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Mr. Chairman,

In my today's intervention, I will address Chapters VI, VIII and X of the ILC Report,

“*... and the obligation to armed conflicts*”

“*... and the obligation to armed conflicts*” and “*See level*”

Reserving our right to provide our detailed comments to draft principles in writing, I will limit my comments now to some specific issues with regard to draft principles adopted by the commission at the current session.

With regard to draft Principle 9 on state responsibility, we have difficulties to understand the benefits of the para 1. We think it could potentially lead to some confusion with regard to the scope of the reparation for any environmental damage. We think that the issue of reparation can be easily solved within the general rules on state responsibility.

In relation to draft Principle 10, we generally welcome the substance of the principle.

...the language should not be used

articles have been adopted, except for the article 8 *ante* provisionally adopted by the

of the topic, lack of progress seems regrettably apparent. We therefore support the plan to complete first reading in 2020.

Eight draft articles proposed by the Special Rapporteur were referred to the Drafting Committee, which due to time constraints did not manage to complete its deliberations. Our comments are therefore on the report of Special Rapporteur and the debate in the Commission. Overall, in order to achieve useful and meaningful set of draft articles on procedural aspects of immunity we would welcome more focus on existing State practice reflected therein. As such practice stemming from domestic laws varies, we consider it necessary that the draft articles on procedural aspects are not overly prescriptive. [In general, we support the inclusion of procedural aspects and safeguards into the draft articles as they contribute to the prevention of politically motivated or abusive exercise of jurisdiction against foreign State officials. Especially, with regard to exceptions of *ratione materiae* immunity as stated in draft article 7. We reiterate our concerns about the annexed list to draft article 7 going

measures. Illustrative list in the commentary would be appreciated. In relation to the determination of immunity, we argue that it does not necessarily have to be the courts to determine the immunity. This is not the case in Slovakia either. Therefore, broader approach on the relevant organs of the forum State in the determination of immunity should be applied.

Touching upon invocation of immunity we are convinced it is not a procedural

requirement for authorities of the forum State to consider and determine the immunity of the State or of one of its officials from jurisdiction. On contrary, authorities of the forum State should assess and decide *proprio motu* on the immunity of foreign State

article 10 as not requiring the forum State to invoke immunity *ratione materiae*, but

1. The Commission should not be asked to undertake the purpose of draft articles

Mr. Chairman

Turning now to the topic **Sea-level rise in relation to international law**, we note its inclusion in the Commission's programme of work and the establishment of a Study group co-chaired by five distinguished members of the Commission. We welcome the agreement of the Study group on its composition, methods and programme of work,