

U.S. Remarks at a Meeting of the Sixth Committee on Agenda Item 77:

I turn now to the W R S L F ³* H Q H U D O 3 U L Q F L S O H V R I / D Z ´ 7 K H 8 Q

proposed here, it would nonetheless be ~~SWHG DV D ELQGLQJ³ JHQHUDO SULC~~ evidence that either treaty party had that intention or belief.

In summary, there is real risk that enshrining requirements through a foggier general principles analysis could make it easier for parties ~~to~~ determine that certain principles bind States without first obtaining the necessary consent.

Our third point provides a procedural proposal for ~~the~~ particular subtopic addressed in draft conclusion 7. Given the differing views on the question ~~of~~ whether general principles may be formed within the international legal system, even within the ILC itself, the better course of ~~DFWLRQ PD\ EH WR LQFOXGH D³ ZLWKRXW SUHMXGLFH\ DUW~~ future if state practice were ~~to~~ support it more conclusively. We also recommend avoiding ~~XVLQJ W~~general~~ SULQFLSOHV\ IRU WKLW VXEWRSLF DQG LQVW~~ ~~WHUP³ SULQFLSOHV IRUPHG ZLWKLQ WKH LQWHU@DWLRQDO~~ appropriate for international criminal procedures, for example, or ~~other~~ *ad hoc* topics.

We look forward to the future work on these issues.

Thank you, Mr. Chairman.