



**STATEMENT**

**BY**

**Slovenia**

**on Agenda item**

**Cluster III:**

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

**Chapter VIII: General principles of law**

**77th Session of the General Assembly  
Sixth Committee**

**New York, November 2022**

Mr Chairman,

Slovenia is pleased to address the Sixth Committee on the work of the International Law Commission within cluster III on the issue of Succession of States in respect of State responsibility and General principles of law.

Mr Chairman,

In the context of Succession of States in respect of State responsibility, Slovenia commends the Special Rapporteur on successfully concluding his work on State succession in respect of State r HVSRQVLELOLW\ :H FRPPHQG 3URIHVVRU â WXUPD IRU codification and progressive development of international law.

On the format, Slovenia ~~as~~ as a successor State itself ~~prefers~~ prefers a stronger form, particularly draft articles with commentary, DV WKL V ZRXOG EH FRQVLVWHQW ZLWK WK State responsibility and State succession. However, we can support the form of "guidelines" should this enable a consensus, States that undergo the process of succession in the future will be able to benefit from this work.

As already mentioned, Slovenia welcomes the Special Rapporteur's success in finding a balance between the clean slate doctrine and the position on automatic succession. The first2(on)(t)dt7.8 0 G g0c Th

On the text of the draft guidelines and commentaries thereto provisionally adopted by the Commission at its seventy-third session, Slovenia generally supports these guidelines and commentaries.

Some of the proposed guidelines are straightforward and rest exclusively on the rules of State responsibility with elements of succession added only for further clarification, for example paragraphs, 1 and 2 of Guideline 7 bis; paragraph 2 of Guideline 10 bis; paragraph 1 of Guideline 12 and so forth. Since, as mentioned, they rest on existing rules and state practice, such guidelines should be adopted without much ado.

Some of the proposed guidelines fall into the area of progressive development, for example, paragraph 3 of Guideline 7 bis; Guideline 10; paragraph 1 of Guideline 10 bis.

In our opinion, the rationale for these proposed guidelines is aptly described by the provisionally adopted commentaries. Furthermore, the Special Rapporteur has found a solid foundation with the use of "without prejudice" clauses and the priority of agreements among concerned States.

We would especially like to commend the commentaries on Guideline 11 and Guideline 14 (both on Dissolution of a State), which apply the terminology of the Vienna Convention on Succession of States in respect of State Property, Archives and Debts and seek to find a relevant connection between a wrongful act and successor States.

Slovenia agrees with the Special Rapporteur that domestic laws should be cited as State practice. As stated by the Special Rapporteur, the report does not claim that they were an H[S UHVLRQ RI D 6 W D W H W O H H D O F R I Q Y L D E W L R O  
that it was fulfilling an obligation under international law. Nevertheless, such acts represent State practice and were driven by the social need to address, in the context of succession of States, the injury for which the predecessor State was responsible.

To conclude, Slovenia strongly supports future work on this topic. It would be regrettable if the  
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Mr Chairman,

Turning to the topic of General Principles of Law, we would first like to thank the Special Rapporteur, Mr Vázquez-Bermúdez, for his comprehensive reports on the processes and mechanisms of identifying general principles of law. In his third report, the Special Rapporteur discussed the issue of transposition, general principles of law formed within the international legal system, and the functions of general principles of law and their relationship with other sources of international law.

The codification of general principles of law is a challenging and comprehensive task mainly because of the lack of unification and the unsystematic practice of States and international courts and tribunals, no commonly agreed-upon theoretical approach, and different use of terminology.

However, despite all of the questions and difficulties in determining them, today there is no doubt that they represent an independent source of international law, which is not to be confused with customary international law.

We note with interest the proposed dual approach that general principles of law can be derived not only from national legal systems but also from the international legal order itself. General  
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requirements and conditions of international law.

As the Special Rapporteur rightly observes, the main challenge consists in formulating a clear