



*Permanent Mission of El Salvador
to the United Nations*

Report of the International Law Commission on its Seventieth Session

STATEMENT BY THE PERMANENT MISSION OF THE EL SALVADOR TO THE UNITED NATIONS ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES (CELAC)

New York, 22 October 2018

Mr. President:

I have the honor to speak on behalf of the 33 Member States of the Community of Latin American and Caribbean States (CELAC).

The Member States of CELAC wish to reiterate our appreciation of the importance of the work of the International Law Commission in the progressive development and codification of the international legal order. We thank the Commission for its latest report (A/73/10) and we take this opportunity to congratulate the work carried out by the Commission in the commemoration of its seventieth anniversary. In the past 70 years, the ILC has produced a number of instruments on various topics of international law, from the initial drafting of the Nuremberg principles to the current development of draft articles on crimes against humanity and other relevant issues in the framework of general international law, playing an important role in the codification and progressive development of the law, in accordance with its mandate.

CELAC is particularly proud that a member of our region, Mr. Eduardo Valencia Ospina, served as President of the ILC in the year in which the Commission commemorated its 70th anniversary, and we congratulate Mr. Valencia Ospina for his work during this session.

CELAC Members reiterate their appreciation to the ILC for deciding to hold its seventieth session in New York and in Geneva. The session that took place in New York from 30 April to 1 June, 2018, proved to be a positive exercise which provided an opportunity to strengthen the interaction between the Sixth Committee and the International Law Commission. The exchange of views and discussions between the members of the Sixth Committee, a body composed of

government representatives, and members of the International Law Commission, a body of independent legal experts, was rich and fruitful. We therefore welcome this initiative and support its continuation

Mr. President,

CELAC thank the work done by the Commission during its last session. In particular, we take note of the two sets of conclusions adopted in second reading by the ILC under the topics "Subsequent agreements and subsequent practice in relation to the interpretation of treaties", and "Identification of customary international law", respectively. We note that the work on both topics is now concluded and we appreciate the work of the Special Rapporteurs Georg Nolte and Michael Wood for their efforts and hard work.

We also take note that two additional products were adopted in first reading: first, the "Guidelines on Protection of the Atmosphere" and, second, the "Guide to Provisional Application of Treaties". We appreciate the work done by the Special Rapporteurs Shina Murase and Juan Manuel Gómez-Robledo. CELAC members will carefully examine these sets of guidelines.

Furthermore, we also take note of the examination that the Commission has conducted regarding other topics in its agenda, namely:

- (1) "Peremptory norms of general international law (jus cogens)", where it had before it the third report of the Special Rapporteur Dire Tladi, which considered the consequences and legal effects of peremptory norms of general international (jus cogens), as well as of the thirteen draft conclusions submitted by the Special Rapporteur for the consideration of the ILC;
- (2) "Immunity of State officials from foreign criminal jurisdiction", where the Commission had before it the sixth report of the Special Rapporteur Concepción Escobar Hernández, which was devoted to addressing procedural aspects of immunity from foreign criminal jurisdiction;
- (3) "Protection of the environment in relation to armed conflicts", where the Commission considered the first report of the Special Rapporteur Marja Lehto, in which an overview of the previous work was provided and in which consideration was given to the protection of the environment under the law of occupation; protection of the environment in situations of



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occupation through international human rights law; and the role of international environmental law in situations of occupation, and;

(4) "Succession of States in respect of State responsibility", where the Commission had before it the second report of the Special Rapporteur Pavel Šturma, who provided an outline of general approach to the topic, discussed the legality of succession, and reviewed the general rules on succession of States in respect of State responsibility.

Mr. President,

CELAC recognizes the need for Member States to continue to support the work of the Commission. In this regard, we take note of the specific issues identified in the report and which require information from the Governments, in order to have documentation of national legislation, judicial decisions, treaties, doctrine and diplomatic correspondence necessary to deepen the analysis of such topics; and we therefore invite States to cooperate in order to facilitate the required issues and thus provide a better input for the work of the Commission.

Finally, CELAC Members also congratulate Mr. Marcelo Vázquez-Bermúdez for his appointment as Special Rapporteur for the topic "General principles of Law". We look forward to his reports in this regard. We also take notes regarding the incorporation of two new topics in the long term program of work, reflected in paragraph 29 of the Report, relating to "Universal criminal jurisdiction" and "Sea-level rise in relation to international law".

Mr. President,

In conclusion, we commend the significant progress made in the work of the International Law Commission and we invite to the Commission to continue improving relations with the Sixth Committee so that the General Assembly can process and use the invaluable work that results from these debates. The Community of Latin American and Caribbean States reaffirms its firm commitment to support this process and to work towards our common goal of contributing to the development and progressive codification of international law.

Thank you very much

