



Madam Chair,











*These elements constitute a solid first step for a new outlook on this important source of International Law, showcasing the Commission's fundamental role as an active interpreter and guiding body.*

Madam Chair,

Considering past statements by Portugal at the Sixth Committee, my delegation wishes to briefly refer to Draft Conclusion 2 and its commentaries, as provisionally adopted by the Commission.

*The term "civilized nations", which dates from almost 100 years ago, is archaic and has no place in contemporary international relations.*

*We had also encouraged the Commission to further study the role of international organisations in the formation and recognition of general principles of law, underlying that one of the most noteworthy developments in the last century was precisely the role that international organisations had been playing in the formation of international law.*

Portugal takes good note that Paragraph 5 in the commentaries to Draft Conclusion 2 declares that (quote) «(...) international organizations may also contribute to the formation of general principles of law.» (unquote).

Still, my delegation would have preferred that Draft Conclusion 2 used a term that could undoubtedly encompass international organisations, instead of the wording "community of nations".

In fact, Portugal has, for a number of reasons, difficulties with the term "community of nations" that, today, cannot be understood in a rather simplistic



fashion as referring to States. We thus encourage the Commission to revisit this concept.

Madam Chair,

As for the Draft Conclusions proposed by the Special Rapporteur in his second report, Portugal supports the two-step analysis, contained in Draft Conclusion 4, for the identification of general principles of law derived from national legal systems.

*Accordingly, my delegation also sees the methodology for identifying general principles of law derived from national legal systems as resting upon two combined determinations. Firstly, determining the existence of a principle that is common to different legal systems around the world. Secondly, determining the transposition to the international legal system of that principle.*

Portugal argues that the comparative analysis mentioned in Draft Conclusion 5 must be sufficiently extensive and representative, in line with the approach followed by the Commission in the Draft Conclusions on Identification of Customary International Law. Elements for determining representativity must, in



Finally, and recalling Part Five of the Draft Conclusions on Identification of Customary International Law,