

**Statement by Mr. Matúš Košuth (Slovakia), coordinator of the draft resolution on
“Identification and legal consequences of peremptory norms of general international law
(*jus cogens*)” (item 77)**

Mr. Chair, dear colleagues,

I am taking the floor this morning to report back to the Sixth Committee on my efforts to coordinate the negotiation of a draft resolution in response to the recommendation made by the International Law Commission, in paragraph 41 of its report, regarding the draft conclusions on the identification and legal consequences of peremptory norms of general international law (*jus cogens*).

Several rounds of informal consultations were held on 28 October, and 1 and 8 November, respectively. These were accompanied by extensive bilateral exchanges as well as exchanges in different format with interested delegations. All these settings demonstrated seemingly irreconcilable views of some delegations. As an outcome of my efforts to bridge all the views expressed, a draft resolution attempting to strike a middle ground amongst the positions of delegations was placed under silence procedure last Thursday, 10 November. However, the silence was broken by several delegations. I called a further gathering of interested delegations last Friday, November 11, as a final attempt to reach consensus on a text of a draft resolution to be adopted at the present session. Despite exploring multiple further options, including within text-based negotiations, it became clear that more time would be needed to narrow the remaining differences between delegations.

As such, I regret to inform the Sixth Committee that, despite all these efforts, general agreement on the way forward has not yet been reached.

I informed the Bureau of this development, earlier this week, and recommended that the consideration of the topic be deferred to the seventy-eighth session of the General Assembly, on the basis of the precedent found in operative paragraph 5 of resolution 66/98, adopted in 2011, by which the consideration of a particular chapter of the report of the International Law Commission that year was deferred to the following session of the General Assembly.

Since the consideration of chapter IV of the Commission’s report on its seventy-third session was already commenced at the present session of the Sixth Committee, and the debate on that chapter has already been held, I proposed to the Bureau that the Committee thus decide merely to “continue” the consideration of chapter IV next year, such that only the remaining

matter of the negotiation of a draft resolution would need to be considered at next year's session of the Sixth Committee.

I understand that the Bureau has considered and endorsed the recommendation to continue the work on a draft resolution at next year's session, and that an additional provision to that end will be introduced in the draft resolution on the report of the International Law Commission on the work of its seventy-third session, to be considered for adoption later this morning.

A message was sent to all delegations earlier this Tuesday explaining the situation, and the recommendation I made to the Bureau. It is my understanding, from the various indications I have received from delegations since then, that there exists general support in the Sixth Committee for the proposed procedural way forward, which would, inter alia, allow for consultations between delegations also during the intersessional period.

Dear colleagues,

Notwithstanding the difficulties and challenges that the coordination of this draft resolution has entailed, allow me to thank you all for your engagement during this year's consultations on the draft resolution. I hope I can continue to count on your cooperation in seeking an eventual solution to this matter in the form of a draft resolution to be submitted for adoption by the Committee at next year's session.

Thank you, Mr. Chair.