

Cluster I

1. The Kingdom of the Netherlands would like to express its continuing appreciation to the International Law Commission for its contribution to the codification as well as the progressive development of international law. The Netherlands considers this year's ILC report as submitted to the Sixth Committee provides a solid basis for the deliberations of this Committee.
2. My Government attaches great importance to the work of the ILC and considers it important to submit substantive contributions in the form of comments and observations, and examples of State practice and other views when requested.
3. Having noted the many new topics that were included in the ILC working programme, the Netherlands would like to reiterate its earlier recommendation to limit the number of topics on its agenda. This might facilitate UN Member States to study the topics in more depth and in that way contribute in a more meaningful way to the debates in the Sixth Committee.

Chapters I, II, III, IV (Peremptory norms of general international law (*jus cogens*))

4. [Mr/Mme Chair, please allow me to turn to the topic of peremptory norms of general international law.] The Kingdom of the Netherlands takes note of the adoption, on second reading, by the International Law Commission of the draft conclusions on peremptory norms of general international law (*jus cogens*), including the annex and the commentaries thereto.
5. The Kingdom of the Netherlands would like to express its appreciation to the Special Rapporteur as well as to the ILC as a whole for the work on the topic of peremptory norms of general international law (*jus cogens*). The Netherlands welcomes in particular the amendments and additions in the draft conclusions and the commentaries thereto that are in accordance with its written comments and observations. The commentaries, for instance, recognize now that treaties and general principles of law can only serve to a limited extent as a basis for *jus cogens*.
6. The Netherlands could support a General Assembly resolution that takes note of the draft conclusions, without a decision to further include this topic in the agenda of the General Assembly.

Chapter V (Protection of the environment in relation to armed conflicts)

7. [Mr/Mme Chair, I now turn to the topic of the protection of the environment in relation to armed conflicts]. The Kingdom of the Netherlands notes the adoption, on second reading, by the International Law Commission of the of the draft principles on the protection of the environment in relation to armed conflicts and the commentaries thereto.
8. The Netherlands would like to express its appreciation to the Special Rapporteurs as well as the ILC as a whole for the work on this topic. The Netherlands welcomes that the draft principles reflect some of the written observations and comments as submitted by the Netherlands, but notes that not all of its written comments and observations to the draft conclusions and the commentaries thereto have been incorporated in the draft principles as adopted by the ILC. This concerns for example principle 7 on peace operations, which the

Netherlands believes does not reflect customary international law.

9. It is our sincere hope that the draft principles will contribute to the protection of the environment during armed conflict. The Netherlands could support a General Assembly resolution that takes note of the draft conclusions, without a decision to further include this topic in the agenda of the General Assembly.

Chapter X (Other Decisions and conclusions of the Commission)

10. [Mme/Mr. Chair, I now move on to Chapter X (Other Decisions).] The Kingdom of the Netherlands welcomes the inclusion of the topic “Settlement of international disputes to which international organizations are parties” in the ILC’s programme of work. There is an increase of disputes with a private law character that are brought against international organizations and their host states. The settlement of these disputes comes with legal complexities which makes a study by the ILC timely and useful. The Netherlands also welcomes the appointment of a Special Rapporteur.
11. Furthermore, the Netherlands notes the inclusion of the topic “Prevention and repression of piracy and armed robbery at sea” in the ILC’s programme of work and the appointment of a Special Rapporteur. It welcomes the extension of the scope of the topic with armed robbery at sea. As piracy at sea is already covered extensively in international, regional and national law, the Netherlands sees no need, at this stage, for further guidance or clarification of this particular issue. This does not apply to armed robbery at sea. It would seem useful, therefore, to focus on armed robbery at sea, and to provide guidance for the development of domestic criminal law.
12. The ILC decided to recommend the inclusion of the topic “non-legally binding international agreements” in the long-term programme of work of the Commission. We agree that work on this topic may constitute a useful contribution to the development of international law. The practice of concluding non-legally binding international agreements has grown and more clarity is needed. The legal issues raised by the use of non-binding instruments in the identification and application of international law are indeed pertinent for international practice, as stressed by the Netherlands in the debate last year.
13. Finally, the Netherlands welcomes an international discussion on the implications under international law of the inability to renounce a second nationality. Some individuals perceive difficulties in renouncing a second nationality, and concerns have been expressed regarding involuntary acquisition of nationality, unwanted associations with a second nationality or with the country concerned, and the virtual impossibility of renouncing the nationality. These issues also relate to foreign interference in domestic affairs of a host country and unforeseen consequences for individuals, through the exercise of extraterritorial jurisdiction on the basis of nationality. The Netherlands is of the view that the ILC would be best equipped to examine issues related to the renunciation of a second nationality, including the scope of the right to nationality. In light of these considerations, while being conscious of the concerns expressed above regarding the number of topics on the agenda of the Commission, we invite the Commission to include this topic in its programme of work.