

Report of the International Law Commission  
on the work of its seventy -third session  
(Agenda item 77)

Mr. Chairman,

We are very happy to be back to our discussions on the Report of the International Law Commission, in-person in New York.

Since I am taking the floor for the first time, let me congratulate you , and the other members of the Bureau, on your election. We are very happy to have you as chair of our Committee.

Allow me to also thank the Chair of the International Law Commission, Mr. Dire Tladi for presenting the Report on the work carried out by the Commission during its seventy-third session.

My delegation will begin by making a few general  
points, including the Report,  
We will then address the topics  
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General comments and other decisions (Chapter s I, II, III and X)

Mr. Chairman,

Portugal has followed the work of the International Law Commission during its seventy-third session with great interest and attention. We welcome the adoption, on second reading of the draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*) and of the draft principles on protection of the environment in relation to armed conflict. We would also like to convey our appreciation for the adoption, on first reading, of 18 draft articles and a draft annex on immunity of State officials from foreign criminal jurisdiction, together with commentaries thereto, a topic of great relevance.

Mr. Chairman,

We welcome the Commission's decision to include on its programme of work the  
W R S L F 3 3 U H G H O W S L U R H Q V D I Q R Q R I S L U D F \ D Q G D U P H G U R E E  
has been actively engaged on legal issues relating to piracy and has been advocating for a holistic and sustainable approach, focusing not only on the repression of these illicit acts, but also and particularly on their prevention. *Portugal has been co-chairing, with Mauritius, the Legal Forum of the Contact Group on Piracy off the Coast of Somalia, which has recently expanded the scope of its mandate. Portugal also currently chairs the Maritime Working Group of the Montreux Document Forum on Private and Military Companies.*

*The work of the Commission on this topic could be important for clarifying the application of the Law of the Sea and Human Rights Law to piracy and armed robbery at sea, in addition to matters such as the detention, prosecution, extradition and transfer of sentenced pirates or armed robbers.*





For instance, a reference to peremptory environmental norms, such as the obligation to protect the environment, would have been welcome.

*Portugal further wishes to note that it has no objection to changing the title of the draft conclusions to 'Peremptory norms of general international law (jus cogens) and their legal consequences'. Such a change could be useful in order to clarify that the draft conclusions deal not only with the identification of peremptory norms of general international law (jus cogens), but also with its related legal consequences.*

Mr. Chairman,

With regard to draft Conclusion 7(2), Portugal agrees with the inclusion of the expression 'and representative of a very large majority of States', which is important that such a majority is also representative, for example, of the diversity of legal systems and cultures of the different regions of the world.

*(TXDOOI 3RUWXJDO DJUHHV WKDW FRQVWLWXWLRQDO evidence of the acceptance and recognition of a jus cogens norm. Constitutional texts serve as ethical, moral, and societal foundation stones of our communities. The priorities they embed and express are, therefore, relevant in this regard. 7KHUHIRUH 3RUWXJDO ZHOFRPHV WKH LQFOXVLRQ RI 'and representative of a very large majority of States' is*

*formulation of draft Conclusion 11(2), invites no special comments. However, in*



