(3 October - 18 November 2022)

CLUSTER I

³Peremptory norms of general international law (jus cogens)

MadameChair,

previous VWDWHPHQWV: LWKLQ WKH FRQW Mhatilwallsoft dbjewt teach o VDLG of KLHUDV UX ISKHDUOLRULW\ EHWZHHQ WKH QRUPV ZKLFK LV DFW with an authority to determine and enact as such.

MadameChair,

Before moving forward, we would like to comment on two points in the fifth report of the Special Rapporteur Mr. Dire Tladi.

, Q WKH UHSRUW ZKLOH DGGUHVVLQJ D FRPPHQW RQ in draft conclusion 17, it was asserted that WKH &RQYHQWLRQ DV VXFK GR bindingeffect on nonSDUWLHV´: H ZRXOG OLNH WR FODULI\ WKDW 39LHQ&QQYHQWLRQ RQ WKH /DZ RI 7UHDWLHV´ DQG LW GR 7•UNL\H

As for the VHFRQG SRLQW WKH UHSRUW UHIHUV WR 7 • UNL

6 L [W K D V U H J D U G V W K H D V V H U W L R Q V W K D W ³ > W @ K I S H U H P S W R U \ Q R U P V R I J H Q H U D O L Q W H U Q D W L R Q W 60 O D Z N object to contestations of the Commission as they are devoid of any state practice and maintain that the persistent objection of certain States to a rule of customary international law, particularly the persistent objection of a State which is specially cast by that rule, have to be taken intraccount while determining whether the rule has been accepted and recognised by the international FRPPXQLW\ RI 6 W D W H V D V D Z K R O H D V ³ S H U H P S V O D Z [']

Seventh, as regards draft conodurall9, we observe that the Commission reliablong RWKHU WKLQJV RQ WKH ³ GUDIW DUWLFOHV RQ UHVSRQVL to which states have not conferred legal status and customary status of which is debated. Moreover, as far as we understand, the resolutions, which were relied on by the Commission in support of its arguments in draft conclusion 19, were introduced as references during the deliberations of the Committee on the second reading without the scrutiny of states and both concerned on three thod of the introduction and the inferences made particularly from the Security Council resolution 541 (1983) of 18 November 1983, which in fact do not mention DQ\WKLQJ DFRRIMOVV3MRXAWed\betach\theorem{VhR}{Ercof}. We aske the concerns that the Commission has a specificandate in relation to international law and should be impartial.

/DVW EXW QRW OHDVW ZH DOVR PDLQW Dexhausfrox U VHUL list RI QRUPV DWWDFKHG WebughGtbleDCoMmmFsshoQ FtsQlfKsylateR Qn Vthe \$OWK commentarythat identification of specific norms that have a peremptory character falls beyond the scope of the present draft conclusions, the Commission nevertheless has decided to include in an annex a nonexhausetilist of norms previously referred to by the Commission as having peremptory character.

Protection of the environment in relation to armed conflicts

MadameChair,

We thank Special Rapporteur Ms. Marja Lehto for her reports and appreciate the deliberationsKHOG E\ WKH &RPPLVVLRQ RQ WKH WRSLF RI 3SURV to DUPHG FRQIOLFWV

We would like to provide our comments as well as understanding on the work of the Commission in relation to this topic. Please note that the abse**accon**ment or expression

³ Q R6QW D W H D U P H G J U R X S V ′ ³ F R U S R U D W L R Q V ′ ³ F L Y L O V R F distinct fields of law inevitably prevented the compliance efablicome with any of them.

We underline that our legitimate concerns and legally-froelinded propositions were not adequately reflected in the work of the Commission, as in the case of some other States.

7KXV 7•UNL\H¶V SUHYLRXVOn\reHe√yaSntutoHdavy.VHG FRQFHUQV U

The around lattifice) of noternation as (by) 2004 lattified awd lang by (much \$5820 (aw) 2004 (aw) 4 (ron, law in draft principles in and of itself leads to assertions beyond existing law or to modification of already existing rules or other references through the references through the reference are the references through the reference are the reference are through the reference are through the reference are through the reference are the reference are through the reference are the reference are through t

Striking examples would be assertions based on subjective inferences made from and founded nd -5(f 0.000008871 0 595.32 841.92 re W* n BT /F3 12 Tf 1 0 0 1 524.5 562.27 T101.6

in footnote no. 741W KH ³/RXL]LGRX FDVH ′ 7 Kadel n Do rle-Ratio hill ePithe QwwithLRQHG the

, & - MXGJHPHQW RU WKH + DJXH 5 HJXODWLRQV 2Q WKI or ³RFFXSDWLRQ′DUH QRW FRPSDWLc. 65000nlHth & 1.91600 KTrebattlesDa00dLW\ ZI the nature and contents of the relevant UN documents.

In light of the inclusion of some vague and controversial expressions either in the draft principles or the commentaries with its references, such as the DsO O HS3ate OrReQ JURXSOVREOWDWH DFWRUV′ 3SDUWLHV WR DQ DUPHG FRQ reiterates its /00008871 0 595.354(s /000088.92 r0484>4<0m 0 g An W* n2w45F /000003>40w(rm

and we welcomeWKH LQFOXVLRQ RI 33UHYHQWLRQ DQG UHSUHVVVVHD′ 36XmEneAnlusGlobut Mode determination of rules of internationalODZ′ DQG 36HWWOF internationalGLVSXWHV WR ZKLFK LQWHUQDWLRQDO RUJDQL]DW of work.

We are looking forward to following the work of the Commission on these topics.

Thank you, Madame Chair.