

Statement by Mr. Yuki Hirotani
Representative of Japan
At the Meeting of the Sixth Committee
On the Report of the International Law Commission
On the Work of its Sixty-Ninth Session (Cluster Three)

Peremptory norms of general international law (*Jus cogens*)

Mr. Chairman,

I would like to start by addressing the topic of "Peremptory norms of general international law (*jus cogens*)". Japan welcomes the submission of the second report by the Special Rapporteur, Mr. Dire Tradi, which analyzes the criteria and requirement for the recognition of *jus cogens*.

Based on past discussions on the topic in this Committee and considerations by the ILC, Japan supports the Special Rapporteur's approach of treating the elements of Article 53 of the Vienna Convention on the Law of Treaties as the basis for the criteria for the identification of *jus cogens*. Japan

also supports his approach of relying on State practice and the decisions of

However, proper care should be taken in preparation of the list to avoid any misperceptions that the listed norms are given a special legal status distinct from other norms that may also be identified as *jus cogens* but are not included in the list. It is important to make it clear that the list is illustrative but not exhaustive, or that the list should not prejudice the legal status of norms not included in the list.

Regarding the consideration of regional *jus cogens*, Japan is not fully convinced of the need to study non-universal *jus cogens* under the current topic. If discussion continues on this issue, the purpose and significance of pursuing such discussion should be clarified, and the relationship between international norms and regional *jus cogens* norms should be considered in detail.

sufficient state practice in this area. In this connection, I would like to note that there are several types of succession of States, such as the transfer of part of