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Statement of the **State of Jordan**

Before the Sixth Committee of the 77th Session

of the United Nations General Assembly

Delivered by

*Counsellor Mr. Alaa Nayef Al-Edwan*

On the agenda item

**"Report of the ILC"**

Cluster 1



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At the outset, I would like to commend you, Chair, and members of the Bureau of the Commission for your election to the Bureau, and assure you of full support on all matters relating to the work of the Committee.

I also want to commend the Chair and members of the International Law Commission for all their efforts during the 73<sup>rd</sup> session of the Commission, which culminated in the adoption of several outcomes on second and first readings, as well as progress on other topics on the agenda of the Commission.

I would start with comments on Cluster 1 of the Report of the Commission, namely the preemptory norms of the general international law *jus cogens* environment in relation to armed conflict.



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**Preemptory Norms** **al** **al Law**

**cogens)**

I would like to Spe eur, I

Tladi, for bringing the topic to a successful conclusion, and for the adoption by the ILC of the relevant draft conclusions on second reading. I welcome the fact that the 5th report of the Special Rapporteur maintained the cautious approach to the topic and the fact that the draft conclusions mostly reflect the existing practice of States, while also contain some elements of *lex ferenda*. The commentaries of the Commission have to a large extent, successfully captured the distinction between the *lex lata* and the *lex ferenda* elements in the draft conclusions.

My delegation remains of the view that the draft conclusions



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e g dJ f

gdT d M

I turn now to specific conclusions on the conclusions

**On draft conclusion 2** (*jus*

I would like to restate that the criteria does

criteria for the identification of *jus cogens* norms, but is mainly descriptive of their nature. And the most important aspect in this regard is that *jus cogens* norms protect the fundamental values of the international community as a whole; this being a wider concept than the fundamental values of the international community of States as a whole.

**On draft conclusion 5** (basis for *jus cogens*):

My delegation remains of the view that the relevant practice indicates that only customary international law forms a basis for *jus cogens* norms. Nonetheless, we support the distinction made in the draft conclusion, which highlighted customary international law as a basis over treaty rules and the general principles of law.



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gdT d M

**On draft conclusion 7:**

My delegation supports the proposition that acceptance and recognition of the international community of States as a whole need not be unanimous but should be undertaken by a large majority of states without qualification. As provided for in the draft conclusions, such majority must also be representative to reflect the positions of States from the various regions and legal traditions.

**On draft conclusion 16:**

I welcome the reiteration that *jus cogens* norms are superior to binding resolutions and decisions of international organizations, but that should not be used by States as a pretext to avoid carrying out their obligations under such decisions or resolutions that are otherwise binding.



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gdT d M

**On draft conclusion 23 (on the grounds of illegality):**

My delegation doubts whether the procedure proposed which raises several questions, including who are the grounds, especially in relation to a customary rule or a general principle of law? And which entity would notify of the grounds for invalidity and the objection(s)? In short, this is an impractical procedure.

Finally, Chair, Jordan supports the non-exhaustive list contained in draft conclusion 23 which were previously identified by the ILC in previous projects. The list is an important marker to avoid abuses in identifying other *jus cogens* rules and in applying the criteria for such identification.









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that, under the principle that states are required to take  
effective measures to prevent them from breaching their  
international obligations, they may not be held responsible for  
draft principles proposed as *texta ferenda* develop to become *texta  
lata*, then



