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**Report of the International Law Commission on the
work of its 70th session**

Statement by

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Mr. Chairperson,

I would like to begin by thanking the Chairperson of the International Law Commission, Mr. Eduardo Valencia-Ospina, for his report to the Sixth Committee and to all of the members of the Commission for their valuable work accomplished during this year's session.

First of all, on behalf of the Republic of Bulgaria, I would like to extend my warmest congratulations to the International Law Commission and its current and former members on the occasion of the Commission's 70th anniversary. During the past seven decades, the Commission has had a central role in the progressive development and codification of International Law. The 1961 Convention on Diplomatic Relations, the 1969 Vienna Convention on the Law of Treaties, the Rome Statute of the International Criminal Court and the articles on the responsibility of States for internationally wrongful acts are some of the highlights in the work of the Commission during the years. It wouldn't be an overstatement to say that without the work of the International Law Commission contemporary International Law wouldn't be as developed and as codified. I sincerely hope that the Commission will continue its excellent work in the future and that more fundamental multilateral treaties will be based on it.

On the subject of the annual report of the Commission, today I would like to address two topics: "Subsequent agreements and subsequent practice in relation to the interpretation of treaties" and "Identification of customary international law", starting with **"Subsequent agreements and subsequent practice in relation to the interpretation of treaties"**.

I would like to express our deepest appreciation to the Special Rapporteur, Prof. Georg Nolte, for his fifth report, as well as to the Commission for the adoption, on second reading, of a set of 13 draft conclusions together with their commentaries.

It is our understanding that the 13 draft conclusions, which are based on articles 31 and 32 of the Vienna Convention on the Law of Treaties and on the in-depth analysis of the relevant case law and State practice, will provide helpful guidance and assistance to States, international

organizations and courts, both domestic and international, when interpreting international treaties.

We welcome the special focus given on specific cases of subsequent agreement and practice, namely the role of the decisions adopted within the framework of the conferences of State parties to international treaties, the practice of international organizations in the application of their constituent instruments and the pronouncements of expert treaty bodies.

We especially welcome draft conclusion 2, which acknowledges the role of articles 31 and 32 of the Vienna Convention on the Law of Treaties as part of customary international law. In our view, the draft conclusion will clear any misunderstanding regarding the applicability of the two articles.

It is our view that the draft conclusions and especially their commentaries will provide much needed guidance to legal practitioners when faced with interpreting the provisions of international treaties, and in this regard, they will contribute to the increase of confidence and certainty among States when faced with the task of treaty interpretation.

Turning now to the topic of **“Identification of Customary international Law”**, Bulgaria welcomes the adoption by the Commission of the 16 draft conclusions together with their commentaries on second reading. In addition, we would like to express our deep appreciation for the work done on this topic by the Special Rapporteur, Sir. Michael Wood, especially for his comprehensive fifth report.

We welcome the Commission’s balanced approach in the elaboration of the draft articles and their commentaries taking into account both universally recognized principles and methods such as the “two-element approach”- general practice and acceptance as law (*opinio juris*), and drawing conclusions with respect to specific instances requiring special attention.

Despite the complex theoretical issues and scholarly debates associated with this topic, we acknowledge the careful and considerate approach followed by the Commission in the elaboration of the draft conclusions and their commentaries, which aims to prevent the premature identification of

norms of customary international law by examining a broad range of evidence.

We especially welcome draft conclusion 11 which takes a close look at the relationship and interplay between treaties and customary international law drawing several well founded conclusions on the mutual influence and interaction between the two.

It is our understanding that the draft conclusions and their commentaries will be a valuable and useful tool for all legal practitioners when faced with the difficult task of identifying specific instances of customary international law.

Mr. Chairman,

In conclusion, we would like to express our continued support for the work of the International Law Commission.

Thank you for your attention!