



S L O V A K I A

STATEMENT

by

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(check against delivery)

Mr. Chair,

Firstly, I thank the Secretary-General for his report on diplomatic protection prepared on the basis of observations and comments by Governments.

Mr. Chair,

In the current state of international law, diplomatic protection is an institute of customary international law. The Articles on Diplomatic Protection elaborated by the International Law Commission are a valuable set of provisions mostly reflective of these rules of customary law, with some useful elements of its progressive development. The current form and status of the Articles, as a legally non-binding text, have bigger potential to serve the purpose of consolidating the relevant norms of international law and influencing the practice of States.

The best and most natural way of strengthening the status and acceptance of the Draft Articles entails providing sufficient time in the range of several decades in order for them to become authoritative by their use in State practice and in the jurisprudence of courts and tribunals. In this respect, we note the decision of the International Court of Justice of 24 May 2007 in the Case Concerning Ahmadou Sadio Diallo, where the Court made references to the Articles.

In this context, it is important to note also the fact that diplomatic protection can be viewed as a set of rules regulating special cases of responsibility of States for internationally wrongful acts in situations when the injury is caused to an individual, who is a national of another State. For these reasons, we are convinced that the legal form of Articles on Diplomatic Protection shall be in line with the form of general rules on the responsibility of States for internationally wrongful acts.

Taking all these aspects into account, we are of the view that entering into a process of negotiating an international convention on diplomatic protection based on the ILC Articles would be premature at this stage.

This cautious approach will enable States to use the Articles in their practice, thus allowing the Articles, particularly provisions based on progressive development of international law, to gain wider recognition within the international community, especially through growing State practice.

I thank you.