

Succession of States in respect of State responsibility

Belarus appreciates the outcome of the work of the Commission and the Special Rapporteur, Mr. Šturma, on this complex and controversial topic. Like the Special Rapporteur and the Commission, Belarus recognizes that the topic is a highly context-specific and sensitive one and that issues relating to succession in respect of responsibility are generally settled on an ad hoc basis. In this connection, it endorses the priority to be given to agreements between the States concerned and the subsidiary or advisory nature of the draft articles.

Regarding the debate about the form that the outcome of the Commission's work should take, Belarus is of the view that guidelines, conclusions, model language and so forth would be more appropriate than draft articles constituting the basis for an international treaty. At any rate, discussion of this question should not block work on fleshing out the substance of the draft text. As Belarus understands it, the form of the Commission's output will depend, in large part, on the extent to which it contributes to the progressive development of international law. Experience has shown that the conclusion of international treaties on fundamental questions of general international law is highly unlikely.

The Commission and the Special Rapporteur have already touched on some rather interesting issues. In particular, Belarus endorses the idea that the "clean slate" rule should not apply in cases where acts of the predecessor State have caused harm (for example, environmental harm) to the territory or population of the newly independent State.

With regard to national legislation governing the implementation of international treaties, pursuant to article 8, third paragraph, of the Constitution, Belarus acknowledges the primacy of the generally recognized principles of international law and ensures that its legislation complies with them. Act No. 421-Z of 23 July 2008 on international treaties to which Belarus is a party establishes, in article 36, that the country's international treaties must be implemented conscientiously in accordance with international law. The rules of law contained in international treaties to which Belarus is a party are directly applicable, except where it is specified in an international treaty that such application requires the adoption or promulgation of a legal act, and have the force of the legal act whereby Belarus expresses its consent to be bound by the international treaty concerned.

In addition, the majority of laws in Belarus contain a provision on the primacy of the country's international treaties over the relevant law.
