



# SLOVENIA

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## STATEMENT

**BY**

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Agenda item 82

**Report of the International Law Commission on the work of its  
seventieth session: Chapter: X (Succession of States in respect of State  
responsibility)**

73rd Session of the General Assembly  
Sixth Committee

**New York, 30 October 2018**

Mr Chairperson,

It is my pleasure to address the Committee on Cluster 3 topic Succession of States in respect of State responsibility.

We would like to congratulate the Special Rapporteur Mr Pavel Šturma on successfully completing and presenting his Second Report, and reiterate our support for the research of the topic, which will enable further development of this field of international law.

Mr Chairperson,

We welcome the fact that the Special Rapporteur presented cases of state succession from outside Europe, as requested by the Member States in 2017, as well as the Special Rapporteur's plan to present legal consequences of the wrongful act regarding various forms of succession, for example whether the predecessor state continues its legal personality or not. In our view, different consequences such as reparation, compensation, guarantees of non-repetition should be analysed separately when possible.

We carefully followed Special Rapporteur's argumentation on the applicability of rules of state responsibility (especially attribution) in cases of succession where the predecessor state continues to exist. In that case, one of the successor states (the continuator state) continues legal personality of the predecessor state and is therefore, legally, the same State. As noted by the Special Rapporteur, in this case a general rule of non-succession applies to the continuator state.

There are, however, possible exceptions, as mentioned in the Second Report. Slovenia supports further research of those exceptions, where appli

--cable. We concur with the Special Rapporteur that the *raison d'être* of the rules on the responsibility of insurrectional and other movements should be applied. The applicability of those rules was confirmed by the European Court of Human Rights (e.g. *Bijelić v. Montenegro and Serbia*) and the European Commission for Democracy through Law. Research of exceptions should also follow the *raison d'être* of other rules, for example those on the wrongful acts of a continuing character, as also mentioned in the Second Report.

Mr Chairperson,

Slovenia wishes to reiterate the importance of this topic for states and expresses its support to the Special Rapporteur as he continues his endeavours.

Thank you.