

s 1,2 & 3"

Delivered November 3rd, 2020

My delegation expresses its appreciation for the

during the COVID-19 pandemic is remarkable considering the challenges it has faced in doing so. The S invaluable role in preparing for the Commission's work, conducting the meetings technical and logistical arrangements, and providing the necessary support for members is commendable

The ILC managed to adopt two second readings and achieve significant progress on four other topics on its agenda and, if it weren't for the health and safety restrictions in place during the session, a first reading on the topic immunity of State
o

If you allow me Madam Chair to outline Jordan's position on the various topics and issues raised in the ILC report.

to thank the Special Rapporteur Mr. Juan Manuel Gómez Robledo for his work on the topic and the adoption by the Commission of the Guide to Provisional Application .

The draft guidelines are based on article 25 of the Vienna Convention on the Law of Treaties. However, the lack of established and consistent practice has made the work on this topic challenging. Nonetheless, the guide and its commentaries provide a useful tool for states, international organizations, and practitioners to understand its scope and harmonize the relevant practice to the furthest extent possible. The guide is more in the realm of progressive development and contains the necessary flexibility for implementation and formulation of clauses related to provisional application.

There are draft guidelines that follow *mutatis mutandis* those provisions contained in the Vienna Convention on the Law of Treaties concerning the entry into force of a treaty. It is, therefore, important for states to pay special attention to such guidelines in the context of developing practice.

In this regard, more discussion should be undertaken on the legal effects of provisional application, reservations, resolutions of international organizations as forms of agreements, and the interaction between the internal law of states, rules of international organizations and the provisional application regime.

On immunity of state officials from foreign criminal jurisdiction, Jordan expresses its support for the work of the
IL

In this context, we welcome the proposal by the Special Rapporteur for a dispute settlement mechanism in draft article 17. It should be binding and have a suspensive effect; although we would prefer that the suspension would occur as a result of invocation of immunity and for a specific period of time.

On the relationship with the international criminal

the integrity of the 1982 United Nations Convention on the Law of the Sea. Any outcome in this regard should take into account legal certainty, equity and stability; and balance the legitimate interests of all relevant states and the international community as a whole. Furthermore, the rules on interpretation under the Vienna Convention should be applied in good faith and in light of the objects and purposes of the UNCLOS to arrive to the necessary conclusions as regards to baselines, maritime zones and entitlements

Jordan also looks forward to receiving the second issues paper on statehood and human rights from the Study Group to be co-c

in providing the necessary understanding of such related elements through a set of conclusions.

Recognition is a requirement in article 38 (1) (c) and we agree with the language used in draft conclusion 2, i.e. recognition by the community of nations. We do not view after all this Organization is called the United Nations! And goes and purpose of article 38 (1)(c).

We encourage the ILC to have an in-depth analysis of the requirement of recognition of general principles of law derived from the national legal systems and the meaning of transposition to the international legal system. A rule in national law should be *capable of being transposed* and we view the issue of compatibility with fundamental principles of international law as irrelevant and problematic.

Jordan also expresses its doubt regarding the category of general principles of law formed within the international legal system. National and international courts and tribunals have been using terms such as principles of international law or general principles of international law to describe customary international law, and this has contributed to the confusion that there exist general principles of law formed within the international legal system. Such a category is only supported by limited literature which promotes such a view based on deduction, not practice or acceptance of this category by states. The ILC should exercise caution in this regard.

