

United Nations General Assembly | Sixth Committee
Report of the International Law Commission (Cluster III)

(check against delivery)

Madam Chairperson,

Moving to the third cluster of items discussed in the report of the International Law Commission, Brazil would like to make some remarks regarding the topics contained in Chapter VIII, namely: (i) Succession of States in respect of state responsibility, and (ii) general principles of law

Brazil commends Special Rapporteur Pavel Sturma for his fourth report on succession of States in respect of State responsibility. The current work of the ILC on the matter is instrumental to identify the rules of international law in a subject where state practice is limited.

The Commission has contributed to the codification and progressive development of several aspects of state succession. Its efforts have led to the adoption of the Convention of Succession of States in respect of Treaties to which Brazil is a party, and the Vienna Convention of Succession of States in respect of State Property, Archives and Debts, as well as the articles on Nationality of Natural Persons in relation to the Succession of States. By studying the interaction between this area of law and state responsibility, the Commission may fill a gap in international law.

State responsibility for internationally wrongful acts is essential to the effectiveness of international law. Therefore, responsibility should not disappear in every single case where the legal personality of a state ceases to exist. In cases of state succession, W, K H 3

current efforts of the Commission on the subject with its previous works, not only in respect of state succession but also state responsibility.

Brazil supports the views expressed in the Report on the importance of taking into account more geographically diverse sources of State practice. Moreover, we consider the outcome for this topic does not necessarily need to be in the form of draft articles, and that a set of guidelines or draft principles could be preferable.

Madam Chairperson

I now turn to the topic of general principles of law.

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