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Mr/Mrs Chairperson,

Allow me to first thank the Chairperson of the International Law Commission and the Commission for the presentation of this year's report and to express Estonia's appreciation for the valuable work accomplished by the Commission!

Mr/Mrs Chairperson,

Estonia would like to congratulate ILC for finally in their work and adopt draft articles on " # accompanied with commentaries!

Estonia has supported the work of ILC in the field of crimes against humanity from the inclusion of the topic in the ILC's work programme and more actively during the last years! Estonia highly values the work of Special Rapporteur Mr Sean & Murphy

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paragraph 5 of the Commentary! It captures the suggestions made in 3<75 that it should further consider customary international law as main basis for jus cogens norms to emerge! However, Estonia finds that the suggestions regarding the issue that the elements required for the development of customary international law – state practice and opinio juris – cannot give rise to a norm in accordance with jus cogens has not been addressed in the Commentary!

As it was suggested in 3<75 that further clarification is required between obligations erga omnes and its relation to jus cogens norms, Estonia supports the analysis provided in paragraph 3 and 9 of the Commentary to the Draft Conclusion 7;! It offers a clear distinction between the fact that all jus cogens norms give rise to obligations erga omnes, however not all obligations erga omnes have jus cogens nature!

Estonia supports the Draft Conclusion 37 and that it has been brought in accordance with Articles 4> and 4; of the 1978 Vienna Convention! However, Estonia suggests to approach this question somewhat cautiously because as the paragraph 6 of the Commentary to the Draft Conclusion explains – it aims to find a balance between not imposing treaty rules on States that are not bound by such rules and taking into account the need to avoid unilateral invalidation of rules!

Estonia welcomes the extensive work reflected in the non-exhaustive list of Draft Conclusion 39 and the added Annex! Estonia believes that such analysis is vital for further discussions on jus cogens and for further evaluation on how international law is developing!

Mr/Mrs Chairperson,

At the present session, the Commission decided to include the topics

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in the long-term programme of work! Estonia is supportive of this decision, as these topics are of great interest and value and serve well the criteria for the selection of the topics as presented in the presentation papers!

(Thank you for your attention!)