

Statement of the Republic of Estonia
by Mr René Värk at the
77th Session of the United Nations General Assembly Sixth Committee
Report of the International Law Commission
Cluster III - Chps: VII (Succession of States in respect of State responsibility) and VIII
(General principles of law)
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Mr/Mrs Chair,

Today I will address two topics: succession of States in respect of State responsibility and general principles of law.

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of State occurring in conformity with international law. This is important for the sake of clarity and for the delimitation of the scope of draft articles. It is our understanding that the illegal acquisition of the territory (i.e. through illegal annexation) cannot generate the effects of succession between concerned States.

We also appreciate that the Special Rapporteur has taken into account previous work of the Commission so that the consistency of the ILC's work throughout the topics is guaranteed. With that said, we would like to reiterate our support to the way the Special Rapporteur has approached the topic of content and forms of reparation in its earlier reports. We welcome that the Special Rapporteur has used the draft articles on responsibility of States for internationally wrongful acts as bases and has focused on clarifying how these rules operate in the specific factual scenario of succession of States. We would therefore not be in favour of the option revealed in the debate in the plenary meetings of the Commission to reconsider the number and structure of the draft articles on the content and form of legal consequences arising from State responsibility in the context of succession of States proposed by the Special Rapporteur. Our preference here would be to follow the structure chosen in the articles of state responsibility for internationally wrongful acts for the sake of clarity and comparability.

Regarding the substance of these articles, as we have stated previously, we welcome to twofold approach and support the inclusion of articles on reparations for the injured States and on the guarantees of non-repetition. Furthermore, we find it important, as has been mentioned by the Special Rapporteur in his fourth report, that even if the full reparation remains the general rule of customary law the States concerned may arrive at an agreement that provides less than full reparation.

Estonia extends once again its appreciation to the Special Rapporteur Pavel Šturma and the Commission for the work done on the topic of succession of States in respect of State responsibility.

Mr/Mrs Chair,

I now turn to the topic of **general principles of law**. Estonia would like to thank the Special Rapporteur Mr Marcelo Vazquez-Bermudez, the Drafting Committee and the Commission for the outstanding contribution and work done on general principles of law.

Estonia takes note with appreciation of the progress made in the consideration of the issue of transposition, which forms an important part of the work carried out.

Estonia views that clarity in the methodology for the identification of general

Estonia supports the future programme of work proposed by the Special Rapporteur to address in the