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**74th Session of the General Assembly of the United Nations
Sixth Committee**

Agenda item 79

Report of the International Law Commission

General remarks

chairmanship over our Committee and ensure you of our continued cooperation and support.

At the same time, I would like to express our appreciation to the Chair of the International Law Commission for the comprehensive pr ILC session and to all members of the ILC for their continued efforts in ensuring a good progress of work on topics on the agenda of the Commission, relevant for the progressive development and codification of international law.

Chairperson,

Turning to the order of business, with regard to the **Chapters IV and V** of the report, my delegation would like to submit the following views:

Chapter IV – Crimes against Humanity

In relation to Chapter IV *Crimes against humanity*, my delegation echoes the statement of the European Union and extends its deep appreciation to the Commission and the Special Rapporteur, Mr. Sean D. Murphy, for the impressive work done on this topic and for the rich research material provided in the context.

Romania favours developing the draft articles into a global convention on prevention and punishment of crimes against humanity which will provide a strong legal basis for inter-state cooperation on the prevention, investigation and prosecution of such crimes.

There is also a need for a coherent approach in relation to all crimes of grave concern to the humankind to ensure that no fragmentation occurs especially in what concerns inter-state cooperation and mutual legal assistance. In this manner the overall objective of prevention and punishment of these crimes can be effectively attained.

Chapter V – Peremptory norms of general international law (jus cogens)

[General remarks]

While lending its support for the inclusion of this topic in work, RO delegation was critical on the methodological option to address this challenging topic (which prevented States to intervene in its consideration in a more focused way) and pleaded at the same time for a coherent approach in line with the existing international law, specifically the *Vienna Convention on the Law of the Treaties*.

Having before us the whole set of draft conclusions and the corresponding commentaries, we are pleased to note that they are drafted in a well-balanced and careful manner and follow closely the *Vienna Convention on the Law of Treaties*. We also remark on a positive note that the draft conclusions do not deal with regional *jus cogens* norms, which we do not consider as existing.

Draft conclusions and the commentaries to them reflect, as well, the cautiousness of the Commission in dealing with the topic and this is best noticeable in *Conclusion 23* non-exhaustive list of *jus cogens* norms.

Before referring in detail to *Conclusion 23* and to the annex, I would like to pause shortly on *Conclusion 13* absence of effect of reservations to treaties on peremptory norms of general international law (*jus cogens*) and *Conclusion 21* procedural requirements.

Therefore, it is our view that the manner in which the text is written might suggest that this conclusion

Commission, as well as for the availability to address the comments received, either on substance or on methodology. His efforts represented a solid basis for developing the draft conclusions, adopted on

record our doubts regarding the need for the Commission to embark in an exercise of codification and progressive development on the matter, especially aimed at producing draft guidelines or draft principles.

In our view, the previous work of the ILC on diplomatic protection and state responsibility, as well as the studies undertaken by various treaty bodies have already sifted through existing best practices and can offer good guidance in respect of the norms, principles and procedures related to reparation owed to individuals for violations of international law. For example, one could mention the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* adopted by the UN General Assembly in 2005.

Therefore, we are not convinced that this topic is necessarily one which the ILC should dwell with.

b. Prevention and repression of piracy armed robbery at sea

We took note with interest of the intention to include prevention and repression of piracy and armed

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