



**SLOVENIA**

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**STATEMENT**

**Report of the International Law Commission on the work of its seventy-third and seventy-fourth sessions**

**Cluster III:**

**Chapter VII Subsidiary means for the determination of rules of international law**

**Chapter IX Succession of States in respect of State responsibility**

**78th Session of the General Assembly  
Sixth Committee**

**New York, October 2023**

Mr/Madam Chair,

It is my pleasure to address the Sixth Committee on the work of the International Law Commission in relation to Cluster III, namely Chapter VII, Subsidiary means for the determination of rules of international law, and Chapter IX, Succession of States in respect of State responsibility.

Mr/Madam Chair,

Regarding the first topic, Subsidiary means for the determination of rules of international law, Slovenia appreciates efforts of the Commission for the preliminary adoption of the first three draft conclusions.

In particular, we would like to thank Special Rapporteur Charles Chernor Jalloh for his excellent and detailed work on this topic.

Subsidiary means for the determination of rules of international law are essential tools of international courts and tribunals for the interpretation and application of the principles and norms of international law. As set out in Article 38(1)(d) of the Statute of the International Court of Justice, subsidiary means, such as judicial decisions and the teachings of the most highly qualified publicists, play a vital role in identifying the customary and conventional norms that govern the conduct of States and other international actors.

However, as suggested in the draft conclusions, there is a need for greater clarity in the use of subsidiary means and their relation to sources of international law. Slovenia supports the Commission's efforts to promote a consistent methodology in the use of subsidiary means of international law. This, in turn, contributes to its consistency, predictability and stability.

Slovenia would like to express once again its appreciation for the work done so far by the Commission on this important topic.

Mr/Madam Chair,

Regarding the second topic, Succession of States in respect of State responsibility, Slovenia recognises the crucial importance of establishing clear and transparent rules to guide the complicated process of succession. Such rules, embodied in the two Vienna Conventions, served as a cornerstone during the dissolution of the former Yugoslavia.

The current topic of State succession to responsibility addresses an additional and equally important facet compared to the aspects described in the above-mentioned Conventions. Moreover, this ongoing dialogue represents a further essential development in the field of State succession, with the overall objective of a comprehensive codification of all relevant areas of State succession.

On this basis, Slovenia strongly supports the sustained efforts devoted to this issue. In particular, during his tenure, Special Rapporteur Šturma has achieved the drafting of five comprehensive reports, followed by the preliminary adoption of various draft guidelines by the Drafting Committee in the period from 2018 to 2022. The substantial groundwork done by the ILC in this regard should serve as the basis for the subsequent phases of our joint efforts.

In conclusion, Slovenia reiterates that the appointment of a new Special Rapporteur is imperative in order to continue this commendable work, with the primary objective of making progress with regard to the draft guidelines. The diligence and achievements of the ILC demand our collective commitment to further this noble cause.

Thank you.