

**DECLARATION OF INTERVENTION OF THE
REPUBLIC OF SLOVENIA**

INTERVENTION PURSUANT TO ARTICLE 63 OF THE STATUTE OF THE
INTERNATIONAL COURT OF JUSTICE

24 November 2022

To the Registrar, International Court of Justice, the undersigned being duly authorized by the Government of the Republic of Slovenia:

1. On behalf of the government of the Republic of Slovenia, I have the honour to submit to the Court a Declaration of Intervention pursuant to Article 63 paragraph 2 of the Statute of the Court in the Case concerning *The Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*.
2. Article 82, paragraph 2, of the Rules of the Court provides that a declaration of a State's desire to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall specify the case and the convention to which it relates and shall contain:
 - (a) *particulars of the basis on which the declarant State considers itself a party to the convention;*
 - (b) *identification of the particular provisions of the convention the construction of which it considers to be in question;*
 - (c) *a statement of the construction of those provisions for which it contends;*
 - (d) *a list of documents in support, which documents shall be attached.*
3. Those matters are addressed in sequence below, following some preliminary observations.

PRELIMINARY OBSERVATIONS

4. On 26 February 2022, Ukraine instituted proceedings against the Russian Federation in a dispute concerning the interpretation, application or fulfilment of the Convention on the Prevention and Punishment of Genocide (the "Genocide Convention").
5. In paras. 4-12 of its Application instituting proceedings, Ukraine contends that there is a dispute between Ukraine and the Russian Federation within the meaning of Article IX relating to the interpretation, application or fulfilment of the Genocide Convention.

6. On substance, Ukraine claims that the use of force by the Russian Federation in or against Ukraine since 24 February 2022 on the basis of alleged genocide, as well as the recognition that preceded the military operation, is incompatible with the Convention, quoting Articles I-III thereof (paras. 26-29 of the Application).
7. Following a request for provisional measures from Ukraine, the Court ordered on 16 March 2022 that:
 - (1) the Russian Federation shall immediately suspend the military operation that it commenced on 24 February 2022 in the territory of Ukraine;
 - (2) The Russian Federation shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and person which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in points (1) above; and
 - (3) Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.
8. As of date of this Declaration, Russia has failed to comply with the Order, has intensified and expanded its military operations on the territory of Ukraine and has thus aggravated the dispute pending before the Court.
9. On 30 March 2022, as contemplated by Article 63, paragraph 1, of the Statute of the Court, the Registrar duly notified the Government of the Republic of Slovenia as a party to the Genocide Convention that by Ukraine's application the Genocide Convention "is invoked both as a basis for the Court's jurisdiction and the substantive basis of Ukraine's claims on the merits". The registrar also noted that:

"Ukraine seeks to find the Court's jurisdiction on the compromissory clause contained in Article IX of the Genocide Convention, asks the Court to declare that it has not committed a genocide as defined in Articles II and III of the Convention, and raises questions concerning the scope of the duty to prevent and punish genocide under Article I of the Convention. It therefore appears that the construction of the Genocide Convention will be in question in this case"¹.
10. It is the understanding of the Republic of Slovenia that the Genocide Convention is of utmost importance to prevent and punish genocide. Any acts committed with an intent to destroy, in whole or in part, national, ethnical, racial or religious group constitutes a crime under international law. The

¹ Letter from the Registrar of the Court of 30 March 2022 – see Annex A.

prohibition of genocide is a *jus cogens* norm in international law.² The rights and obligations enshrined by the Convention are owed to the international community as a whole (rights and obligations *erga omnes partes*)³. In such a situation, when the treaty embodies matters of collective interest, the late Judge Cançado Trindade called upon all State Parties to contribute to the proper interpretation of the treaty as sort of a “collective guarantee of the observance of the obligations contracted by the State parties”.⁴

11. By this present Declaration, the Republic of Slovenia avails itself of the right to intervene conferred upon it by Article 63, paragraph 2, of the Statute.

