

Mr. Chairman, distinguished colleagues,

At the outset, I would like to take this opportunity to welcome the Chair and Members of the International Law Commission and to thank them for their presence today as well as for the presentation of the Commission's report.

It is my great pleasure to appear before you this year and to share with you Croatia's views on the work of the International Law Commission.

The focus of our intervention this year is on two topics of the ILC Report – „Succession of States in respect of State responsibility“ and „Peremptory norms of general international law (*jus cogens*)“.

Mr. Chairman,

As a country that suffered a brutal aggression and massive destructions over a major part of its territory in 1990-ies, during and after the process of dissolution of the predecessor State, the topic „Succession of States in respect of State responsibility“ is of utmost importance to the Republic of Croatia. We highly appreciate the significance that the ILC has given to this issue so far and we would like to commend the Special Rapporteur, Mr. Pavel Šturma, for his efforts invested in this important topic. We find his second report and the draft Articles contained therein to be a valuable contribution to the clarification of this extremely complex issue.

In that context, we would especially like to point out draft Article 11, which regulates specific situations in case of a dissolution of states. In our view, Mr. Šturma has rightly noted **that both - territorial link and devolution of an organ of the predecessor state into the organ of one of the successor states - should**

conditions are met, - the FRY (and subsequently Serbia) also succeeded to the responsibility of the SFRY for the violations of the Genocide Convention. This is a rather multi-layered argument which obviously assumes important previous factual findings and answers to a number of significant international legal issues, including the question of attributability of individual acts to states as well as the issue of succession of states to responsibility in specific circumstances - the theme of Mr. Šturma's Report.

By accepting aforementioned Croatia's proposition, the Court made the decision on its (full) jurisdiction in this case dependent on positive answers to a series of consecutive questions:

- (a) first of all - whether the events referred to by Croatia actually occurred and whether they were in contravention to the Genocide Convention, and – if so,
- (b) second - whether these events were attributable to the SFRY at the time when they occurred, and whether they engaged SFRY's international responsibility,

consequences and legal effects of peremptory norms of general international law (*jus cogens*), as well as the proposed 13 draft conclusions.