United Kingdom Mission
to the United Nations

One Dag Hammarskjold Plaza

Chair,

1.

3. The United Kingdom commends and thanks the Codification Division of the Secretariat and its Director,

codifying international law and when it is proposing the progressive development of the law, or new law. And secondly, the need for greater engagement with States, both in considering new topics, and taking account of their comments on   . This includes taking into account   resources for engaging with the Commission   . The United Kingdom welcomes the   recognition of the importance of these issues and looks forward to further progress in these areas.

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Chair,

6. Turning to Chapter X of the Commiss

concerning

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Non-legally binding international agreements

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Chair,

8. **Peremptory norms of general international law (jus cogens)** . The United Kingdom is grateful to the Commission and to the Special Rapporteur, Mr Dire Tladi, for their hard work to conclude this topic.

9. The United Kingdom has urged the Commission to approach this important and complex topic with caution. F   ding of the draft conclusions, the United Kingdom emphasised the importance of ensuring that   views and concerns were taken into account on second reading.

10.   The draft conclusions and annex, together with commentaries, adopted on second and final reading by the Commission, should be of some assistance in ensuring that States and courts are appropriately

rigorous when faced with questions of *jus cogens*. But they do not in all respects reflect current law or practice. Given their potentially far-reaching consequences, the United Kingdom considers it essential that the draft conclusions are taken forward alongside the views of States, including as expressed here in the Sixth Committee, and that courts and practitioners are clearly informed of such views when considering the draft status.

11.   As set out in   written observations on the draft conclusions adopted at first reading, the persistent objection of certain States, and particularly those which are specifically affected, to a rule of customary international law while that rule is in the process of formation, is relevant to whether it is possible to conclude that the rule has been accepted and recognised by the international community of States as a whole as having a peremptory character. The United Kingdom also remains doubtful that there is sufficient State practice to support the proposition in paragraph 3

of draft conclusion 14 that the persistent objector rule does not apply to peremptory norms of general international law.

12.   With respect to draft conclusion 16, the United Kingdom welcomes the clarification in the commentaries that the procedural rules in draft conclusion 21 are *particularly important in relation to resolutions of the United Nations adopted under Chapter VII of the Charter of the United Nations* remain of the view that there is insufficient practice to support the position that a State can refuse to comply with a binding UN Security Council Resolution on the basis that it is in breach of a *jus cogens*

conduct cited in the commentaries to this draft conclusion evidences a legal duty to cooperate.

14.   With regard to draft conclusion 23 and the annex thereto, the United Kingdom had previously expressed *non-exhaustive list* having the status of peremptory norms. The United Kingdom is particularly concerned that   as the Commission itself acknowledges   in compiling   *it did not apply the methodology* out in its own draft conclusions for the identification of such norms. The United Kingdom has previously made clear, referring in particular to the inclusion of the right to self-determination, that it does not consider that all the norms listed clearly fulfil the relevant criteria.

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Chair,

15. **Protection of the environment in , the United Kingdom**

17.	The United Kingdom welcomes the commentaries

confirmation that, where the draft principles

does not align with international humanitarian law (for

example, the