This Court has recognized that Article 63 confers a “right” of intervention.⁵ The Court has also underlined that an intervention “is limited to submitting observations on the construction of the convention in question and does not allow the intervenor, which does not become a party to the proceedings, to deal with any other aspect of the case before the Court; and whereas such intervention cannot affect the equality of the Parties to the dispute”.⁶

12. Consistent with the restricted scope for interventions under Article 63 of the Statute, the Republic of Slovenia will present its interpretation of the relevant Articles of the Genocide Convention in line with customary rules of interpretation as reflected in Article 31 of the Vienna Convention on the Law of Treaties.⁷ It notes that Article 63 of the Statute does not make a distinction between provisions in a Convention, which relate to jurisdictional issues and those, which relate to substantive provisions. According to Judge Schwebel “intervention in the jurisdictional phase of a proceeding is within the

² Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43, at p. 111, paras. 161-162.

³ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 3 with further references; Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Judgment of 22 July 2022, p. 36, para. 107.

⁴ Separate Opinion of Judge Cançado Trindade, attached to Whaling in the Antarctic (Australia v. Japan), Declaration of Intervention of New Zealand, Order of 6 February 2013, I.C.J. Reports 2013, p. 33, para 53.

⁵ Haya de la Torre (Colombia v. Peru), Judgment, I.C.J. Reports 1951, p. 76; Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Application for Permission to Intervene, Judgment, I.C.J. Reports 1981, p. 13, para. 21.

⁶ Whaling in the Antarctic (Australia v. Japan), Declaration of Intervention of New Zealand, Order of 6 February 2013, I.C.J. Reports 2013, p. 3, at p. 9, para. 18.

⁷ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Judgment of 22 July 2022, p. 31, para. 87: “The Court will have recourse to the rules of customary international law on treaty interpretation as reflected in Articles 31 to 33 of the Vienna Convention on the Law of Treaties of 23 May 1969”; see also Application of the International Convention On the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Preliminary Objections, Judgment of 4 February 2021, p. 24, para. 75 with further references.

scope of rights with which States are endowed by the terms of Article 63”⁸. Indeed, in both situations, States may offer their assistance to the Court in the construction of a particular Convention. Accordingly, interventions on both aspects are allowed⁹, and the wording in Article 82 of the Rules to file a declaration “as soon as possible” confirms that the filing of an Article 63 declaration is admissible at this stage of the proceedings.

13. At present, the Republic of Slovenia focuses on the construction of Article IX of the Convention on the jurisdiction of the Court.
14. The Republic of Slovenia does not seek to become a party to the Proceedings and accepts that the Genocide Convention’s construction given by the judgment will be equally binding upon it. Its intervention will not address issues of application of the Convention.
15. The Republic of Slovenia also wishes to assure the Court that the intervention was filed “as soon as possible and no later than the date fixed for the opening of the oral proceedings” as stipulated in Article 82 of the Rules of the Court. It requests to be provided with copies of all pleadings filed by Ukraine and Russia, as well as any annexed documents, in line with Article 85, paragraph 1, of the Rules of the Court. It further informs the Court that it is willing to assist the Court in grouping its intervention together with similar interventions from other EU Member States for future stages of the proceedings, if the Court deems such a move useful in the interest of an expedient administration of justice.

BASIS ON WHICH THE REPUBLIC OF SLOVENIA IS PARTY TO THE CONVENTION

16. The Republic of Slovenia has succeeded the former Socialist Federal Republic of Yugoslavia as of 25 June 1991 as a Party to the Genocide Convention.

The act of notification of succession in respect of United Nations Conventions is published in the Official Gazette of the Republic of Slovenia - MP, n. 35/92.

⁸ See Opinion of Judge Schwebel in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* (Declaration of Intervention of El Salvador), Order of 4 October 1984, I.C.J. Reports 1984, p. 223, at pp. 235-236.

⁹ MN Shaw (ed), *Rosenne’s Law and Practice of the International Court 1920-2015* (5th ed, Vol III, Brill Nijhoff 2016), p. 1533; H. Thirlway, *The Law and Procedure of the International Court of Justice: Fifty Years of Jurisprudence* (Vol I, OUP 2013), p. 1031; A. Miron/C. Chinkin, “Article 63” in: Zimmermann/Tams/Oellers-Frahm/Tomuschat (eds), *The Statute of the International Court of Justice: A Commentary* (3rd ed. OUP 2019), p. 1741, at p. 1763, note 46.

