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Delegation of the Republic of Korea to the United Nations
Report of the International Law Commission on the work of the seventy-third session (Agenda
77)
Sixth Committee, 77th session of UNGA
New York

Peremptory norms of general international law

Mr. Chairman,

On behalf of the delegation of the Republic of Korea, I would like to welcome the adoption of the second reading text on *jus cogens* consisting of 23 draft conclusions, annexes and related commentaries. In particular, our deep gratitude goes to the Special Rapporteur and Chairperson of this year's session of the ILC, Mr. Dire Tladi, who has contributed to the success in this subject, as well as all the members of the Commission.

It can no longer be denied that, in the 21st century, *jus cogens* exists in the international community, as in all national legal systems. My delegation believes that the scope of this subject should be extended to cover not only the law of treaties but also State responsibility, relationship between sources of international law and other areas of international law.

My delegation takes note that the Commission decided in its 73rd session to change the title to *jus cogens* change

been add is change is intended to raise the
threshold for identifying *jus cogens* or merely to encompass regions, legal systems and cultures.
Another example is that, in draft conclusion 19, seems
unclear, although the term comes from para.2 of A

Spain, Nordic countries, Belgium and Spain), while other States insist on using the narrower
Earlier on, we suggested using
so as not to cause any uncertainty in the meaning and the *ratione materiae* of these draft Principles. My delegation still considers
environment should be used since it is consistent with existing international humanitarian law, particularly with respect to draft Principles in Part Three. By omitting natural and using
-alone term, my delegation believes that these Principles have been turned into to *lex ferenda* from *lex lata*.

The draft Principles contain provisions of different normative value, some of which can be seen to reflect customary international law, while others have a more recommendatory nature. The
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form of draft principles, the work of the ILC may provide appropriate guidance to States and relevant actors in practice and contribute to the progressive development of international law.

My delegation supports the recommendation made by the Commission to the General Assembly and also supports commending the draft principles to not only States but also to international organizations and all those who may be called upon to deal with these subjects.

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