



26 October 2022

Mr/Mrs Chairperson,

Estonia would like to express its continuing appreciation for the work of the International Law Commission and wishes to thank all the members of the Commission for their contribution to the work of the Commission.

Mr/Mrs Chairperson,

First, I will turn to the topic of **peremptory norms of general international law (*jus cogens*)**. Estonia acknowledges the need for clarity about the concept of *jus cogens* and the difficulty this process presents. Therefore, we would like to convey our gratitude to the Special Rapporteur Dire Tladi, the Drafting Committee and the International Law Commission for their valuable work done on this complex topic.

We take note of that the Commission adopted, on second reading, the entire set of draft conclusions together with commentaries thereto and has decided to recommend the draft conclusions to the General Assembly.

Estonia welcomes the fifth report and agrees with most of the conclusions. We appreciate the efforts to harmonise the language of the conclusions with the language s on some of the conclusions and explain our

position.

Estonia has several times expressed its view that it is necessary to analyse how the concept of *jus cogens* affects the international organisations which can create obligations to states. We are pleased that the conclusions and the commentaries

address the effect of *jus cogens* norms on the obligations created by the acts of international organisations (conclusion 16).

The Commission has compiled a list of various forms of evidence which show acceptance and recognition of *jus cogens* norms (conclusion 8).

much as possible. Therefore, we would have found

that the Commission decided to use the term “environment” instead of the term “natural environment” found in the law of armed conflict.

The Commission has decided that in the principles, there is no need, generally, to distinguish between international and non-international armed conflicts. Such approach is mostly appropriate. However, we should not forget that the treaty law applicable in non-international armed conflicts does not explicitly address the protection of the environment, and there are divergent views among states whether and to what extent does customary international law address this matter. Estonia suggests caution and that the commentaries could be expanded with the supporting state practice in non-international armed conflicts.

Estonia welcomes that the principles are not limited to states but address also the