The declaration on the succession of the UN conventions was deposited in the UN Secretariat on 6 July 1992. The UN Secretary-General confirmed the succession of the Republic of Slovenia in a note dated 22 October 1992, with the effect of the declaration as of 25 June 1991.

PROVISIONS OF THE CONVENTION IN QUESTION IN THE CASE:

JURISDICTION

17. Article IX of the Genocide Convention reads as follows: “Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

18. The Republic of Slovenia contends that the notion of “dispute” is already well-established in the case law of the Court and supports the current interpretation. Accordingly, it concurs with the meaning given to the word dispute as “*a disagreement on a point of law or fact, a conflict of legal views or of interests*” between parties.¹⁰ In order for a dispute to exist, “[i]t must be shown that the claim of one party is positively opposed by the other”.¹¹ The two sides must “hold clearly opposite views concerning the question of the performance or nonperformance of certain international obligations”.¹² Moreover, “*in case the respondent has failed to reply to the applicant’s claims, it may be inferred from this silence, in certain circumstances, that it rejects those claims and that, therefore, a dispute exists*”¹³.

19. The Republic of Slovenia hence concentrates on the interpretation of the other parts of Article IX, namely that the scope of such disputes must be “relating to the interpretation, application or fulfilment of the present Convention”. It contends that Article IX is a broad jurisdictional clause, allowing the Court to adjudicate upon disputes concerning the alleged fulfilment by a Contracting Party of its obligations under the Convention. As Judge Oda noted, the inclusion of the word “fulfilment” is

¹⁰ Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2, p. 11.

¹¹ South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgment of 21 December 1962, I.C.J. Reports 1962, p. 319, at p. 328.

¹² Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, Order of 23 July 2018, I.C.J. Reports 2018, p. 406, at p. 414, para. 18; ICJ, Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 3, at p. 26, para. 50, citing Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion, I.C.J. Reports 1950, p. 74.

¹³ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Judgment of 22 July 2022, p. 27, para. 71.

“unique as compared with the compromissory clauses found in other multilateral treaties which provide for submission of the International Court of such disputes between Contracting Parties as relate to the interpretation or application of the treaties in question”¹⁴.

20. The ordinary meaning of the phrase “relating to the interpretation, application or fulfilment of the Convention” may be divided in two sub-categories.

21. The first point (“relating to”) establishes a link between the dispute and the Convention.

22. The second point (“interpretation, application or fulfilment of the Convention”) encompasses many different scenarios. As Professor Kolb has observed, Article IX of the Convention is “a model of clarity and simplicity, opening the seizing of the Court as largely as possible”¹⁵.

23. There can be a dispute about the interpretation, application or fulfilment of the Convention when one State alleges that another State has committed genocide¹⁶. In that scenario, the Court verifies the factual basis for such allegation: if it is not satisfied that there were any acts of genocide actually being committed by the respondent State, it may decline its jurisdiction, also *prima facie*¹⁷.

24. While this scenario of (alleged) responsibility for acts of genocide constitutes an important type of dispute on the “interpretation, application or fulfilment” of the Convention, it is not the only one. For example, in *The Gambia v. Myanmar* (pending), the applicant claimed that the defendant was not only responsible for prohibited acts under Article III, but that it was also violating its obligations under the Convention by failing to prevent genocide in violation of Article I; and failing to punish genocide in violation of Articles I, IV and V¹⁸. In that example, one State alleges that another State is not honouring its commitment to “prevent” and “punish” genocide, because it grants impunity to acts of genocide committed on its territory. Therefore, there can also be disputes about “non-action” as a violation of the substantive obligations under Article I, IV and V.

¹⁴ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Preliminary Objections, Declaration of Judge Oda, I.C.J. Reports 1996 (II), p. 627, para. 5 (emphasis in the original).

¹⁵ R. Kolb, “The Compromissory Clause of the Convention”, in: Paola Gaeta (ed), *The UN Genocide Convention: A Commentary*, (OUP 2009), p. 420.

¹⁶ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment, I.C.J. Reports 2007, p. 43, at p. 75, para. 169.

