



Sixth Committee

General Principles of Law:

Mr / Madam Chair,

1. I would like to thank you for the opportunity to comment on the third cluster of issues contained in the International Law Commission's Report. I will focus today on the topic 'General Principles of Law'.
2. Ireland appreciates the work of the Commission on this topic, as outlined in Chapter VIII of the Commission's Report. I would also like to thank Special Rapporteur, Mr Marcelo Vazquez-Bermudez, for his work in preparing his third report on General Principles of Law. Ireland acknowledges that the task of clarifying the law on this topic is a difficult and complex one, and welcomes the

international legal system, on the one hand, and rules of customary international law, on the other. Although the Commission proposes a different test for identifying general principles formed within the international legal system, in Ireland's view there is a real risk that the draft conclusions might blur the line between different sources of international law, rather than providing much-needed clarification in this area of law.

6. Ireland notes that some members of the Commission cautioned against engaging in an exercise of progressive development in a topic concerning one of the sources of international law. My delegation agrees with this position. Although the Commission of course enjoys a mandate with respect to the progressive development of law, in our view such development is not appropriate in the current project, which should aim to clarify rather than develop this area of law.
7. Ireland notes that in the commentary to draft conclusion 7, the Commission recognises that differing views exist regarding a 'second category' of general principles. We welcome the fact that the Commission has invited further comments by States, before completion of the first reading.

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'déterminer' are used, and raises the question of whether there is a difference between 'identification' and 'determination.'

11. Moving on to the functions of general principles and the relationship between this source and other sources of international law, we note that the Commission has opted merely to 'take note' of draft conclusions 10 and 11 on this occasion. In Ireland's view, some further clarification is also required regarding those draft conclusions, before they can be finalised.
12. In my delegation's view, there would appear to be a contradiction between draft conclusion 10, paragraph