



SLOVENIA

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STATEMENT

BY

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Agenda item 79

**Report of the International Law Commission on the work of its seventy-first session:
Cluster III: Chapter VII: Succession of States in respect of State responsibility**

74th Session of the General Assembly
Sixth Committee

New York, 5 November 2019

Mr Chairman,

Slovenia is pleased to address the Sixth Committee on the work of the International Law Commission on the issue of Succession of States in respect of State responsibility.

Slovenia welcomes the in-depth examination of applicable state practice, jurisprudence, and doctrine in the Special Rapporteur's Third Report (contained in document A/CN.4/731) and takes note of the Memorandum prepared by the Secretariat on treaties which may be of relevance to its future work on the topic (A/CN.4/730).

Allow me to address the topic in four parts.

First, on the general rule of succession:

Slovenia agrees with the Special Rapporteur that it is "difficult to affirm the existence of a general rule" on state succession to responsibility. Slovenia further agrees with the Special Rapporteur that the inconclusiveness of state practice does not imply the use of the "clean slate rule." This view is in line with the previous work of the Commission (as reflected in both Vienna Conventions on state succession, namely 1978 Vienna Convention on Succession of States in Respect of Treaties and 1983 Vienna Convention on Succession of States in Respect of Treaties) which rarely accepted the "clean slate rule" as predominant.

Second, on the use of general principles of law:

Slovenia supports the notion that the topic should, when appropriate, draw on general principles of law (including the *doctrine of acquired rights, fairness and reasonableness, equitable proportions* and others), with the necessary cautious consideration that some principles may not be entirely applicable to the area of state succession.

Turning to the title of the topic, Slovenia agrees that the current title of the topic is appropriate, especially with regard to the consistency with Commission's previous work.

On the structure of draft articles, Slovenia agrees with some members of the ILC that draft articles should be organized primarily by the specific category of state succession (dissolution, unification, separation, etc.), followed by addressing both rights and obligations combined in the same article. Alternatively, if the International Law Commission was to divide rights and obligations into different parts, we suggest for each category of state succession to be subject to a separate article.

Generally, we agree with specific categories of state succession being addressed separately and not merged into the same articles, particularly in such cases where predecessor state ceases to exist.

Thank you, Mr Chairman.