



**STATEMENT BY TURKEY AT THE SIXTH COMMITTEE
AGENDA ITEM 81
REPORT OF THE INTERNATIONAL LAW COMMISSION
(Cluster III)
(1 NOVEMBER 2017)**

Mr. Chairman,

I would like to address following topics contained in the Report of the International Law Commission.

Chapter VIII

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

Mr. Chairman,

On the subject of peremptory norms of general international law, I would like to refer to the views expressed by my delegation in the past sessions of the Sixth Committee. Having carefully examined the reports prepared by the Special Rapporteur, we still are hesitant whether there is a need among states regarding codification or progressive development of the concept.

The second report of the Special Rapporteur seeks to set out the criteria for the identification of *jus cogens*, taking the Vienna Convention on the Law of Treaties of 1969 as a point of departure in developing the criteria.

We note that the Special Rapporteur has revised his proposal, so that the title of the topic be changed to “Peremptory norms of general international law (*jus cogens*)”. We believe this title is more consistent with article 53 of the 1969 Vienna Convention.

On the issue of whether an illustrative list of *jus cogens* norms should be developed, we

of States for Internationally Wrongful Acts cannot be taken as a sole basis for the codification of a new area. Consequently, we are of the opinion that if the Special Rapporteur wishes to use some of its articles selectively on the topic, than he needs to convince that the content of the selected draft article reflects a broad based acceptance of states in the particular cases of state succession. In this regard, further elaboration on this point is required.

Mr. Chairman,

The second proposal put forward by the Special Rapporteur is on the *default rules*. However taking into account that states' overall lingering disinclination to the 2001 Draft Articles regulating the state responsibility for international wrongful acts in general, we are not fully convinced, at the current stage of deliberations, whether the proposal regarding its specific aspect could gain broad support.

Chapter X

(Protection of the environment in relation to armed conflicts)

Mr. Chairman,

Turning to the topic of "Protection of the environment in relation to armed conflict", my delegation would like to congratulate Ms. Marja Letho, for her appointment as the Special Rapporteur of the topic. We would also like to thank the Special Rapporteur, Ms. Marie G. Jacobsson, for her previous work on the protection of the environment during armed conflict.

As the new Rapporteur has recently been appointed, we prefer to provide our comments in the coming sessions after having analyzed the work to be submitted by the new Special Rapporteur together with the relevant Commission documents put forward hitherto. However, it suffices at this stage to draw the attention to the importance of coherence between the work undertaken so far on the topic and the future work to be embarked upon by the new Rapporteur. In this regard, we wish her every success for the completion of the work on this important aspect of international law.

Thank you.