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68TH SESSION OF THE UN GENERAL ASSEMBLY
SIXTH COMMITTEE
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STATEMENT BY H.E. MR. OCH OD,
PERMANENT REPRESENTATIVE OF MONGOLIA TO THE UNITED NATIONS
ON AGENDA ITEM 81 – REPORT OF THE INTERNATIONAL LAW COMMISSION ON
THE WORK OF ITS SIXTY-THIRD AND SIXTY-FIFTH SESSIONS
(ILC 65th session Report: Chapter I-III (Introduction, Summary of the work of the
Commission at its 65th session, specific issues on which comments would be of
particular interest to the Commission), Chapter IV (Subsequent agreements and
subsequent practice in relation to the interpretation of treaties), Chapter V
(Immunity of State officials from foreign criminal jurisdiction), Chapter XII (Other
decisions and conclusions of the Commission))

Mr. Chairman,

My delegation wishes to thank the International Law Commission for preparation and presentation of its report. Mongolia commends the work done by the International Law Commission to promote the progressive development of international law and its codification as stated in the Charter of the United Nations.

We appreciate the tremendous achievements of the Commission in the light of the wider range of complex legal issues to deal with in the modern world. We also welcome the efforts and dedication of the relevant working groups and special rapporteurs to prepare draft conclusions, articles and conventions on subjects which have not yet been regulated by international law. Recommendations of the Commission have had notable impact on the legal affairs of the states with successful application of draft articles in practice by national

and international courts on numerous important issues. This is testimony of the achievement of the Commission that served the purpose and the principle of the United Nations of settlement of international disputes by peaceful means.

Codification of international law through systematization of the states' practice, precedent and doctrine with the variety of legal systems across the world is a formidably challenging task what has been demonstrated by the Commission's work over the past sixty-five years. Mongolia observes with interest the activities of the International Law Commission.

Mr. Chairman,

With regard to the "*Subsequent agreements and subsequent practice in relation to the interpretation of treaties*", Mongolia commends the hard work done by the Commission, particularly the Special Rapporteur, on the preparation of the draft conclusions. We note the flexibility of international courts and tribunals in interpreting treaty terms or provisions in light of subsequent practice . We believe that the draft articles with further study on specific points should contribute to the application of the relevant provisions of the Vienna Convention on the Law of Treaties providing a useful guide to treaty interpretation. At the same time we are of the view that the draft conclusions must not deviate from the general rules of the Convention.

Mongolia thanks the Commission for submitting the draft articles on the "*Immunity of State officials from foreign criminal jurisdiction*". Given the importance and complexity of the topic, including the scope of immunity *ratione personae*, definition of foreign criminal jurisdiction, nature of the acts of state officials, gravity of crimes, we support a careful and thorough approach to the discussions on the topic taking into account the purpose of the fight against impunity and the principle of universal jurisdiction.

While noting the progress made by the Commission on the above topics along with other important topics, my delegation supports inclusion of the new topic "Crimes against humanity" to the Commission's long-term programme of work.

Mr. Chairman,

Mongolia emphasizes the significant role of the International Law Commission in the system of the United Nations and underlines the importance of the active interaction and dialogue between the Sixth Committee and the Commission. My delegation welcomes efforts to improve the working methods of the Commission and to ensure its effective collaboration with other relevant organs of the United Nations and cooperation with Member States as well as international, regional and national institutions. Mongolia values the contribution of the Commission in the improvement of the knowledge and capacity of Member States through traditional organization of the Geneva "International Law Seminar" and publication of the "Yearbook of the International Law Commission".

My delegation would like to emphasize our Government's support to the work of the Commission. We wish the Commission to continue its work on the topics included in its current programme. In this context, I would like to convey the readiness of the Government of Mongolia to increased collaboration with the Commission which would aid it in the ongoing studies, particularly with respect to the topics of relevance to Mongolia and the specific issues of particular interest to the Commission, and active cooperation with Member States for progressive development of the international law.

I thank you.