¹⁷ Case Concerning Legality of Use of Force (*Yugoslavia v. France*), Provisional Measures, Order of 2 June 1999, I.C.J. Reports 1999, p. 363, at pp. 372-373, paras. 24-31. Later, the ICJ declined its jurisdiction on the ground that Serbia and Montenegro did not have access to the Court, at the time of the institution of the proceedings, under Article 35 of the Statute (see e.g. ICJ, Case Concerning Legality of Use of Force (*Serbia and Montenegro v. France*), Preliminary Objections, Judgment of 15 December 2004, I.C.J. Reports 2004, p. 595).

¹⁸ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*), Judgment of 22 July 2022, p. 12, para. 24, Points (1) (c), d) and (e).

25. Therefore, the ordinary meaning of Article IX makes it clear that there is no need to establish genocidal acts as a basis to affirm the Court's jurisdiction. Rather, the Court has jurisdiction *over the question whether* genocidal acts have been or are being committed or not.¹⁹ Hence, it also has jurisdiction *ratione materiae* to declare the absence of genocide and the violation of a good faith performance of the Convention, resulting in an abuse of the law. In particular, the jurisdiction of the Court extends to disputes concerning the unilateral use of military force for the stated purpose of preventing and punishing alleged genocide²⁰.

26. The context of the phrase ("relating to ...") further confirms this reading. In particular, the unusual feature of the words "including" in the intermediate sentence indicates a broader scope of Article IX of the Convention when compared to standard compromissory clause²¹. Disputes relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III are therefore only one type of dispute covered by Article IX, which are "included" in the wider phrase of disputes "relating to the interpretation, application and fulfilment" of the Convention²². Moreover, Article IX expressly provides for ICJ jurisdiction "at the request of *any of the parties* to the dispute" (emphasis added). This language suggests that a State accused of committing genocide has the same right to submit the dispute to the Court as the State making the accusation. In particular, such a State may seek a "negative" declaration from the Court that the allegations from another State that it was responsible for genocide are without legal and factual foundation.

27. Hence, the context of the phrase ("relating to") in Article IX confirms that the Court's jurisdiction goes beyond disputes between States about the responsibility for alleged genocidal acts, but also covers disputes between States about the absence of genocide and the violation of a good faith performance of the Convention, resulting in an abuse of the law.

28. Finally, the object and purpose gives further support to the wide interpretation of Article IX. The Court noted that "[a]ll the States parties to the Genocide Convention [thus] have a common interest to ensure

¹⁹ Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Order of 16 March 2022, p. 10, para. 43; Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Order of 23 January 2020, I.C.J. Reports 2020, p. 14, para. 30.

²⁰ Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Order of 16 March 2022, p. 11, para. 45.

²¹ Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43, at p. 75, para. 169.

²² See also the Written Observations of The Gambia on the Preliminary Objections raised by Myanmar, 20 April 2021, pp. 28-29, para. 3.22 ("The inclusion of disputes "relating to the responsibility of a State for genocide" among those that can be brought before the Court unmistakably means that responsibility for genocide can be the object of a dispute brought before the Court by any contracting party").

the prevention, suppression and punishment of genocide, by committing themselves to fulfilling the obligations contained in the Convention"²³. Famously, in its 1951 Advisory Opinion, the Court held²⁴:

"The objects of such a convention must also be considered. The Convention was manifestly adopted for a purely humanitarian and civilizing purpose. It is indeed difficult to imagine a convention that might have this dual character to a greater degree, since its object on the one hand is to safeguard the very existence of certain human groups and on the other to confirm and endorse the most elementary principles of morality. In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the raison d'être of the convention. Consequently, in a convention of this type one cannot speak of individual advantages or disadvantages to States, or of the maintenance of a perfect contractual balance between rights and duties. The high ideals which inspired the Convention provide, by virtue of the common will of the parties, the foundation and measure of all its provisions".

29. The Convention's object to protect the most elementary principles of morality also prohibits any possibility of a State Party to abuse its provisions for other means. It would undermine the Convention's credibility as a universal instrument to outlaw the most abhorrent crime of genocide if its authority could be abused by any State Party without a possibility of the victim of such abuse to turn to the Court. The purpose of the Convention hence speaks loudly in favour of a reading of Article IX, according to which disputes relating to the interpretation, application and fulfilment include disputes about the abuse of the Convention's authority to justify a State's action vis-à-vis another State party to the Convention.

