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**Mr. Chairman,**

I wish to present the Republic of Poland's comments on two chapters of the International Law Commission's Report for its seventy-third session – "Succession of States in respect of State responsibility" (Chapter VII) and "General principles of law" (Chapter VIII).

**Mr. Chairman,**

With regard to \_\_\_\_\_, my delegation fully supports the ICJ's decision to change the format of the Commission's completed work on this topic from draft articles to draft guidelines. Such an approach expresses in a more appropriate manner the fact that a majority of the Commission's members are States. It also reflects the nature of the work prepared provisions and the priority of agreements entered into between the States concerned. It is also justified by the scarcity of state practice on this topic.

**Mr. Chairman,**

As for \_\_\_\_\_, Poland continues to support the Commission's work on this topic as potentially of both theoretical and practical importance, in particular for domestic law. \_\_\_\_\_

and concisely, rather than short and vague conclusions on determining their transposition to the international legal system. A third issue is that accepting such an origin of general principles of law can conflate this source of international law with the general principles of international law contained, for example, in General Assembly Resolution 2625 'The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States'. Conflating the two would be in contravention of the general principles of law provisionally adopted by the drafting Committee in conclusion 10. Thus, if we agree that "general principles of law are mainly resorted to when other rules of international law do not resolve a particular issue in whole or in part", as stated in draft conclusion 10 paragraph 1, it would be difficult to justify applying such an approach to the principles of international law.

We also wish to reiterate our comment from last year that there is some inconsistency between draft conclusion 8 paragraph 2 and draft conclusion 5 paragraph 3 with respect to the decisions of domestic courts. While the former considers such decisions as subsidiary means to determine general principles, the latter indicates that those decisions are part of national legal systems, whose analysis is crucial to any determination of a general principle of law.

Finally, we note two basic issues concerning general principles of law that still require explanation from the Commission. The first concerns how the term "general" should be understood. Does it relate to the norm's general character qualified as a general principle of law, or rather does it mean that the norm is obligatory to all states in respect of its level of specificity? The second concerns the importance of the term "principle". Should it be understood as contrary to the term "rule", or perhaps as implicitly referring to domestic law?

Thank you, Mr. Chairman.