MISSION OF

BRAZIL
UNITED NATIONS
NEW YORK

United Nations General Assembly I Sixth Committee (item 78) Report of the International Law Commission - Cluster 1
25 October 2016

(check against delivery)
Mr. Chairman,

Brazil aligns itself with the statement delivered yesterday by the Dominican Republic on behalf of the Community of Latin American and Caribbean States (OELAC). I will now deliver some remarks from a national perspective regarding the first cluster of the debate.

As we approach the end of a quinquennium, allow me to take this opportunity to thank all members of the International Law Commission for their contribution to the codification and progressive development of International Law, as well as for the report on its 68th Session.

As stressed by CELAC, the contribution of Member States is critical to the work of Commission. In this regard, Brazil welcomes the recommendation of the Commission that the first part of its seventieth session, in 2018, be held in the UN headquarters in New York. When implemented, this measure will create improved conditions for enhancing the interaction of Governments with the Commission, through early engagement of delegates to the Sixth Committee

Convinced of the centrality of human dignity in international law, Brazil was particularly pleased with the recognition of this concept through a stand-alone article. My delegation agrees with the approach of the Commission on the relationship of a possible convention to other norms of international law, recognizing the precedence of international humanitarian law in case of armed conflict and not precluding development of customary international law in this field.

Mr. Chairman,

With regard to the topic "identification of customary international law", my delegation notes the completion of the first reading of the draft conclusions and expresses its appreciation for the recently circulated survey regarding ways and means for making the evidence of customary international law more readily available. Regarding the question of "persistent objection", Brazil stresses that the commentaries to Draft Conclusion 15 clarify that it is without prejudice to any issues of jus cogens.

With respect to the topic "subsequent agreements and subsequent practice in relation to the interpretation of treaties", Brazil took note of the discussions held in the Commission regarding the legal significance of pronouncements of expert bodies for the purpose of interpretation and as forms of practice under