

Statement by Ms. LEE Young Ju
Ministry of Foreign Affairs of the Republic of Korea
Report of the International Legal Commission on the work of its 75th
session (Agenda 9) Cluster 2
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Settlement of disputes to which international organizations are parties

Mr. Chair,

My delegation would like to begin by expressing its deep appreciation to Special Rapporteur Mr. August Reinisch and the members of the Commission for their diligent work in leading discussion on the settlement of disputes to which international organizations are parties. In particular, we take note of the adoption of draft guidelines 3 to 6 and their accompanying commentaries during this session.

As respecting the Commission's decision to adopt the term "disputes" rather than "international disputes," we acknowledge the ongoing work to clarify the legal implications of disputes of non-international character under international law. However, my delegation underlines the importance of ensuring that this work remains within the scope of the ILC's mandate, and we urge the Commission to maintain an appropriate balance within the established framework of international law.

Regarding draft guideline 5, my delegation understands that the Commission's decision to use the term "disputes" in draft guideline 5, in conjunction with draft guideline 6, which might unintentionally suggest that the Commission accords preferential treatment or is introducing a hierarchy between the various means of dispute settlement as mentioned in draft guideline 2(c).

In the realm of diplomacy, it is well known that negotiation, rather than arbitration and judicial settlement, is frequently employed for a variety of reasons. States refrain from referring their disputes to arbitration or judicial settlement due to, among other factors, the high costs involved, the lengthy duration of the proceedings, the limited experience with these forms of dispute settlement, and reservations about the effectiveness of remedies. Furthermore, disputes between States and international organizations, where there are substantial differences in negotiating

Subsidiary means for the determination of rules of international law

Mr. Chair,

Turning to the topic of Subsidiary means for the determination of international law, my delegation extends its deep appreciation of

L Q V W U X P H Q W R U U X O H We Rare lo Q We Hie W Q Da W at P e S e n o r D e z ' international law recognizes stare decisis. In this regard, the Commission's assertion that stare decisis may be applied when recognized by a rule of international law, citing the Inter American Court of Human Rights' interpretation of the American Convention on Human Rights as an example, raises some concerns. Some member States of the American Convention oppose this view, and it remains unclear whether this case truly represents the application of stare decisis or is instead based on the authority of the court. Therefore, further clarification is needed on whether examples of stare decisis are being applied exceptionally under international law.

The Republic of Korea believes that this work will make a significant contribution to the development of international law and the realization of justice, and we look forward to continued meaningful progress in the future.

Thank you. /END/