General Assembly Seventy-sixth Session Sixth Committee 25 October 2021 Agenda item 82: Report of the International Law Commission on the work of its seventy-second session

Cluster I

Protection of the Atmosphere (Chap IV) Provisional Application of Treaties (Chap V) Other decisions and conclusions of the Commission (Chap X) Statement by Sweden on behalf of the Nordic countries

Mme./Mr. Chair,

I have the honour to speak on behalf of the five Nordic countries Denmark, Finland, Iceland, Norway and my own country Sweden.

The Nordic countries take note of all the requests for information contained in Chapter III

supporting the objective of the draft guideline, the Nordic countries believe that the term

Transboundary Aquifers draft Article 12, would have been a more relevant point of reference.

Assembly to, inter alia, take note in a resolution of the draft preamble and guidelines on the Protection of the Atmosphere, annex the draft guidelines to the resolution, and ensure their widest possible dissemination. We wish to reaffirm our appreciation for the work carried out by the Commission and the Special Rapporteur on the Protection of the Atmosphere. We are convinced that the guidelines will be a useful addition to international environmental law.

Mme./Mr. Chair,

Regarding the topic of Provisional Application of Treaties, the Nordic countries are very pleased with progress mad

Provisional Application of Treaties, including the draft guidelines, the commentaries thereto and a draft annex containing examples of provisions on provisional application. The Nordic countries have continuously supported the efforts of the Special Rapporteur and the Commission on this subject. We believe that the work of the Commission on this topic is of significant practical importance.

The Nordic countries commend the guide and its commentaries as well as the efforts of the International Law Commission in compiling the practice of States and international organizations in the provisional application of treaties. The material altogether offer great and valuable practical assistance when formulating final provisions of treaties.

provisional application, including the reference to Article 24 of the Vienna Convention on the Law of Treaties in the commentary to draft guidelines 3 and 5. We are of the view that the issue of provisional application arises from the time of the adoption of the text of the treaty. This provides the legal basis for the provisional application.

The Nordic Countries commend the final formulation of guideline 4 as it confirms that, in

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agreement on provisional application. According to the commentary, the draft guideline retains a certain degree of flexibility to allow for other modes of acceptance on the condition that such acceptance is express. The Nordic Countries also support the view

refer to the legal regime concerning unilateral declarations of States, which does not deal with the provisional application of treaties.

The Nordic countries also commend the Commission on its work on the use of reservations vis-à-vis provisional application in draft guideline 7. While, recognising the