

77th SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
SIXTH COMMITTEE (ARTICLE XVIII) 17 OCTOBER 2022

"REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SEVENTYTHIRD SESSION"

STATEMENT BY MRS. UMA SEKHAR, ADDITIONAL SECRETARY AND LEGAL
ADVISER, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA

25th OCTOBER 2022

Mr. President,

At the outset, let me commend the work of the International Law Commission since its establishment by the General Assembly in 1948 for successfully discharging the mandate of the Assembly, under Article XVIII (a) of the Charter of the United Nations to "study and make recommendations for the purpose of encouraging the progressive development of international law and its codification."

My delegation also thank the outgoing members of the International Law Commission, whose term ends this year and also welcome the new members for the 2023-2027 quinquennium. My delegation assures full support to the ILC for effectively discharging its mandate.

Peremptory Norms of General International Law

We take note that the International Law Commission has adopted 23 draft conclusions and an annex on identification and legal consequences of peremptory norms of general international law (Jus cogens) together with commentaries.

We thank the Special Rapporteur in particular and the Commission, in general, for the work on this very relevant topic.

We take note that norms in purely domestic forum, and norms of a purely bilateral or regional character are excluded from the scope of the topic.

Since peremptory norms of general international law (Jus cogens) are hierarchically superior to other norms of international law, the standard used to identify them must be unambiguous. We are hopeful that the draft conclusions and the commentaries would be helpful to identify norms of jus cogens and to apply the consequent legal consequences.

Annexure to Draft Conclusion 23 provides for a non-exhaustive list of peremptory norms. Some of the norms in the list are not well defined in international law, and the identification of their applicability differs from state to state. It is, therefore, as the desirability of including such a list should also therefore be subject to further discussion.

Mr President

Regarding Other Decisions and Conclusions of the Commission,

We welcome the decision of the Commission to include the topic "Content of International Disputes to which International Organizations are Parties" in its programme of work and congratulate Mr August Reinisch for his appointment as Special Rapporteur on the topic.

The decision of the Commission to include the topic "Prevalence and Responsibility of Piracy and Armed Robbery at Sea" in its programme of work and congratulate Mr Jarouba Lisse for his appointment as Special Rapporteur on the topic.

We believe that future work on this topic will contribute to addressing the challenges that affect the safety and security of international navigation. As a preparatory work on this topic, the recognition of international law for transboundary incidents, including the Convention on the Law of the Sea, would be relevant in the context of traditional and non-traditional security challenges in the maritime domain, including piracy and armed robbery at sea.

We welcome the decision of the Commission to include the topic "Subsidiary Means for the Determination of Rules of International Law" in its programme of work and congratulate Mr Charles Chener Jalloh on his appointment as Special Rapporteur on this topic.

We will continue to engage in dialogue with relevant international organizations on the newly added topics as also to the reports of the independent experts on piracy and armed robbery at sea.

I Thank You Mr President