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UNITED STATES MISSION TO THE UNITED NATIONS

Statement by the United States of America
Mary McLeod, Acting Legal Adviser
United States Department of State
69th General Assembly Sixth Committee
Agenda Item 78-October 27-29, 2014
Report of the International Law Commission on the Work of its 66th Session

Expulsion of Aliens, Protection of Persons in the Event of Disasters, and Other Decisions
and Conclusions of the Commission (Crimes Against Humanity and Jus Cogens)

Mr. Chairman, I would like to thank the chairman of the Commission, Mr. Kirill Gevorgian, for
his introduction of the Commission's report. I would also like to congratulate the Commission
for Mrg61.5(Gevo34 36.64 Tm (li 11.5 0 0 11.satulate) Tj 0.0173 Tc Tj 0.0277 Tc 11. 7.947800 0 11.47800 0.57

for his

Even with this characterization, however, we continue to have significant concerns about several of the draft articles in their final form, and maintain our view that the draft articles, even as an aspirational document, do not overall

insufficient practice that existed on the topic. We believe the time is still not yet ripe for the Commission to address this topic.

The Commission is currently working on two topics that address key sources of international law
- subsequent agreements and subsequent practice in relation to the interpretation of treaties, and the identification of customary international law. These sources implicate many issues that would also be relevant to consideration ofjus cogens. For example, the Commission is currently considering whether and how silence by a treaty party may constitute practice for purposes of establishing acceptance of an interpretation of a treaty. Likewise, the Commission is currently considering what actions constitute practice for the purposes of customary international law, how to describe the rule that such practice must be "general," whether any particular duration of practice is required to form a customary rule, and the relationship between practice and