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STATEMENT

 \mathbf{BY}

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Agenda item 81

Report of the International Law Commission on the work of its sixtyninth session, Cluster 3, Chapter VIII: Peremptory norms of general Mr Chairman,

It is my pleasure to address the Sixth Committee regarding the work of the International Law Commission on Cluster 3 topics.

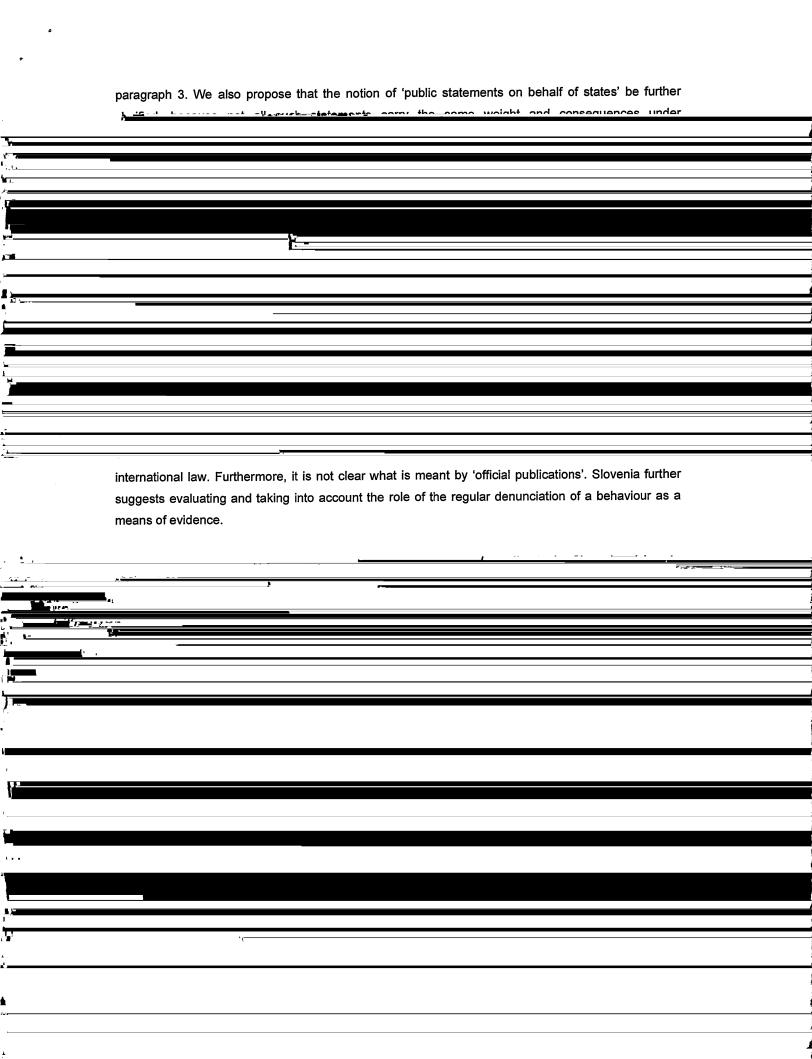
Concerning '<u>Peremptory norms of general international law (jus cogens</u>)', Slovenia welcomes the second report of the Special Rapporteur, which contains six draft articles concerning the criteria for the identification of *jus cogens* norms.

My delegation notes the approach of the Special Rapporteur, who based his analysis on Article 53 of the VCLT. However, we also note and appreciate the thorough analysis in his report identifying other passible ways to approach the definition. Describe the approach the definition of the second that the second the definition of the second that the second the second that the second the second that the second that

delenation believes that the nature of the corone name is distinct and executional as thou reflect

common and generally accepted fundamental values and foundations of the international order. As such, we agree that the approach taken on the criteria for *jus cogens* cannot be based entirely on consent. This is why Slovenia would welcome the consideration of the characteristics set out in draft conclusion 3, paragraph 2, in the context of the identification of *jus cogens*.

While acceptance and recognition by the international community of states as a whole is inherent in



regardless of the fact of the succession of the responsible state. Before the date of succession, the injured state may invoke the responsibility of the responsible (predecessor) state, whereas, in the case of invocation after the date, rules regulating the extent (and modality) of the succeeded responsibility and rules for different categories of succession are needed in order to evaluate how 'succession agreements' influence the injured state. For example, does agreement between successor states not recognising their joint and several responsibility diminish the invocation entitlement of the injured state? In this regard, Slovenia supports the decision of the Special Rapporteur to propose in subsequent reports a set of rules for different categories of succession.

Slovenia welcomes the Special Rapporteur's intention to pay additional attention to the issue of the 11.5

In the case of 'succession agreements', we would also propose examining the provisions of

institutional and legal frameworks in this regard, such as establishing a mechanism to monitor compliance with IHL, studying legislative frameworks for the protection of transboundary water infrastructures against terrorist acts or establishing an independent body to collect information about damaged water supplies and foster technical assistance during protracted armed conflicts. Slovenia

context of the topic before us.

Thank you.