

United Nations General Assembly | Sixth Committee
Report of the International Law Commission (Cluster 1)
25 October 2022, Trusteeship Council

to commend Mr. Dire Tladi for introducing the report to the 6th Committee.

Before addressing the first cluster of the report, Brazil wishes to highlight its appreciation to all members of the Commission for their efforts to make progress in several complex topics during challenging times, in hybrid format meetings. Brazil congratulates the ILC members for their efforts to strengthen the international legal system and to promote the codification and progressive development of international law. I would also like to recognize the valuable work of the Codification Division of the United Nations Office of Legal Affairs in supporting the ILC in performing its functions.

We hope that the ILC continues to update its working methods, with a focus on the relationship with the Sixth Committee. A fluid and constructive relationship between both

Lehto, for the valuable contribution in preparing the draft principles, and also recognize the contribution of previous Special Rapporteur, Ms. Marie Jacobsson.

In the Brazilian perspective, the draft principles concern the international law of armed conflicts (*jus in bello*), not being directly applicable to the law on the use force (*jus ad bellum*). We welcome the non-binding recommendations made by the ILC, such as those contained in principles 4, 6 and 8. My delegation also welcomes draft principle 13, regarding the general protection of the environment during armed conflicts, and principle 15, prohibiting reprisals against the environment. We also reaffirm the need to apply the principles of distinction, proportionality and precaution to the environment, according to principle 14, as well as the prohibition of the looting of natural resources, as established in principle 16. We also welcome the inclusion of the Martens clause, in principle 12.

At the same time, Brazil would like to reiterate the non-binding nature of the draft conclusions. The draft should neither create new norms of international law nor change current international humanitarian law. In this context, the legally binding language that was preserved in several provisions of the draft could only reflect international obligations to the exact extent of the provisions of binding instruments, such as treaties, and only for States parties to those obligations.

Finally, the Brazilian delegation supports the recommendations that the conclusions be annexed to a resolution, and that they be commended to the attention of States.

Mr. Chair,

On Chapter X (Other decisions), Brazil welcomes to include program of work and to appoint Mr. Charles Jalloh as Special Rapporteur. Brazil believes this work might offer guidance on the interpretation of Article 38 (1)(d) of the ICJ Statute. We hope it will enhance the clarity and predictability of international law, while taking due regard to the contributions of all regions of the world to its development.

-legally binding international
-term program of work of the Commission. Finally, among the topics that were already inscribed in the long-term program of work, Brazil would favor that th

I thank you.