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AGENDA ITEM 82  
REPORT OF THE INTERNATIONAL LAW COMMISSION  
72<sup>ND</sup> SESSION OF THE GENERAL ASSEMBLY, SIXTH COMMITTEE

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Agenda Item 82, Report of the International Law Commission (Cluster III)

Statement by Mr. Seoung-ho Shin, Counsellor

Permanent Mission of the Republic of Korea to the United Nations

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Mr. Chairman,

In Cluster III, my delegation would like to make a brief comment on the topic of Succession of States in respect of State Responsibility. First of all, my delegation welcomes the initiation of discussion on the topic of Succession of States in respect of State Responsibility, and extends its gratitude to the Special Rapporteur Mr. Pavel Šturma for his efforts in preparing the first report.

My delegation recognizes the necessity for harmony between the present topic and the previous work of the Commission on related topics of responsibility and succession, while anticipating that this topic will be able to fill some gaps left by the Commission in addressing those related fields.

Regarding the draft article 1 on the scope of the topic, my delegation supports the decision of the Commission to exclude the issues of international liability for injurious consequences arising out of acts not prohibited by international law, and limit the topic to the succession of responsibility for obligations and rights with regard to internationally wrongful acts.

Regarding draft article 2 on the use of terms, to the extent provisionally adopted by the Commission, my delegation notes its consistency with the two Vienna Conventions on succession. The elaboration of the use of terms set out in sub-

paragraphs (a) to (d) of draft article 2, namely “succession of States”, “predecessor States”, “successor State”, and “date of succession of States”, is the same as those used in articles 2 (b) to (e) of the 1978 Vienna Convention. Our delegation deems it necessary to maintain consistency with the previous work of the Commission on the related topics.

For future work on this topic, my delegation would like to provide some comments.

My delegation regards the most important matter at this stage will be identifying general rules applicable to this topic. The key issue here is to determine whether general rules on the succession of States exist or not, particularly when the types of succession of States are different.

In this regard, there can be two possible approaches. The first is to identify, based on the traditional rule of non-succession, a case where, exceptionally, the obligations and rights of a predecessor State succeed. The second is to depart from the traditional rule of non-succession and try to find a general rule suitable to various types of succession of States. My delegation would like to ask the Commission to engage in an in-depth examination of this matter in the next session.

Also categorizing State succession is not an easy task. The two previous Vienna Conventions on succession of States categorized the “uniting of States” while Articles on the Nationality of Natural Persons in relation to the Succession of States adopted by the ILC in 1999 renamed the category “unification of States.” Our delegation also takes note that the IDI (Institut de droit international) Draft Resolution on the same issue adopted in 2015 distinguishes the merger of States and incorporation of a State into another existing State, instead of the comprehensive framing of the unification of States. My delegation expects careful consideration on responsibility according to each type of State succession in future discussions.

Before closing, my delegation would like to take this opportunity to welcome the upcoming commemoration of the seventieth anniversary of the Commission next year. It is our sincere wish that events to be held in celebration of the anniversary will provide important momentum towards renewing the Commission's initiative in promoting the progressive development of international law and its codification.

I thank you.

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