



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

76th Session of the General Assembly

Report of the International Law Commission on the work of its 72nd session:
Succession of States in respect of State responsibility
General principles of law

Finally, draft article 9 deals with cases of succession of States when the predecessor State continues to exist. The Czech delegation commented extensively on this draft article in 2019 when it was provisionally adopted by the Drafting Committee. We note with satisfaction that some of our concerns have been addressed in the commentary to this article.

Madam / Mr. Chair,

Let me now turn to the work of the International Law Commission on the topic of 'General principles of law' :H ZHOFRPH WKH 6HFRQG 5HSRUW Rapporteur, covering the methodology for their identification. Draft conclusions presented by the Special Rapporteur provide a convenient basis for further discussions and we look forward to their consideration and development by the Commission.

1HYHUKKHOHV WKH &JHFK 5HSXEOLF ZRXOG OLNH WR UH understands general principles of law as those originating in and derived from the national legal systems, and not as those formed primarily within international legal system. We share the concerns of some members of the Commission and Member States that recognition of the latter category could be problematic for several reasons. Firstly, there is insufficient State practice to identify them. Secondly, it would be hard or impossible to distinguish them from customary international law. And thirdly, it could lead to the FLUXPYHQWLRQ RI WKH 6WDWHV FRQVHQW 7KLV LV DS according to which the existence of the general principle of law formed within the LQWHUQDWLRQDO OHJDO V\VWHU FRXOG EH GHWHUPLQHG WUHDWLHV DQG RWKHU LQWHUQDWLRQDO LQVWUXPHQWV emerged principle could bind the States that did not accept the relevant rule from which WKH SULQFLSOH LV GHULYHG LQ WKH ILUVW SODFH OHDGL as the principal foundation of international law.