

PERMANENT MISSION OF ITALY
TO THE UNITED NATIONS

Sixth Committee
76th Session of the General Assembly

Check upon delivery

Agenda item n.82 Report of the International Law Commission (2021)

Third Cluster

Statement of Italy

Delivered by Mr. Enrico Milano

Mr. Chairman,

In our intervention today, we will briefly address the two topics: “Succession of States in respect of State Responsibility”; and “General Principles of Law”.

Mr Chairman,

I will first address the topic of “Succession of States in respect of State Responsibility”.

Italy wishes to congratulate the ILC and the Special Rapporteur, Professor Davel Sturma, for the progress made during this session of work. Italy shares the view already expressed by other delegations that because of the paucity and sparsity of the practice of State in the subject matter, the topic may be not ready yet for codification of existing customary international law. Nonetheless, the work that has been done so far could easily constitute the basis for guidelines on the topic.

This task may be accomplished by exercise of progressive development that may be aimed at indicating to States normative parameters for context-based, mutually

agreed solutions, which frequently are the only viable solution to matters of State succession, including in respect of State responsibility. It happens for all the

of the International Court of Justice was anachronistic and should be avoided. Rather, referring to general principles of law, the expression “community of nations”, included in article 15, paragraph 2 of the International Covenant on Civil and Political Rights, should be used.

Lastly, Italy will consider submitting written comments and offer information at a later stage and look forward to continuing its engagement with the Commission on such an important topic.

That concludes our submissions on Cluster 3 of the ILC Report.

Thank you, Mr Chairman.