Agenda item 81

International Law Commission
Report on ILC's 69th Session

Chapter VII ±Peremptory norms of general international law (ius cogens)
Chapter IX ±Succession of States in respect of State responsibility
Chapter X ±Protection of the environment in relation to armed conflict

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Sixth Committee

Chapter VIII ± Peremptory Norms of General International Law (Jus Cogens)

The Romanian delegation took note with great interest of the content of the substantial debates which have occurred during the consideration by the Commission of the topic Peremptory Norms of General International Law (Jus Cogens) and commends heartily the work of the Special Rapporteur, Mr. Dire D. Tladi, whose in-depth knowledge of the subject is reflected in the text of the very detailed second report.

Romania is largely supportive of the substance of the Draft conclusions 4 to 9 put forward by the Special Rapporteur, which we consider to be a fine balanced and accurate account of the existing international law in the field.

We would like to make some specific comments in respect of the Draft conclusions.

In relation to 'UDIW FRQFOXVLRQ 5RPDQLD DJUHHV Z followed and concurs that modification by a subsequent norm of jus cogens (although present in the text of the article 53 of the Vienna Convention on the Law of Treaties) is not in itself an independent criterion for the identification of a jus cogens norm.

With regard to Draft conclusion 5, Romania remarks that the text sets out the definition of a criterion used for identifying a norm of jus cogens

reflect the fundamental norms shared by the community of States; such norms a
accepted by the unanimity or quasi-unanimity of States. The same conclusion follows for
the phrasing ´ Q R U P U H F R J Q L ] H G E \ W K H as it appears in the
text of Draft Conclusion 7. Romania would suggest that a more stringent wording be use
instead of ´ O D U J H P D M R U L W \ ´ D Q G Z K O H W D Y U P X ´ Y H U G \ L

Draft conclusion 8 offers some useful distinctions and clarification which would help to
differentiate between acceptance and recognition as a criterion for jus cogens norms and
other concepts. Finally, Draft 9 is very helpful in exemplifying the types of materials
which might be advanced as confirmation for acceptance and recognition of a rul
international law as jus cogens norm. Romania would support retaining the text of Draft
conclusion 8 and 9 as such.

Romania is looking forward to the further development of the topic by the Internationa
Law Commission.

be developed by the ILC on this topic, namely: the work of the ILC on the succession of States in respect of State responsibility could be a useful

Commission might want to consider a more general statement aimed at the protection
people who have a very close connection to the environment in the territories they inhabit
which should include poor local populations.

The Romanian delegation will follow with great interest the future work of the ILC on
this topic in view of its completion.

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Thank you, Mr. Chairman.