

STATEMENT BY MR. YUSUKE NAKAYAMA  
REPRESENTATIVE OF JAPAN  
AT THE MEETING OF THE SIXTH COMMITTEE  
ON THE REPORT OF THE INTERNATIONAL LAW COMMISSION  
ON THE WORK OF ITS SEVENTIETH SESSION (CLUSTER ONE)

Introduction Parts/Commemoration and Other Decisions

Thank you, Mr. Chairman.

At the outset, the delegation of Japan would like to extend its

Sixth Committee. Our agenda includes several important subjects this year, and the Report of the International Law Commission raises significant points for consideration. We assure you of Japan's full support and active contribution to the discussions.

We are gratified by the successful ILC sessions and all the commemorative sessions that have taken place both in New York and Geneva

As Article 13 of the UN Charter stipulates, the General Assembly is mandated to encourage the progressive development of international law and its codification, which is a foundation of the role of the Sixth Committee and the ILC. Indeed, for the past seven decades, these two organs have played major roles in

Regarding one of the topics newly incorporated in the long term

programme of work, several countries have supported the topic "Sea-level rise in relation to international law" to be undertaken by the Commission. Japan is of the view that careful consideration on this topic may respond to the needs of Member States and contribute to broader interaction between the Commission and Member States.

In this connection, with regard to Draft Conclusion 11, "Decisions adopted within the framework of a Conference of States Parties" paragraph 2 is

"subsequent agreement" or "subsequent practice" within the meaning of paragraph 3 (a) and (b) of Article 21 only insofar as it overcomes "agreement in

In conclusion, Japan would like to reiterate its appreciation to the Special Rapporteur and the Commission for the adoption of the draft conclusions

## Identification of customary international law

Mr. Chairman,

Now, I would like to address the topic of "Identification of customary international law". The delegation of Japan commends the Special Rapporteur, Sir Michael Wood, for his fifth report and also congratulates the Special Rapporteur and the Commission on the adoption of the draft conclusions on the second reading.

Japan highly values the draft conclusions adopted by the Commission and believes that they serve as a practical guide for the identification of rules of customary international law. Japan also commends the Secretariat for its work on elaborating the memorandum on ways and means for making the evidence of customary international law more readily available, although Japan notices a certain regional imbalance on materials collected by the Secretariat. Japan hopes that these valuable materials for the identification of customary international law will be updated in the future.

Japan understands that some members of the Commission expressed their views again on the rule of the persistent objector on the second reading. As the delegation of Japan pointed out in the Sixth Committee in 2016, this rule is a controversial theory as substantial questions are not clearly answered yet

In any event, Japan would like to reiterate its appreciation to the Special Rapporteur and to the Commission for the adoption of the draft

conclusions. We look forward to the Commission's conclusions on these topics in the

General Assembly.