30. In conclusion, the ordinary meaning of Article IX of the Convention, its context and the object and purpose of the entire Convention show that a dispute regarding acts carried out by one State against another State based on false claims of genocide falls under the notion of "dispute between Contracting Parties relating to the interpretation, application or fulfilment of the present Convention". Accordingly, the Court has jurisdiction to declare the absence of genocide and the violation of a good faith performance of the Convention, resulting in an abuse of the law. In particular, the jurisdiction of the Court extends to disputes concerning the unilateral use of military force for the stated purpose of preventing and punishing alleged genocide.

²³ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Judgment of 22 July 2022, p. 36, para. 107.

²⁴ Reservations to the Genocide Convention, Advisory Opinion of 28 May 1951, I.C.J. Reports 1951, p. 23.

DOCUMENTS IN SUPPORT OF THE DECLARATION

47. The following is a list of the documents in support of this Declaration, which documents are attached hereto

(a) Letter from the Registrar of the International Court of Justice to the Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands (30 March 2022);

(b) The declaration on the succession of the UN Conventions by the Government of the Republic of Slovenia.

CONCLUSION

48. On the basis of the information set out above, the Republic of Slovenia avails itself of the right conferred upon it by Article 63 paragraph 2 of the Statute to intervene as a non-party in the proceedings brought by Ukraine against the Russian Federation in this case.
49. The Republic of Slovenia reserves the right to amend or supplement this Declaration in the course of written and oral observations and by filing a further declaration with the Court.
50. The government of the Republic of Slovenia has appointed the undersigned as Agent for the purposes of this Declaration, together with Jožef Drofenik, Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands, as Co-agent. The Registrar of the Court may channel all communication through them at the following address:

Embassy of the Republic of Slovenia in The Hague
Anna Paulownastraat 11
2518 BA The Hague
Netherlands

Respectfully,



Dr Marko Rakovec, Agent of the Government of the Republic
of Slovenia

Annex A: Letter from the Registrar of the International Court of Justice to the Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands (30 March 2022);

Annex B: The declaration on the succession of the UN Conventions by the Government of the Republic of Slovenia.



156413

30 March 2022

Excellency,

I have the honour to refer to my letter (No. 156253) dated 2 March 2022 informing your Government that, on 26 February 2022, Ukraine filed in the Registry of the Court an Application instituting proceedings against the Republic of the Russian Federation in the case concerning Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation). A copy of the Application was appended to that letter. The text of the Application is also available on the website of the Court (www.icj-cij.org).

Article 63, paragraph 1, of the Statute of the Court provides that:

[w]henever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith”.

Further, under Article 43, paragraph 1, of the Rules of Court:

“Whenever the construction of a convention to which States other than those concerned in the case are parties may be in question within the meaning of Article 63, paragraph 1, of the Statute, the Court shall consider what directions shall be given to the Registrar in the matter.”

On the instructions of the Court, given in accordance with the said provision of the Rules of Court, I have the honour to notify your Government of the following.

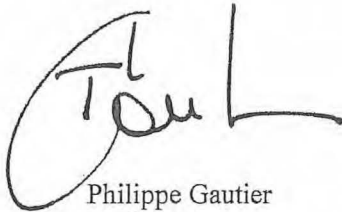
In the above-mentioned Application, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the “Genocide Convention”) is invoked both as a basis of the Court’s jurisdiction and as a substantive basis of the Applicant’s claims on the merits. In particular, the Applicant seeks to found the Court’s jurisdiction on the compromissory clause contained in Article IX of the Genocide Convention, asks the Court to declare that it has not committed a genocide as defined in Articles II and III of the Convention, and raises questions concerning the scope of the duty to prevent and punish genocide under Article I of the Convention. It therefore appears that the construction of this instrument will be in question in the case.

J.

[Letter to the States parties to the Genocide Convention
(except Ukraine and the Russian Federation)]

Your country is included in the list of parties to the Genocide Convention. The present letter should accordingly be regarded as the notification contemplated by Article 63, paragraph 1, of the Statute. I would add that this notification in no way prejudices any question of the possible application of Article 63, paragraph 2, of the Statute, which the Court may later be called upon to determine in this case.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Philippe Gautier', written in a cursive style.

