,
Dear colleagues,
Ladies and gentlemen,

Since this is the first time that I am taking the floor, allow me to begin by congratulating you on your election as Chair of the Sixth Committee. I wish you and other members of the Bureau every success in your work.

I would also like to congratulate the International Law Commission (ILC) for its comprehensive, interesting and well-drafted Report prepared during its 73rd Session. I would like, in particular, to thank the Chair of the ILC, Mr Dire TLADI, for having presented the main trends of this Report earlier this week. I would also like to express my gratitude to Mr. TLADI for his participation at the 63rd meeting of the Council of Europe's *Committee of Legal Advisers on Public International Law* (CAHDI) held on 22-23 September in Bucharest (Romania), where he presented the work of the ILC and held an interesting exchange of views with CAHDI experts. We found the tradition of CAHDI inviting the ILC

Chair prior to the meetings of the Sixth Committee is an excellent way of cooperating with each other.

Chapter X (Other decisions and conclusions of the Commission)

Please allow me to make a few remarks in relation to **Chapter X** on “**Other decisions and conclusions of the Commission**”.

At the Council of Europe, we were pleased to note that the Commission decided, at the present session, to recommend the inclusion of the topic “**Non-legally binding international agreements**” in the long-term programme of work of the Commission. From our point of view this decision could not come any timelier. Following an Expert Workshop on “*The practice of States and international organisations regarding non-legally binding agreements*” organised in the framework of the German Chairmanship of the Committee of Ministers of the Council of Europe on the occasion of the 60th CAHDI meeting in March 2021, the CAHDI decided to follow-up on the topic as one of its new activities. A detailed questionnaire prepared by the German delegation, assisted by the Chair, Vice-Chair and the Secretariat, was approved by the CAHDI and submitted to delegations for their replies in March 2022. So far, we have received around 20 replies (more are awaited) to this questionnaire and are now turning to a first analysis. Depending on the outcome of this analysis the CAHDI will subsequently need to decide which form the final deliverable of the exercise will take, a glossary of terms, a model MoU or any other guidance tool. I am convinced that wherever the journey might take us, the outcome of the study could be of interest for the Commission once it turns to actively deal with the topic. We will be happy to keep you informed on the way forward struck by the CAHDI in this regard. The CAHDI is also working on a different but related subject topic, **the treaties not requiring parliamentary approval**.

Another topic that in the future will be common to the work programmes of the Commission, on the one hand, and the CAHDI, on the other hand, is the topic “**Settlement of international disputes to which international organizations are parties**” which the Commission decided to include in its programme of work. This topic has been on the agenda of the CAHDI since 2014. Here too the CAHDI entertains a questionnaire. The main trends of the replies to this questionnaire were analysed for the first time already in 2017 but we welcome new and updated replies on an ongoing basis. Moreover, in 2020, an additional working document on “*The settlement of disputes of a private character against international intergovernmental organisations: the experience of the Council of Europe and other Organisations*” was prepared following an initiative of the delegations of the Netherlands. Although the data gathered by the CAHDI is currently

still handled as confidential, the CAHDI can look back at years of experience of working on this topic and we would look forward to looking into ways of how this experience could be made available for the Commission as well.

Thank you very much for your attention.