

Sixth Committee
77th Session of the General Assembly

Agenda item n. 78 Report of the International Law Commission

First Cluster

Statement of Italy

Delivered by Mr Stefano Zanini

Mr. Chairman/Madame Chair

In our intervention iiiiiiiniiniini

Commission to the understanding of such a complex topic, however, we would have preferred further clarification on the concept of ³ H Y L G and, more specifically, on the individual assertions by States, as mentioned in the commentary, that a norm is accepted and recognized as one from which no derogation is permitted.

As far as Conclusion 8 is concerned, Italy welcomes the inclusion of the constitutional provisions among the forms of evidence of acceptance and recognition listed under the conclusion in question. However, generally speaking, the commentary could have made a more remarkable reference to the constitutional provisions as interpreted and applied by the jurisprudence of constitutional courts. Such an approach would have had the advantage to take proper consideration the practice of different legal systems and the fundamental principles enshrined in the Constitution of various nations.

In addressing Part Four and, more specifically, Conclusion 22 and Conclusion 23, we partly appreciate the reasons behind the decision to elaborate a non-exhaustive list, given the possible future development in the recognition and assertion of forms of

Concerning draft Principle 13, we would have seen with favour the elaboration in the Commentary of useful parameters and concrete examples that could have helped specify the definition of widespread, long term and severe damage.

As to Part Three, regarding the principles applicable during armed conflicts, with respect to Principle 14, Italy particularly appreciates the application of the cardinal principles of humanitarian law with reference to the protection of environment. Regarding in particular the principle of precautions, Italy is of the view that the latter should be interpreted in such a way so as to ensure compliance with both the principle of prevention and the precautionary principle, which are at the core of international environmental law.