



S L O V A K I A

STATEMENT

by

Mt. Mewqd ^{TPA} EK

**Director of the International Law Department
Ministry of Foreign and European Affairs of Slovakia**

**73rd session of the United Nations General Assembly
Sixth Committee**

**Report of the International Law Commission
on the work of its Seventieth Session (item 82)
Cluster I**

New York, 23 October 2018

(check against delivery)

Mr. Chairman,

Allow me at the outset to congratulate the International Law Commission and its Members for
vj g'Tgr qt v'j cv'j cu'dggp'r t gugp vgf 'v'w'0'k'p'r ct v'ewrct. "Ky qwf 'hng'v'g'zr t guu'qwt 'f gngi cvkqp'au"
gratitude to the Chairperson of the ILC Mr. Eduardo Valencia ó Ospina for his able leadership
of the current session of the Commission. We also congratulate Mr. Evgeny Zagaynov for
being elected member of the Commission at the session. The 70th anniversary session has
been indeed very productive one. The Commission has been able to conclude two topics on
second reading and further two topics on first reading. Nevertheless, it is worth noting that
with respect to some other topic sufficient time has not been allocated, which would be
required for their due consideration.

Mr. Chaiman,

O { 'vqf c { au'ucvgo gpv'ku'v'q'cf f t guu'kuuwgu'p'Enwugt 'K'pco gn { 'Ej cr vgtu'KX. "X."Z K'Kcpf "Z K'Kqh"
the ILC Report. Allow me first to turn to the topic of the Chapter IV **Subsequent
agreements and subsequent practice in relation to the interpretation of treaties** We
acknowledge with appreciation that the Commission adopted set of 13 draft conclusions
together with commentaries

Report on the work of the Commission on the Law of the Sea (1982-1983)

of the International Law Commission (1982-1983) (1984) (1985) (1986) (1987) (1988) (1989) (1990) (1991) (1992) (1993) (1994) (1995) (1996) (1997) (1998) (1999) (2000) (2001) (2002) (2003) (2004) (2005) (2006) (2007) (2008) (2009) (2010) (2011) (2012) (2013) (2014) (2015) (2016) (2017) (2018) (2019) (2020) (2021) (2022) (2023) (2024) (2025)

In relation to the practice, we praise the balance that has been found in the question of whose practice could and should count as contributing to the formation, or expression of rules of customary international law with a clear primary role of practice of States. Further, despite the fact that the length of practice has been omitted as its characteristic, Slovakia welcomes that the idea of instant custom has been brushed aside. As approved in the commentaries, general practice implicitly requires certain period of time.

Lastly, in our view, some open questions remain in connection with the implications of draft conclusion 16. Even though the commentary to this draft conclusion reflects, what Slovakia has been pointing at regularly, that there always seems to exist a certain geographical link among the States applying particular customary international law, the Commission eventually left open an option that there could be other than regional, sub-regional or local particular customary international law. However, the commentary does not contain any example of that other particular customary international law.

Mr. Chairman,

Commenting on future work of the International Law Commission, allow me to welcome the decision to include the topic **General principles of law** in its programme of work and to appoint Mr. Marcelo Vázquez-Bermúdez as Special Rapporteur for the topic. We wish

