

Committee. Germany fully supports the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries.

Coming to the issue of jus cogens:

First of all, we would like to thank Special Rapporteur Dire Tladi for his rich and thought-provoking fourth

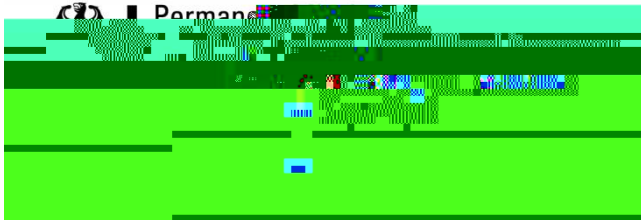
Germany welcomes the work of the ILC on this highly relevant topic and commends the Commission on having finalised the first reading. Whereas the issue of jus cogens already and generally is of paramount importance to the overall architecture of the system of international law, this seems even more the case with regard to the legal effects and consequences arising from peremptory norms of international law.

Now, allow me to turn to some more specific aspects of the draft conclusions proposed by the Special Rapporteur that were adopted by the Drafting Committee during its last session:

- In our last statements from 2017 and 2018 we have reiterated the point that the adoption of an enumerative list of specific jus cogens norms might lead to wrong conclusions and bears the risk of establishing a status quo that might impede the evolution of jus cogens in the future. In this regard, we take positive note of the without prejudice clause in draft conclusion 23 and the non-exhaustive list of norms previously referred to by the Commission as having peremptory character; however, we are not convinced of the necessity and usefulness of such a list.
- Second, with respect to draft conclusion 21, we believe that the consequences of invoking a conflict with a jus cogens norm are far-reaching and could not follow automatically from the mere claim that such a conflict exists. Therefore, we welcome the inclusion of a procedure for invocation as a step in the right direction with the function to absorb potential wide-ranging effects of conflict situations.



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Madam Chairwoman/Mr Chairman,

concerning the long term programme of work of the International Law Commission we believe that in view of the already heavy workload of the ILC careful consideration should be given to the number of topics and the specific selection of topics to be treated by the ILC under this agenda point. Bearing in mind the fact that the topics will remain on the agenda for a substantial amount of time, the long term programme should not be overburdened. In this

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Germany will continue to follow the long term programme of work, not least due to its importance for the development of international law.

Thank you.