



REPUBLIC OF POLAND
PERMANENT MISSION TO THE UNITED NATIONS

70TH AVENUE, NEW YORK, NY 10017

TEL. (212) 744 2506

Check against delivery

STATEMENT BY

THE REPUBLIC OF POLAND

79TH UNITED NATIONS GENERAL ASSEMBLY

SIXTH COMMITTEE

AGENDA ITEM 79

**“REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS SEVENTY-FIFTH SESSION”**

CLUSTER 3

NEW YORK, 29TH OCTOBER 2024

On the criteria for distinguishing treaties from nonlegally binding agreements, we agree that one of the most important would be States' intentions as indicated in the text of the agreement. In particular, we consider the presence of final clauses - including the need for ratification, or dispute settlement mechanisms to be of significant value in distinguishing treaties from nonlegally binding international instruments. The inclusion of a specific clause expressly excluding the binding character of such documents should also be viewed as fundamentally important.

As to the potential legal effects of nonlegally binding international instruments, we wish to recall that this issue was at least partially covered in the Commission's previous work. Thus, in conclusion 10 of the ILCs "Conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties", it is explicitly stated that "Such an agreement may, but need not, be legally binding for it to be taken into account". At the same time, in conclusion 10 of the "Conclusions on identification of customary international law", the Commission stated that "Evidence of acceptance as law (opinio juris) may take a wide range of forms."

Succession of States in respect of State responsibility

Mr. Chairman,

Let me turn to the topic "Succession of States in respect of State responsibility". We welcome the Commission's decision, which is fully in line with the Polish position presented last year, to prepare its final report through a Working Group driven process. In this context, we wish to thank the Working Group Chair, Mr. August Reinisch, for his working paper on the subject.

