

**STATEMENT OF THE CHAIR OF THE INTERNATIONAL LAW COMMISSION**

**MR. MARCELO VÁZQUEZ-BERMÚDEZ**

**21 October 2024**

Mr. Chair,

I am delighted to see you serving in the present capacity as Chair of the Sixth Committee. Please accept the warm greetings, and the best wishes of the International Law Commission for a successful session. I also extend my warm congratulations to the other members of the Bureau. The tradition of interaction and collaboration between the Committee and the Commission in the progressive development of international law and its codification is one that the Commission cherishes.

This year marks the seventy-session was significantly impacted by the liquidity crisis the Organization is facing, with the

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Mr. Chair,

Aside the substantive work, the re-established Working Group on the Long-term Programme of Work, chaired by me, continued its consideration of proposals for new topics, including seven proposals introduced at the current session. All the proposals will remain within the Working Group until such time the Working Group is in a position to make a recommendation to the Commission. Relatedly, I recall there are currently eight topics that remain inscribed in the long-term programme of work from previous quinquennia.

The Commission attaches great importance on improving its working methods. It re-established the Working Group on methods of work and procedures of the Commission, under the leadership of Charles Chernor Jalloh. The Commission decided that a handbook on the methods of work and procedures of the Commission should be prepared and issued as an official document. The Commission requested the Secretariat to prepare draft sections of such a handbook, to be discussed during the current quinquennium.

Pursuant to resolution 78/112 of 7 December 2023, the Commission has again commented in its report on its current role in promoting the rule of law and has reiterated its commitment to the rule of law in all of its activities.

Mr. Chair,

This year, Judge Nawaf Salam, the President of the International Court of Justice, addressed the Commission in person on 17 July 2024. Due to the liquidity crisis facing the United States, the Commission regrettably was unable to have its traditional exchanges of views with the African Union Commission on International Law, the Asian-African Legal Consultative Organization, the Committee of Legal Advisers on Public International Law of the Council of Europe, and the Inter-American Juridical Committee. However, it was able to have an informal exchange of views with the International Committee of the Red Cross on 11 July 2024.

Permit me also to note, sadly, that in the course of the session, the Commission convened a memorial meeting in honour of the passing of former member Mehmet Güney. I also wish to note with great sadness the recent passing of former member





draft articles as its work progresses.

The Commission will continue with the second reading of the draft articles next year, with the aim of completing its work on the topic. Accordingly, it is anticipated that, in his second report, the Special Rapporteur will examine the comments and observations received from Governments

of recognition in the continuity of statehood; the right of each State to defend its territorial integrity; the right of self-determination of peoples; and consent on the part of the State facing a loss of habitable territory. Reference was also made to issues related to security, stability, certainty and predictability; equity and justice; sovereign equality of States; permanent sovereignty of States over their natural resources; the maintenance of international peace and security; the stability of international relations; and international cooperation.

With respect to the subtopic of protection of persons affected by sea-level rise, the Study Group considered possible elements for the legal protection of persons affected by sea-level rise based on current international legal frameworks. The Study Group held a broad discussion of 12 elements contained in the additional paper, which could be either used for the interpretation and

**Cluster II: *Chapter IV, Settlement of disputes to which international organizations are parties, and V, Subsidiary means for the determination of rules of international law***

***Chapter IV:***



**settlement)** addresses the accessibility of dispute settlement means. While draft guideline 4 recommends the use of the appropriate means of peacefully settling disputes to which international organizations are parties, draft guideline 5 addresses the separate issue of whether dispute settlement means are actually available and accessible.

**Draft guideline 6 (requirements for arbitration and judicial settlement)** addresses core requirements of the rule of law for the settlement of disputes through arbitration or judicial settlement, highlighting that they shall conform to the requirements of independence and impartiality of adjudicators and due process.

Mr. Chair, the accessibility of-229(s)9(e)-d duet2lit0000912 0 612 792 reW\* nBTtor-9(due)4( )-9(pr)-6

A/CN.4/L.985/Add.1), provisionally adopted draft conclusions 4 and 5, as orally revised. Therefore, draft conclusions 4 to 8, as provisionally adopted by the Commission this year, together with commentaries thereto, are reflected in **paragraphs 74 and 75** this year.

**Draft conclusion 6 (nature and function of subsidiary means)** deals with the notion of subsidiary means, indicating that while they are not a source of international law, their distinctive feature is their function to assist in the determination of the existence and content of rules of inte





on non-legally binding international agreements adopted at the national level that States could publicly share with the Special Rapporteur and the Commission.

*Chapter IX: Succession of States in respect of State responsibility*

Mr. Chair,

The last substantive chapter I will address, which is **chapter IX**, concerns the topic **Succession of States in respect of State responsibility**. This year, the Commission had no report before it on the topic. Instead, the Working Group on the topic, chaired by August Reinish, was reconstituted.

The Working Group held two meetings, at which it focused its discussion on considering the way forward. It had before it a working paper examining the work of the Commission on the topic thus far and outlining the options open to the Commission, prepared by the Chair of the Working Group in close collaboration with interested members of the Working Group in advance

The Working Group engaged in a discussion of the difficulties that the Commission would face in its further consideration of the topic. It considered various possible ways forward to complete the work on the topic, including the appointment of a new special rapporteur, the continuation of the substantive study of the topic in a working group, the establishment of a working group to prepare a procedural report that would bring the work to a close, or the simple discontinuation of work on the topic. The report of the Working Group on its work at the present session may be found at **paragraphs 309 to 330**

The Working Group decided to recommend that the Commission establish a Working Group on the topic at its seventy-sixth session for the purpose of drafting a report that would bring the work of the Commission on the topic to an end. It also recommended that the report should contain a summary of the difficulties that the Commission would face if it were to continue its work on the topic and explain the reasons for the discontinuance of such work. It further recommended that the Commission appoint a Chair of the Working Group to be established next year and that the Chair be encouraged to prepare the draft report of the Working Group in advance of the next session, in close collaboration with interested members.

Having considered