Philippe Gautier
Registrar



REPUBLIC OF SLOVENIA
Ministry for Foreign Affairs

Ljubljana, 1 July 1992

Your Excellency,

I have the honour to inform you on the position of the Republic of Slovenia concerning international treaties concluded by SFR Yugoslavia.

When declaring independence on 25 June, 1991 the Parliament of the Republic of Slovenia determined that international treaties which had been concluded by the SFRY and which related to the Republic of Slovenia remained effective on its territory (Article 3 of the Constitutional Law on the implementation of the Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia - Official Gazette of the R.S. No.1/91). This decision was taken in consideration of customary international law and of the fact that the Republic of Slovenia, as a former constituent part of the Yugoslav Federation, had granted its agreement to the ratification of the international treaties in accordance with the then valid constitutional provisions.

The Republic of Slovenia therefore in principle acknowledges the continuity of treaty rights and obligations under the international treaties concluded by the SFRY before 25 June, 1991, but since it is likely that certain treaties may have lapsed by the date of independence of Slovenia or may be outdated, it seems essential that each treaty be subjected to legal examination.

The Government of the Republic of Slovenia has examined 55 multilateral treaties for which Your Excellency has assumed the depositary functions. I have the honour to inform you that the Republic of Slovenia considers to be bound by these treaties by virtue of succession to the SFR Yugoslavia in respect of the territory of the Republic of Slovenia. Please find a list of these treaties attached to this letter.

Other treaties, for which the Secretary-General of the United Nations is the depositary and which had been ratified by the SFRY, have not yet been examined by the competent authorities of the Republic of Slovenia. We will inform you on our position concerning these treaties in due course.

Please accept, Your Excellency, the assurances of my highest consideration.



Dr. Dimitrij Rupel
M i n i s t e r

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General of
the United Nations
New York

Mr B. Mahić

ADDENDUM

Ljubljana, 1 July 1992

LIST OF MULTILATERAL TREATIES REFERRED TO IN THE LETTER
DATED 1 JULY 1992

1. Convention on the Privileges and Immunities of the United Nations of 13 February 1946;
2. Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947;
The Republic of Slovenia will apply the Convention to ILO, FAO, UNESCO, IMF, IBRD, WHO, UPU, ITU, WMO, IFAD and WIPO.
3. Vienna Convention on Diplomatic Relations of 18 April 1961;
4. Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 18 April 1961;
5. Vienna Convention on Consular Relations of 24 April 1963;
6. Convention on Special Missions of 8 December 1969;
7. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973;
8. Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 14 March 1975;
9. Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948;
10. Convention for the Suppression of the Traffic Persons and of the Exploitation of the Prostitution of Others of 21 March 1950;
11. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956;
12. International Convention on the Elimination of All Forms

of Racial Discrimination of 7 March 1966;

13. International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
14. International Covenant on Civil and Political Rights of 16 December 1966;
The Parliament of the Republic of Slovenia adopted the following Declaration: "Republic of Slovenia, in accordance with Article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."
15. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968;
16. International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973;
17. Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979;
18. Convention on the Political Rights of Women of 31 March 1953;
19. Convention on the Nationality of Married Women of 20 February 1957;
20. Convention on the Rights of the Child of 20 November 1989;
The Republic of Slovenia reserves the right not to apply paragraph 1 of Article 9 of the Convention since the internal legislation of the Republic of Slovenia provides for the right of competent authorities (centres for social work) to determine on separation of a child from his/her parents without a previous judicial review.
21. Convention relating to the Status of Refugees of 28 July 1951;
22. Convention relating to the Status of Stateless Persons of 28 September 1954;
23. Protocol relating to the Status of Refugees of 31 January 1967;
24. Vienna Convention on the Law of Treaties of 23 May 1969;

