



MISSION TO THE UNITED NATIONS

10/10/10

Development for the World

Development for the World

Development for the World

Development for the World

Development for the World

Development for the World

Chapter 1: Chapters I, II, III, IV, V

Development for the World

Mr Chairman,

As this is the first time I take the floor in the Six Committee at the current session of the General Assembly, please allow me to congratulate you on your election as Chairman. I am confident that under your able leadership

the Chairman of the International Law Commission for introducing the report on the work of the Commission's seventv-first session and for

providing a very good basis for the discussion of the Commission's work

discussions so far at this Committee also show that many Member States still see major shortcomings in certain key provisions of the draft articles as they currently stand. For instance, many provisions derive from earlier

texts found in existing international conventions, are not grounded in empirical analysis of widespread international practice, and rely primarily on the practice of international criminal tribunals that do not enjoy

the elaboration of a convention.

Secondly, the draft conclusions should avoid treading on the relationship between resolutions of the Security Council and *jus cogens*. The Chinese delegation has noted that according to draft conclusion 16, "A resolution, decision or other act of an international organization that would otherwise

problematic, as the Commission failed to provide convincing arguments for the inclusion of those norms in accordance with its own criteria for the

identification of *jus cogens* as contained in the draft conclusions. In fact, the substance of some norms remains extremely vague. For instance, neither the

draft conclusions nor their commentaries offer any illumination as to what rules constitute "the basic rules of international humanitarian law". The list also falls short of explaining the rationale for highlighting the foregoing eight norms while leaving out other norms governing international relations, such as the principle of sovereign equality. Furthermore, the inclusion of

such a list will result in a change in the nature of this project, deviating from the codification of secondary rules regarding the criteria for the identification of *jus cogens*.

the Sea and the Convention for the Suppression of Unlawful Acts against

Regional Cooperation Agreement on Combating Piracy and Armed Robbery
against Ships in Asia. In addition, the United Nations Security Council has