

**Постоянное представительство  
Российской Федерации**



**Permanent Mission  
of the Russian Federation**

Russia is proud with its international law experts who served as the ILC members in different years. These are: Vladimir Koretsky, Fedor Kozhevnikov, Sergey Krylov, Grigory Tunkin, Nicolay Ushakov, Yury Barsegov, Vladlen Vereschetin, Igor Lukashuk, Valery Kuznetsov, Roman Kolodkin, Kirill Gevorgian. They not only made a contribution to the work of the Commission but served as a link between the Commission and the academic community of Russia. Many of them were the authors of learning courses and monographs by enriching the Soviet and Russian science of the international law.

The uniqueness of the Commission consists in the fact that it represents the manifestation of the thought of all legal systems of the world and gives an

... I would like to touch upon now is the interaction

between the Commission and the Sixth Committee. As is known, recently the drafts elaborated by the Commission have not been always the basis for further elaboration of treaties. A question why this is happening can become a topic for separate

discussion. As a rule, the General Assembly takes note of a relevant draft and draws the attention of States to such a document. However, the national and international

judicial authorities use those texts as a written customary law despite different opinions of the States expressed in the Sixth Committee on these drafts. It seems that this aspect needs to be additionally considered by the States. The Commission as a

... that will ensure that reflect the customary

We support the approach of the Commission to this topic and especially the fact

that its interpretation was based on the time tested provisions of the Vienna Convention

on the Law of Treaties and the rules of interpretation formulated there.

We would like to emphasize in particular the fact that the text of a relevant treaty is the basis for interpretation under the Vienna Convention in accordance with the traditional meaning of the terms used. Therefore we can argue that if the text of the treaty is sufficiently clear then other means of interpretation of the treaty may not be required or play a subsidiary role. At the same time the use of more extensive list of means of interpretation is required only if the text is unclear. Especially this has to do with additional means of interpretation contained in Article 32 of the Vienna Convention whose use is optional.

As to draft conclusion 11 on the role of decisions taken in the framework of the international conferences of the member States, it seems that the legal effect of such

is derived from the text and the rules of procedures (albeit this is

Draft conclusion 12 says that subsequent agreement and subsequent practice may arise from the practice of the international organization in applying its statutory

On the whole, we support the recommendation of the Commission to take note of draft conclusions and draw the attention of States to them. We are not against either

need to analyze the appropriateness of the reference to the publications of the UN Secretariat as an evidence of customary international law or creation of a relevant data base of such evidences. It seems that a situation may arise when the international and

On the whole, we support the overall approach recorded in the draft and based  
on Article 28 of the Statute of the International Court of Justice stating that for the

The [redacted] on the consistent objective contained in draft conclusion 15 is an

important rule. It is our understanding that if any State declared that its corresponding behavior and *opinio juris* are not a customary norm then such a norm even if it arises

[redacted] will not be considered as obligatory for this State



The issue of the general principles of law was and still remains the subject of animated doctrinal discussion mainly in connection with subparagraph (c) of paragraph 1 of Article 38 of the Statute of the Permanent Court of International

In this connection we would like to draw your attention to the approach proposed by the Special Rapporteur to the research of the topic of general principles of

law which may be the basis among other elements the analysis of national judicial

In the context of recognition of the norm as a general principle of law it is

essential to examine the law enforcement practice. We would like to draw your