



**New Zealand Permanent Mission to the United Nations  
Te Aka Aorere**

**REPORT OF THE INTERNATIONAL LAW  
COMMISSION ON THE WORLD OF ITS  
SEVENTY-THIRD SESSION (CLUSTER I)**

**New Zealand  
Legal Advisor (second secretary), Zoe Russell**

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**CHECK AGAINST DELIVERY**



Thank you Chair,

New Zealand thanks the International Law Commission and each of its Commissioners for the report on the work of the seventy-third session. We would like to register our deep appreciation for the work of the International Law Commission and to acknowledge its achievements in the progressive development and codification of international law. In our statement today we will comment on Chapter IV (peremptory norms of general international law (*jus cogens*)) and Chapter V (protection of the environment in relation to armed conflict).

Turning first to **Chapter IV on peremptory norms of general international law (*jus cogens*)**, New Zealand expresses appreciation for the diligent and thorough work of the Special Rapporteur Mr Dire Tladi and the Commission on this topic, culminating in the adoption of the draft conclusions, its annex and commentaries on the identification and legal consequences of peremptory norms of general international law and their submission to the General Assembly.

The identification and legal consequences of peremptory norms of international law is a topic of paramount importance to the international rules-based system, particularly in light of the ongoing Russian war of aggression in Ukraine in violation of the *jus cogens* norm on the prohibition of aggression.

New Zealand welcomes the inclusion of draft conclusion 19 on particular consequences of serious breaches of peremptory norms and emphasises the importance of the responsibility to cooperate to bring an end through lawful means to serious breaches of peremptory norms, and the obligations not to recognise as lawful situations created by such breaches or render aid or assistance to the maintenance of such situations. We consider it helpful that the draft conclusions follow the formulation of the draft Articles on State Responsibility where appropriate.

Turning to **Chapter V on the protection of the environment in relation to armed conflict**, New Zealand thanks Special Rapporteur Ms Marja Lehto and the Commission for their valuable and careful work on this topic. We also thank the previous Special Rapporteur Ms Marie Jacobsson for her contribution to the work on this topic. The draft principles are timely and important, in a context of protracted armed conflict in many regions and where, as noted in the Preamble, the environmental consequences of armed conflicts have the potential to exacerbate global environmental challenges such as climate change and biodiversity loss.

New Zealand reiterates the importance of this work in the way it draws from existing international environmental law and international human rights law principles to address the lacuna in this area and welcomes the draft principles and associated commentaries. We welcome in particular draft principle 5 which specifically addresses the protection of the environment of indigenous peoples and to the participation of indigenous peoples in the question of remedial measures.

Attacks on the environment are prohibited under New Zealand's Manual of Armed Forces Law – Laws of Armed Conflict. The obligations that New Zealand operates under for an international armed conflict, as a matter of policy, also apply to non-international armed conflicts, including prohibitions on the use of methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the environment.

To close, New Zealand highly regards the Commission's work which provides assistance to States in developing, clarifying and upholding the rules that underpin the international rules-based system. New Zealand values the opportunities provided in the Sixth Committee, the informal dialogue, and at side events organised by New York Missions, to engage in substantive dialogue on the topics before the Commission.

Thank Chair.