



**PERMANENT MISSION OF THE REPUBLIC OF
B U L G A R I A
T O T H E U N I T E D N A T I O N S**

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Item 77-Cluster I

**Report of the International Law Commission on the
Work of its 73rd Session**

Statement by

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Mr. Chair,

The Republic of Bulgaria welcomes the constructive approach of the International Law Commission in considering the very important topics on its agenda, thus contributing to the constant development and codification of international law, in accordance with its mandate.

Turning to the topic of identification and legal consequences of peremptory norms of general international law (*jus cogens*), which will be the focus of our statement today, we would like to congratulate the Special Rapporteur Prof. Dire Tladi on his work on a fundamentally challenging and very complex topic, thus structuring a highly needed ‘pillar’ for the application and respect of international law, especially during times when it is most needed.

Bulgaria considers that the draft conclusions offer a structured guide to *jus cogens* and highlight its importance in the context of a general international legal system. The draft Conclusions make a clear distinction between *jus cogens* as an accepted doctrine in international law, the rules of customary international law and obligations created by unilateral acts, and they aim at clarifying the possible ‘conflict resolution’, at the same time..

We do find that the use of the language in line with the provisions of the Vienna Convention on the Law of Treaties is purposeful and will facilitate the broader use of the draft Conclusions.

We do however find that the formulation of the term “other actors” in Conclusion 7 paragraph 3 and in paragraph 5 of the Commentaries to the aforementioned Conclusion needs to be subject to further careful consideration in light of its content, sources and role in its assessment for the purpose of acceptance by states.

As of Conclusion 9, my delegation shares the opinion that the use of national courts practice should be precisely defined, thus avoiding any confusion in the assessment of *jus cogens* norms, and in this regard we will appreciate a deeper focus on the use of the reference to “caution” in paragraph 5 of the Commentaries to the Conclusion. Furthermore, paragraph 2 of Conclusion 9, in our view, gives way to a broader than needed interpretation as of which “expert bodies” or “most highly qualified publicists” can be used for determining the peremptory character of norms of general international law.

Regarding the legal consequences of peremptory norms of general international law (*jus cogens*) on resolutions, decisions and other acts of international organisations, mentioned in Conclusion 16, my delegation acknowledges the approach taken by the Commission, but expresses some concerns on the possible implications on future legally binding acts of international organisations.

On the illustrative listing of *jus cogens* norms, my delegation finds the necessity of further detailed analysis and careful consideration.

Mr. Chair,

In conclusion, we wish to express the support of the Republic of Bulgaria for the continuous work and guidance of the International Law Commission. We are confident that the ILC will continue to bring to our attention what could and should be done in the name of peace and security, prosperity and sustainability around the world.

Thank you!