

Statement on behalf of Latvia

by

Ambassador, Permanent Representative Mr. Andrejs Pildegovičs

at the Sixth Committee on Agenda item 82 "Report of the International Law Commission of its seventy-second session"

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Cluster III -- Chapters: VII (Succession of States in respect of State responsibility) and VIII (General principles of law)

Succession of States in respect of State responsibility

Madam Chair,

I will begin the substantive statement today by addressing the topic "Succession of States in respect of State responsibility".

Latvia is grateful to the Special Rapporteur, Mr. Pavel Šturma, for the fourth report on succession of states in respect of state responsibility, and to the International Law Commission for provisionally adopting at this session draft articles 7, 8, and 9 and commentaries thereto. Latvia encourages the Commission to preserve consistency with its previous work, in particular its articles on responsibility of States for internationally wrongful acts. These articles have influenced judicial and state practice regarding the rubrics of the internationally wrongful act of a state and the implementation of international responsibility of a state, as well as content of the international responsibility of a state. State responsibility is one of the foundational topics of public international law, and Latvia encourages the Commission's outputs of the topic to be as methodologically and terminologically consistent as possible.

General principles of law

Madam Chair,

I will now address the topic "General principles of law".

Latvia is grateful to the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for his second report, and to the International Law Commission for provisionally adopting at this session draft conclusions 1, 2, and 4 and commentaries thereto. Latvia has four comments. First, Latvia fully endorses the Commission's decision in draft commentary 3 to draft conclusion 2 to depart from the anachronistic term "civilized nations", found in Article 38, paragraph 1 (c), of the Statute of the International Court of Justice, in favour of "the community of nations" (with the important clarification in draft commentary 4 that the latter term is not intended to modify the scope or content of

Article 38, paragraph 1 (c), of the Statute of the International Court of Justice). Secondly, Latvia views favourably the way in which draft conclusion 4 and commentaries thereto formulate and explain the process of identification of general principles of law derived from national legal systems. Draft commentary 4 makes the important point that '[t]he use of the term "the various legal systems of the world" is aimed at highlighting the requirement that a principle must be found in legal systems of the world generally'. This exercise has to be undertaken diligently and seriously, by engaging with the regional and linguistic pluralism of the modern world, and cannot be limited to a small number of examples exclusively drawn from the Global North. Thirdly, Latvia appreciates the importance of multilingualism in the work of the Commission on the topic, including in the work of its Draft Committee. This year's discussion regarding the French and Spanish texts of "general principles of law" culminating in footnote 426 of the report is a good example. Fourthly, Latvia has taken note of the discussion, summarised in the report, regarding the general principles of law formed within the international legal system, and will follow the Commission's future work on the topic with considerable interest.

I thank you.