



STATEMENT

BY THE SPANISH DELEGATE OF THE
INTERNATIONAL LEGAL OFFICE
OF THE MINISTRY OF FOREIGN AFFAIRS, EUROPEAN UNION AND
COOPERATION OF SPAIN

Mr. Manuel Baena Pedrosa

AT THE SIXTH COMMITTEE
OF THE 76th SESSION OF THE GENERAL ASSEMBLY

**Agenda item 82: Report of the International Law Commission
on the work of its seventy-second session CLUSTER III**

New York, 3 November 2021

(Unofficial translation. Check against delivery)

Thank you very much, Mr. Chairman.

The Spanish delegation is grateful for the opportunity to speak in this third

commonly used in Spanish to refer to this legal category, and which has been included in the Diccionario Panhispánico del Español Jurídico.

Still on the subject of terminology, my delegation shares the concern of the Special Rapporteur and the Commission with regard to the expression "civilized nations", which appears in article 38 (1)(c) of the Statute of the International Court of Justice. Indeed, this expression is very anachronistic and seems to introduce terminology that is not compatible with the principle of sovereign equality. We are therefore pleased to note that the Commission has decided not to continue to use these terms, and we share the solution of using the terminology of Article 15(2) of the International Covenant on Civil and Political Rights. Although this article uses different terminology in each of the language versions, the Commission's choice to reproduce the text of each of these versions (in Spanish, "comunidad

Special Rapporteur, Mr. Pavel Sturma, for the presentation of his fourth Report, and the Commission for its work on it.

This delegation has taken note of the progress made on this complicated subject during the present session, but cannot fail to emphasize that more than ten draft articles on topics of considerable interest are still pending before the Drafting Committee. In addressing them, especially as regards the legal consequences of wrongful acts and reparation, we wish to draw attention to the need for consistency with the Draft Articles on Responsibility of States for internationally wrongful acts.

With regard to the future programme of work, the issues proposed by the Special Rapporteur (plurality of injured successor States and plurality of responsible States) are, in our view, correct. Spain looks forward with great interest to the next report of the Special Rapporteur and hopes to see significant progress in the work in 2022.

Having reached the end of this intervention corresponding to the third of the clusters, Spain once again expresses its gratitude to the members of the