

# Algeria



# الجزائر

Permanent Mission of Algeria  
to the United Nations  
New York

بعثة الجزائر الدائمة  
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## **71<sup>th</sup> Session of the United Nations General Assembly**

**Statement by**

**Mr. Mehdi REMAOUN**

**First Secretary**

**to**

**The Sixth Committee on the “Report of the International Law Commission on the  
work of its sixty eight session”**

**Cluster I**

***[Agenda item 78]***

Trusteeship Council Chamber, 26<sup>th</sup> October 2016

**Distinguished delegates,**

I would like to express Algeria's appreciation to the International Law Commission (ILC) members for their work, as well as the Chairman of the Commission, Mr. Pedro Comissário Afonso from Mozambique, for the presentation he made on the first cluster of the work of the ILC's 68<sup>th</sup> session.

My comments will focus, in this cluster, on chapters IV, V and VIII of the report of the Commission, addressing respectively the "Protection of persons in the event of disasters", the "Identification of customary international law" and the "Protection of the atmosphere".

**Regarding Chapter IV on "Protection of persons in the event of disasters":**

My delegation would like to commend the efforts of the Special Rapporteur, Mr. Eduardo Valencia-Ospina, for the outstanding contribution he has made to the preparation of the draft articles on this topic.

Algeria takes note of the recommendation to the General Assembly to elaborate a convention on the basis of the draft articles on the protection of persons in the event of disasters. My delegation is open to examine, with the other Members States, the appropriate follow-up to this ILC's draft articles.

**Concerning Chapter V, dealing with "Identification of customary international law":**

We would like to thank the Special Rapporteur, Sir Michael Wood, for its contribution to the work on this topic.

We will limit our comment to the Draft conclusion 12, in relation to "the role that resolutions adopted by international organizations or at intergovernmental conferences may play in the determination of rules of customary international law".

In this respect, we would like to highlight the unique character of the United Nations General Assembly, a plenary organ of near universal participation, which we reaffirm provides legitimate and authoritative sources of international law.

Therefore, we consider that not only a special attention is to be paid to resolutions of the General Assembly, as indicated in Draft conclusion 12 commentary, but also a distinct further consideration should be given to this organ in the context of resolutions of international organizations and intergovernmental conferences.

**About Chapter VIII, on the "Protection of the atmosphere":**

My delegation reiterates its interest to this topic. In this regard, we would like to express our appreciation to the Special Rapporteur, Mr. Shinya Murase, for the third report (A/CN.4/692) under this item.

On the Preamble, we appreciate the addition of the fourth preambular paragraph concerning the special situation and needs of developing countries. The notion of equity is now consequently taken into account.

Furthermore, we note that some other paragraphs may be added in the Preamble and the order of paragraphs may be coordinated at a later stage. In this perspective, we would like to suggest the insertion of recognition of the atmosphere as Common heritage of humankind. It should be recognized as such for the simple reason that the atmosphere is a global commons. On the other hand, we would like to suggest the addition of a historical context, specifying that the largest share of current global pollutant emissions has originated in developed countries.

Regarding guideline 8 (previously guideline 5), as last year, we continue to believe that the two proposed paragraphs do not address all the aspects of international cooperation.

Accordingly, we should fully cover the meaning arising from the concept of “cooperation”, which implies the notion of assistance, including technology transfer.

In this connection, it should be borne in mind the different levels of development between developed and developing countries.

Moreover, cooperation should operate in accordance with the common but differentiated States responsibilities and respective capabilities and their social and economic conditions.

Having said that, these proposals could be captured under “Principles guiding interrelationships with other fields of international law”, sub-topic intended to be addressed by the Special Rapporteur in 2018, according to his plan of work.

**In conclusion**, I would like to recall that Algeria presented the candidacy of Mr. Ahmed Laraba for a second term mandate during the ILC next election. We would like therefore to thank in advance those delegations that plan to vote for him.

**I thank you.**