

New York, 27 October 2023

Mr. Chair,

At the outset, my Delegation would like to express its continuing appreciation for the work of the International Law Commission and wishes to thank its members for their contribution. My Delegation is also grateful for this year's Report.

Mr. Chair,

Allow me first to address the topic of "General Principles of Law". My Delegation notes the Commission's efforts to clarify the appropriate methodology c

promoting an approach that at times appears to place undue emphasis on the empirical analysis of State practice and judicial decisions. In fact, when referring to a general principle of law, one may be indicating one of three categories of norms:

first, the fundamental principles that establish the basic and structural tenets of the international community, such as the principles of the sovereign equality of States and

second, the hermeneutical rules and judicial maxims that assist in the proper interpretation and application of substantive norms, such as the principles of and ;

third, the general principles distilled from international customary law, such as the principle of , which are broadly shared but which, at heart,

derived, through deductive reasoning, from the very structure of the international community and from the nature of a self-contained, well-functioning legal system. At their core, they reflect the intrinsic nature of Law itself. Consequently, any approach that seeks to identify general principles solely through empirical means runs the risk of reducing the principles to nothing more than a form of customary law, denying them their intrinsic normative value, based on reason and Natural Law.

The diverse nature of the various legal principles also affects the drafting of conclusion 10, on their "functions". Indeed, the function of a principle such as the sovereign equality among States, that establishes the basis structure of the international community, is vastly different from that of a judicial rule such as the .
While the later are invoked

action. As it is mentioned in paragraph 138 of the Report, sea-level rise has led to the emergence of new concepts, such as “climate displacement”, “climate refugees” and “climate statelessness”, which have not yet been defined in international law. However, ensuring the protection of affected persons requires greater conceptual clarity. This is crucial to address effectively the unique challenges posed by climate-induced displacement, and to enable more targeted and comprehensive legal responses to safeguard the rights of those impacted by environmental change.

My Delegation encourages the Commission to continue its analysis of the potential relevance of other sources of law, as set out in paragraph 220 of the Report. Developing the potential legal solutions to the challenges posed by sea-level rise on the bases of existing foundations would not only enable easier assessment of their impact, but would also promote greater consistency and uniformity within international law. In this sense, my Delegation is convinced, as already explained last year, that the provisions of Refugee law could provide a useful model for the development of new norms for the protection of