

Mr. Chair,

I am delivering this explanation of position on behalf of the delegations Austria, Belgium, Chile, Colombia, Costa Rica, El Salvador, Italy, Jordan, Mexico, Peru, Portugal, South Africa, State of Palestine, Tunisia, Switzerland *and my own delegation, Lebanon*, on the Resolution just adopted by the Sixth Committee on the topic of *jus cogens*.

Mr. Chair,

At the outset, our delegations would like to recall that peremptory norms of international law represent the fundamental principles of general international law, several of them codified in the UN Charter.

They are the fundamental norms which entail no derogation, and which give rise to legal obligations owed to the international community as a whole. They are fundamental norms, the violation of which entails an aggravated regime of State responsibility under the law of the State responsibility. The manner in which the Sixth Committee has embarked on negotiations on such an important topic and the approach shown by some to a standard treatment of the work of the ILC on the matter is of great concern for our delegations. It sends a negative signal to the outside world on the commitment to those fundamen(7JET70G]a)3()TJETfuw7(m)sh49

In this instance, the Commission recommended the General Assembly to (1) take note of the draft conclusions, (2) annex the draft conclusions to the resolution, (3) ensure their widest dissemination, and (4) commend the draft conclusions and annex, together with the commentaries thereto, to the attention of States and to all who may be called upon to identify peremptory norms of general international law and to apply their legal consequences.

None of these recommendations imply an endorsement of their content. They simply aim at making States and other relevant stakeholders aware of the conclusions and it would be their prerogative to evaluate, use, or even disregard them, as they deem fit.

Even so,

To conclude, Mr. Chair, we reiterate our disappointment with the outcome of this negotiation. Despite the best efforts carried out by the coordinator, whom we thank for his tireless dedication, we regret that singular views informed by considerations on aspects of the topic at hand prevented us from finding a balanced outcome.

To be clear, consensus should not be a means of translating the opposition of a vocal minority into the general will of the international community. Our delegations will continue to uphold and strive for an effective and efficient Sixth Committee, which is representative of the views of delegations, and which contributes substantively to the strengthening of the rule of law in international relations.

I thank you.