



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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Agenda Item 78

REPORT OF THE INTERNATIONAL LAW COMMISSION
CRIMES AGAINST HUMANITY
PROTECTION OF THE ATMOSPHERE

problem. We fol
from this perspective.

We commend the Special Rapporteur, Professor Shinya Murase, for his commitment and guidance to the Commission. His third report focused on several important issues, including the obligations of States concerning prevention of atmospheric pollution, mitigation of atmospheric degradation, due diligence and environmental impact assessment. Questions

supplemented by scholarly writings. In our opinion, the analytical study should be based on the definitions contained in the Vienna Convention on the Law of Treaties (mainly Art. 53 and Art. 64). We are quite skeptical about providing any list of *ius cogens* norms. On the other hand, the Commission, together with the Secretariat, could gather, as part of consideration of this topic, relevant information on the use of the concept of *ius cogens* in the recent practice of States and international courts.

In our opinion, *ius cogens* norms are exemptions to other rules of international law. They protect fundamental values of international community and are universally applicable. We are not convinced about the normative possibility of existence of regional *ius cogens*; as mentioned in the