



S L O V A K I A

STATEMENT

by

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Sixth Committee**

**Report of the International Law Commission
on the work of its seventy-first Session (item 79)
Cluster I**

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(check against delivery)

Mr. Chairman,

Allow me to begin with expressing our warm congratulations to the International Law Commission and its Members for the Report that has been presented to us. In particular, I would like to express our delegation's sincere gratitude to the Chairperson of the ILC Professor Pavel Šturma for his competency in leading this year's session. At this session, the Commission has been able to conclude one important topic on second reading with a recommendation to adopt a Convention on the basis of the outcome of its work and further two topics on first reading.

Mr. Chairman,

My today's statement is to address issues in Cluster I, namely Chapters IV, V and XI of the ILC Report. Slovakia notes with sheer satisfaction that the Commission has completed its works on the topic of **Crimes against humanity** having adopted the set of 15 draft articles with commentaries on second reading. We use this opportunity to congratulate the Commission for the outcome that is genuinely suitable for immediate codification. The set of articles is carefully drafted with

draft articles. Slovakia takes note with concerns of this analysis, as well as of the view of the Special Rapporteur that pursuit of both initiatives might be inefficient and confusing and risks the possibility that neither initiative succeeds. Nevertheless, we are still inclined to believe those two initiatives are to be complementary and we are determined to engage in procedural steps leading to adopting a new convention on prevention and punishment of crimes against humanity on the basis of the draft articles. We strongly encourage other States not to misuse the analysis and the view of the Special Rapporteur as a bar to proceed to the elaboration of the convention.

Mr. Chairman,

Turning to the topic of **Peremptory norms of general international law (jus cogens)**, my delegation commends the Special Rapporteur Dire Tladi and the Commission for the adoption of the draft conclusions with commentaries on first reading. We also welcome that the Commission has decided to transmit the draft conclusions to Governments for comments and observations and it is Slovakia's intention to submit the comments in due course.

At this point we can recall o42.0r48s05 vTQ-891086594.9842.0nclusions with commentaries

by the Commission over the decades. However, it remains unclear, and the commentaries do not provide any further guidance on that, what was the exact criterion for inclusion or non-inclusion to the list of a particular norm. Accordingly, we observe that only some of norms previously referred to by the Commission as *jus cogens* examples now appear in the list, others do not. Moreover, the manner in which some of the listed norms are labeled gives rise to terminological uncertainty, such as an ambiguous category of basic rules of international humanitarian law or not mentioning the prohibition of the threat and use of force. Lastly, it may seem too shortcut to merely reproduce the Commission's previous references without giving explanations, instead of thorough search for the

