

Mr. Chair,

I am delivering this explanation of position on behalf of Brazil, Colombia, El Salvador, Italy, Mexico, Portugal, Sierra Leone, Uganda and my own delegation, South Africa, to address the negotiations related to a draft resolution on the topic of jus cogens.

As we have stated elsewhere, we believe that the institutional relationship between the General Assembly and the International Law Commission is being significantly hampered by the lack of ability of the Sixth Committee to effectively address the recommendations put forward by the Commission. As the inability to reach an agreement on this topic further demonstrates, the existence of

We urge all member States to reflect on the trend that is emerging in our Committee and to re-evaluate the responsibility we have to make sure that we work collegially with the ILC. We will also do our part in reflecting on these issues.

To conclude, we reiterate our profound disappointment in the impossibility to reach a compromise on the topic *jus cogens* and we regret that, despite the best efforts carried out by the coordinator, extreme views informed by considerations on substantive aspects of the topic at hand prevented us from finding a balanced way out of this impasse. We sincerely hope this dynamic changes in the 78