25. Vienna Convention on Succession of States in respect of Treaties of 23 August 1978;
26. International Convention Against the Taking of Hostages of 17 December 1979;
27. Convention on Long-Range Transboundary Air Pollution of 13 November 1979;
28. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of the Co-Operative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP) of 28 September 1984;
29. Vienna Convention for the Protection of the Ozone Layer of 25 March 1985;
30. Montreal Protocol on Substances that deplete the Ozone Layer of 16 September 1987;
31. Convention on Psychotropic Substances of 21 February 1971;
32. Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961 of 8 August 1975;
33. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988;
The Ministry for Health, Family and Social Security of the Republic of Slovenia is authorised to issue certificates for traffic with narcotic drugs.
34. Convention on the Recovery Abroad of Maintenance of 20 June 1956;
The Government of the Republic of Slovenia designates the Ministry for Health, Family and Social Security as a competent authority for the purposes envisaged in Article 2 of the Convention.
35. Convention concerning Custom Facilities for Touring of 4 June 1954;
36. Customs Convention on the Temporary Importation of Private Road Vehicles of 4 June 1954;
37. Customs Convention on the International Transport of Goods under Cover of TIR carnets (TIR Convention) of 14 November 1975;
38. Convention and Statute on Freedom of Transit of 20 April 1921;

39. Declaration on the Construction of Main International Traffic Arteries of 16 September 1950;
40. Agreement on Signs for Road Works of 16 December 1955;
41. Convention on the Contract for the International Carriage of Goods by Road (CMR) of 19 May 1956;
42. European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) of 30 September 1957;
a) Protocol to the Convention on the Contract for the International Carriage of Goods by Road of 21 August 1975;
43. Convention on Road Traffic of 8 November 1968;
In accordance with paragraph 4 of Article 45 the Government of the Republic of Slovenia has the honour to inform that the distinguishing sign of vehicles registered in the Republic of Slovenia in international traffic is "SLO".
44. European Agreement supplementing the Convention on Road Traffic opened for signature at Vienna on 8 November 1968. Concluded at Geneva on 1 May 1971;
45. European Agreement on Main International Traffic Arteries (AGR) of 15 November 1975;
46. European Agreement on Main International Railway Lines of 31 May 1985;
47. International Convention on the Harmonization of Frontier Control of Goods of 21 October 1982;
48. Agreement on the Importation of Educational, Scientific and Cultural Materials of 22 November 1950;
49. Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials of 22 November 1950. Concluded at Nairobi on 26 November 1976;
50. Convention on the Territorial Sea and Contiguous Zone of 29 April 1958;
51. Convention on the High Seas of 29 April 1958;
52. Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects of 10 October 1980;
53. Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958;

In accordance with paragraph 3 of article 1 the Republic of Slovenia will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State. The Republic of Slovenia will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the Republic of Slovenia.

54. European Convention on International Commercial Arbitration of 21 April 1961;
55. International Agreement for the Establishment of the University for Peace of 5 December 1980;

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REFERENCE: LA 41 TR/221/1 (3-1) (3-2) (3-3) (3-5), etc.

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Republic of Slovenia to the United Nations and has the honour to confirm the deposit, on 6 July 1992, of the notification of succession by the Government of Slovenia to the following treaties:

- 1- Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946;
- 2- Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly of the United Nations on 21 November 1947, in respect of ILO, FAO, UNESCO, IMF, IBRD, WHO, UPU, ITU, WMO, IFC, IDA, WIPO and IFAD;
- 3- Vienna Convention on Diplomatic Relations, done at Vienna on 18 April 1961;
- 4- Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, done at Vienna on 18 April 1961;
- 5- Vienna Convention on Consular Relations, done at Vienna on 24 April 1963;
- 6- Convention on Special Missions, adopted by the General Assembly of the United Nations on 8 December 1969;
- 7- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

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- 8- Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, concluded at Vienna on 14 March 1975;
- 9- Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948;
- 10- International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March 1966;
- 11- International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966;
- 12- International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966: Due note has been taken of the declaration made by Slovenia to the effect that it recognizes the competence of the Human Rights Committee under article 41;
- 13- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, adopted by the General Assembly of the United Nations on 26 November 1968;
- 14- International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the General Assembly of the United Nations on 30 November 1973;
- 15- Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979;
- 16- Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989: Due note has been taken of the reservation to article 9 (1);
- 17- Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951;

