



**S L O V A K I A**

**STATEMENT**

**by**

**Mr. Matúš KOŠUTH**

**Assistant Legal Adviser  
International Law Department  
Ministry of Foreign and European Affairs of the Slovak Republic**

**74<sup>th</sup> session of the United Nations General Assembly  
Sixth Committee**

**Responsibility of States for internationally wrongful acts  
(item 75)**

**New York, 14 October 2019**

*(check against delivery)*

Mr. Chairman,

At the outset, I would like to thank the Secretary-General for the reports containing the compilation of decisions of international courts, tribunals and other bodies, as well as comments and information received from Governments. Slovakia considers both compilations as very useful and contends that this practice should be preserved in the future. The information provided in these reports indicate not only potential *opinio juris* of particular States towards articles, but help to envisage the prospects of framing the very text of draft articles into a possible future convention.

The responsibility of States for internationally wrongful acts is one of the most important topics completed by the International Law Commission in its seven-decades-long history. The draft articles on State responsibility have indeed been one of the Commission's landmark codification activities. Slovakia considers the draft articles to be a coherent and balanced exposition of customary international law. Most of the articles rely heavily on extensive State practice and the jurisprudence of international judicial bodies.

The 18 years that have elapsed since the adoption of the draft articles by the Commission have evidenced their strong impact both on State practice, as well as on jurisprudence. It is no overstatement that the articles on State responsibility have been exceptionally well received by the international community. The report of the Secretary-General clearly shows the widespread application of the articles by international courts. The International Court of Justice, International Criminal Court and other international courts, including the European Court of Human Rights and the General Court of the EU, as well as other regional courts have made ample references to the articles and applied the norms contained therein as being reflective of customary international law.

Mr. Chair,

My delegation firmly believes that besides the high quality and balance of the articles, it is their current status that has contributed to their substantial and extensive recognition, acceptance and application in the field of international legal relations.

Subjecting the articles on State responsibility to negotiations at an intergovernmental conference (or at the General Assembly) after almost two decades of widespread application, would entail a risk of galvanizing still existing divergences and differences of views, as demonstrated e.g. in the Secretary General's report of comments received by Governments or even already during this session of the Sixth Committee. This, as well as a risk of opening tough substantive discussions on their carefully drafted text would necessarily lead to jeopardizing their current level of acceptance and status as the relevant body of law in this field of international law.

For these reasons, Slovakia does not favor elaborating a convention on the basis of the articles on State responsibility. My delegation is further of the view that it is worth reconsidering the feasibility of reconvening at future sessions of the Committee a working group to examine the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action. Bearing in mind two decades of practice, as well as six-fold consideration in the Committee, no such action seems desirable. Nevertheless, we are willing to engage in this year's working group and carefully listen to the suggestions for further action on the draft articles, although, Slovakia stands ready to advocate strongly against any steps that would materialize the aforementioned concerns of ours.

To conclude, Mr. Chairman,

The articles on State responsibility have been an immense contribution to an important field of international law and have truly strengthened the rule of law. This achievement can be better upheld and further strengthened, if the articles continue to be applied in their current form and status.

I thank you.