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Statement by Mr. Dongkyu Moon (First Secretary)
Permanent Mission of the Republic of Korea to the United Nations
Report of the International Law Commission on the work of the seventy-third session (Agenda
77)
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Succession of States in respect of State Responsibility

My delegation welcomes the continuing discussion on the topic “Succession of States in respect of State Responsibility” and would like to thank Special Rapporteur Pavel Šturma for his outstanding contribution to the topic and for presenting his fifth report. We would also like to thank all ILC members for their valuable contributions to this important topic, especially the Drafting Committee, chaired by Professor Ki-gab Park, for preparing the draft guidelines, including those provisions provisionally adopted by the Commission in the previous sessions in accordance with the decision of the Commission.

My delegation respects the decision made by the Commission to change the format of the work from “draft articles” to “guidelines” and regards this as the appropriate form for the work on this topic. While consistency with the previous work of the Commission with respect to State succession is important, my delegation takes note of the relative paucity of State practices as well as insufficient and inconsistent State practices in the issue of succession of States in en-USr suggested by the Special Rapporteur are mixed in nature, with some having a normative and

separation of parts of a State, as dealt with together under draft Guideline 12, “Cases of succession of States when the predecessor State continues to exist”).

Again, my delegation also appreciates the outstanding contribution of the Special Rapporteur, Mr. Pavel Šturma, whose mastery of the subject, guidance, and cooperation greatly facilitated the work on this topic.

General Principles of Law

The Korean government welcomes the relatively speedy outcome on the topic “general principles of law” compared with other topics and would like to thank Special Rapporteur Mr. Marcelo Vásquez-Bermúdez for his outstanding contribution to the topic and for presenting his third report. We also thank to all ILC members for their valuable contribution to this important topic. My delegation takes note that, during this session, the Commission went over the report submitted by the Drafting Committee, in which the committee consolidated the text of draft conclusions 1 to 11 after reviewing all draft conclusions suggested by the Special Rapporteur thus far, and adopted the commentaries to draft conclusions 3, 5 and 7.

Among the draft conclusions provisionally adopted by the Commission this year, the Korean government would like to take note of draft conclusion 3 (categories of general principles of law) and draft conclusion 7 (Identification of general principles of law formed within the international legal system). The current draft conclusion 3 mentions not only “general principles of law d