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- 18- Convention relating to the Status of Stateless Persons, done at New York on 28 September 1954;
- 19- Protocol relating to the Status of Refugees, done at New York on 31 January 1967;
- 20- Convention on Psychotropic Substances, concluded at Vienna on 21 February 1971;
- 21- Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single Convention on Narcotic Drugs, 1961, done at New York on 8 August 1975;
- 22- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, concluded at Vienna on 20 December 1988: Due note has been taken of the declaration concerning the designation of authority pursuant to article 17 (7);
- 23- Convention for the Suppression of the Traffic in Persons and of the exploitation of the Prostitution of Others, opened for signature at Lake Success, New York, on 21 March 1950;
- 24- Convention concerning Customs Facilities for Touring, done at New York on 4 June 1954;
- 25- Customs Convention on the Temporary Importation of Private Road Vehicles, done at New York on 4 June 1954;
- 26- Customs Convention on the International Transport of Goods under Cover of TIR carnets (TIR Convention), concluded at Geneva on 14 November 1975;
- 27- International Convention on the Harmonization of Frontier Control of Goods, concluded at Geneva on 21 October 1982;
- 28- Declaration on the Construction of Main International Traffic Arteries, signed at Geneva on 16 September 1950;

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- 29- Agreement on Signs for Road Works, amending the European Agreement of 16 September 1950 supplementing the 1949 Convention on Road Traffic and the 1949 Protocol on Road Signs and Signals, concluded at Geneva on 16 December 1955;
- 30- Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 19 May 1956;
- 31- European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), done at Geneva on 30 September 1957;
- 32- Protocol amending article 14(3) of the European Agreement on 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR), concluded at New York on 21 August 1975;
- 33- Convention on Road Traffic, concluded at Vienna on 8 November 1968: Due note has been taken of the distinguishing sign selected by Slovenia under article 45 (4);
- 34- European Agreement supplementing the Convention on Road Traffic opened for signature at Vienna on 8 November 1968, concluded at Geneva on 1 May 1971;
- 35- European Agreement on Main International Traffic Arteries (AGR), concluded at Geneva on 15 November 1975;
- 36- European Agreement on Main International Railway Lines (AGC), concluded at Geneva on 31 May 1985;
- 37- Agreement on the Importation of Educational, Scientific and Cultural Materials, opened for signature at Lake Success, New York, on 22 November 1950;
- 38- Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials of 22 November 1950, concluded at Nairobi on 26 November 1976;
- 39- International Agreement for the Establishment of the University for Peace, adopted by the General Assembly of the United Nations on 5 December 1980;

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- 40- Convention on the Political Rights of Women, opened for signature at New York on 31 March 1953;
- 41- Convention on the Nationality of Married Women, done at New York on 20 February 1957;
- 42- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at the European Office of the United Nations at Geneva on 7 September 1956;
- 43- International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- 44- Convention on the Recovery Abroad of Maintenance, done at New York on 20 June 1956: Due note has been taken of the designation of authority in accordance with article 2;
- 45- Convention on the Territorial Sea and the Contiguous Zone, done at Geneva on 29 April 1958;
- 46- Convention on the High Seas, done at Geneva on 29 April 1958;
- 47- Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958: Due note has been taken of the declaration made in accordance with article I (3);
- 48- European Convention on International Commercial Arbitration, done at Geneva on 21 April 1961;
- 49- Vienna Convention on the Law of Treaties, concluded at Vienna on 23 May 1969;
- 50- Vienna Convention on Succession of States in respect of Treaties, concluded at Vienna on 23 August 1978;
- 51- Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects (and Protocols I, II and III), concluded at Geneva on 10 October 1980;

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- 52- Convention on Long-Range Transboundary Air Pollution, concluded at Geneva on 13 November 1979;
- 53- Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP), concluded at Geneva on 28 September 1984;
- 54- Vienna Convention for the Protection of the Ozone Layer, concluded at Vienna on 22 March 1985;
- 55- Montreal Protocol on Substances that Deplete the Ozone Layer, concluded at Montreal on 16 September 1987; and
- 56- Convention and Statute on Freedom of Transit, Barcelona, 20 April 1921.

The said successions took effect as of 25 June 1991, the date on which Slovenia assumed responsibility for its international relations. All States concerned are being informed accordingly.

22 October 1992 *dp*.