

of the United Nations General Assembly

On agenda item 81

“Expulsion of aliens”

New York, 2 November 2023

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Mr. Chairman,

“Expulsion of aliens” is a significant topic of international law that is simultaneously concerned with the sovereign prerogative of States and the human rights obligations of States towards non-nationals in their territories.

My delegation reiterates its position which was previously presented in the final work of the Commission at the 72nd session of the General Assembly

My delegation considers it premature to convene a diplomatic conference on the elaboration of a convention and for that we express the following

First, the sensitivity and significance of the matter under consideration requires that the provisions of the draft Convention be based on *lex lata* rather than *lex ferenda*. However, the Commission has gone beyond customary and treaty law in codifying the draft articles and has engaged in the progressive development of international law in which State practice remains limited.

Second, legally speaking, a State not only has the right to expel aliens on its territory who pose a threat to its national security or public order but also the right to determine the components of those two concepts in its national laws or regulations. It is therefore unnecessary to draw up an exhaustive list of grounds

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