

(3 October - 18 November 2022)

CLUSTER I

3Peremptory norms of general international law (ius cogens)

MadameChair,

previous V W D W H P H Q W V : L W K L Q W K H F R Q W H P W I S O R b j e c t H o V D L G &
3 K L H U D V X S K I D O R U L W \ ' E H W Z H H Q W K H Q R U P V Z K L F K L V D F W
with an authority to determine and enact as such.

Madame Chair,

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

, Q W K H U H S R U W Z K L O H D G G U H V V L Q J D F R P P H Q W R Q
in draft conclusion 17, it was asserted that W K H & R Q Y H Q W L R Q D V V X F K G R
binding effect on non S D U W L H V ' : H Z R X O G O L N H W R F O D U L I \ W K D W
3 9 L H Q & R D Y H Q W L R Q R Q W K H / D Z R I 7 U H D W L H V ' D Q G L W G R
7 • U N L \ H

As for the V H F R Q G S R L Q W W K H U H S R U W U H I H U V W R 7 • U N L V

3 Q R 6 Q W 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 of but come with any of them.

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

7 K X V 7 • U N L \ H ¶ V S U H Y L R X V O \ r e l y a s U d a y V H G F R Q F H U Q V U

The conflict of international law and national law is not a new phenomenon. It has been a part of international 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 interpretation?

Striking examples would be assertions based on subjective inferences made from and foundednd -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. 741WKH³/RXLJLGRX F DVH⁷ Kas nD raiun e the QWHL R Q H G
the

, & - MXGJHPHQW RU WKH +DJXH 5HJXODWLRQV 2Q WKH
or³RFFXSDWLRQ⁷ DUH QRW FRPSDWL E On the 1960 Treaties
thenature 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 D O H S a³ Q R Q
JURXS Q R Q W DWH DFWRUUV³ SDUWLHV WR DQ DUPHG FRQ
reiterates its /00008871 0 595.354(s /000088.92 r0484>4<0m 0 g An W* n2w45F /00o003>40w(rm

and we welcome the Commission's determination of rules of international
of work.

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

Thank you, Madame Chair.