

Agenda Item - 82: Report of the International Law Commission
on the work of its seventy-second session
**Cluster III ±Chps: VII (Succession of States in respect of State responsibility) and VIII
(General principles of law)**
Sixth Committee
76th Session of the United Nations General Assembly
3 November 2021, Conference Rooms 1-3
UN Headquarters New York

Madam Chair,

The Philippines commends Special Rapporteurs Mr. Pavel Sturma and Co-Chairs Mr. Marcelo Vazquez-Bermudez for their contribution to the work of the ILC, respectively, on 36 XFFHV V6 W Q WRH V LQ UHVSHFW RI 6WDWH UHVS RQVLELOLW\`

of the International Court of Justice and contained six draft conclusions as well as the Secretariat for the memorandum on the survey of relevant case of inter-state tribunals, noting that both documents were considered by the Commission.

As general principles of law are a direct source of rights and obligations, clarification of this source of international law is pragmatic and of particularly high importance for the Philippines.

We appreciate the careful consideration made by the Special Rapporteur of this matter. In particular, he cited convergence of opinion that WKH VW DUWLQJ SRLQW IRU V

and analogies drawn from said municipal laws. If there is doubt, one must look at state practice to determine whether municipal law provides a just and acceptable solution.

Although we could support the use of domestic legal sources for this comparative analysis, we would like to further study the argument that rules by international organizations could be taken into account as well.

On the second step, we agree that the transposition of a principle common to principal legal systems of the world to the international legal system is not automatic. We do note that there may be challenges as regards the two requirements. On the first requirement, that the principle must be compatible with fundamental principles of international law, this is premised on the existence and previous identification of such principles. We would need further clarification in this regard. Further consideration must be made on the second requirement, that requirements must exist for the adequate application of the principle in the international legal system.

On Part Three of report, on the identification of general principles of law formed within the international legal system, the Philippines reiterates its view that the Commission should first

)LQDOO\ ZH DOVR VXSSRUW WKH 6SHFLDO 5DSRWHXU

at the end of its work a broadly representative bibliography of the main studies relating to the general principles of law.

Thank you.