



IRELAND

Statement by

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at the

Sixth Committee

United Nations General Assembly 74th Session

Agenda Item 79:

The Report of the International Law Commission on the Work
of its 71st Session

Cluster 3 – Ch VII (Succession of States in respect of State responsibility) and
Ch IX (General principles of law)

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Mr Chair,

1. Thank you for the opportunity to comment on the third cluster of issues contained in the International Law Commission's Report. My comments today will focus on the topic "General Principles of Law."
2. Ireland wishes to express its thanks and appreciation to the Special Rapporteur, Mr Marcelo Vazquez-Bermudez for his well-researched First Report on this topic. While the comments of the Commission members and the Drafting Committee were preliminary in nature, Ireland wishes to make some initial observations on this topic at this point.
3. This is an area of study which complements the Commission's work in relation to other sources of international law, such as the identification of customary international law, as well as its work on peremptory norms of general international law (*jus cogens*). As noted by the Special Rapporteur in his concluding remarks to the Commission, it will be necessary to consider the relationship between general principles of law and other sources of international law. Ireland believes that in the Commission's future work on this topic, careful attention must be paid to the distinction between general principles of law and customary international law and ensuring that this is clearly reflected in the draft conclusions and commentaries.
4. Ireland agrees that the starting point for consideration of this matter is Article 38, paragraph 1(c) of the Statute of the International Court of Justice and welcomes the Special Rapporteur's emphasis that the commentaries will clarify this. We are also supportive of the view expressed by the Special Rapporteur and Members of the Commission that the term "civilized nations" used in that provision is now inappropriate and outdated. The negative historical connotations of this phrase were most recently raised by the President of the International Court of Justice in his address to this Committee last week. Therefore, it makes sense that this phrase should not be used in the context of the present draft conclusions and further consideration should be given by the correct term to be used.
5. Ireland looks forward to further consideration of this topic by the Special Rapporteur and the Commission in coming years.