



SLOVENIA

Check against delivery

STATEMENT

BY

Mr Borut Mahnič

**Head of International Law Department
Ministry of Foreign Affairs of the Republic of Slovenia**

Agenda item 79

**Report of the International Law Commission on the work of its seventy-first session:
Cluster II: Chapter VI: Protection of the environment in relation to armed conflict,
Chapter X: Sea-level rise in relation to international law**

74th Session of the General Assembly
Sixth Committee

New York, 31 October 2019

Mr Chairman,

It is my pleasure to address the Sixth Committee with relation to the work of the International Law Commission on cluster II topics.

Slovenia is grateful to Special Rapporteur Ms Marja Lehto and her colleagues for their endeavours in preparing the draft principles on the protection of the environment in relation to armed conflicts.

I wish to underline the importance of specific draft principles.

Slovenia agrees that the environmental protection rules should govern both international and non-international armed conflicts (Principle 1 – Scope). The comparison of legal frameworks for both types of armed conflict shows that environmental protection in non-international armed conflicts is not sufficient. Given the current prevalence of such conflicts in the international community, an update to these rules is not only welcome, but also necessary.

Principle 7 (Peace operations) should be pointed out, as it directs states and international organizations to take appropriate measures to prevent, mitigate and remediate the negative impact of peace operations on the environment. Compliance with these rules is of utmost importance to peacekeepers, both in the planning and operational phases.

On the 70th anniversary of the adoption of the Geneva Conventions, the Ministry of Foreign Affairs is compiling a booklet containing the official Slovene translation of the Geneva Conventions and three Additional Protocols. The booklet will be a useful learning tool especially for members of the Slovenian Armed Forces and the Police prior to their deployment to IOM, not least with regard to their acquaintance with the rules on environmental protection in armed conflicts.

Slovenia highly appreciates that the ICRC revised the Guidelines for the Protection of the Natural Environment in Situations of Armed Conflict. These guidelines are a useful and beneficial guide for future military operations. It is expected that the armed forces members and the police will be acquainted with them.

Another important principle is Principle 11 (Corporate liability) requiring states to take legislative and other measures aimed at ensuring that corporations and other business enterprises operating in their territories can be held liable for harm caused by them to the environment in armed conflict or in a post-armed conflict situation. It should not be overlooked that environmental degradation has indirect and direct negative effects on human health; therefore, these violations must also be properly sanctioned through national measures.

The right to a healthy living environment is enshrined in the Slovenian Constitution. The state promotes a healthy living environment and the sectoral law imposes the conditions in which economic and other activities are pursued (Article 72 of the Constitution of the Republic of Slovenia), which is directly linked to the topic of environmental protection in armed conflicts.

Slovenia also wishes to outline the importance of Principle 18, which prohibits pillage of natural resources not only during but also after armed conflicts. This ban is most welcome, because a substantial share of armed conflict, especially after 1990, relates to conflicts over the control of natural resources. The ban also applies after armed conflict, which seems

reasonable, because in such circumstances democratic institutions are only being established, while the lack of control makes corruption more likely.

Slovenia appreciates that Principle 23 (Peace process) takes into account the drafting of modern peace agreements that already include provisions on environmental damage. It needs to be considered that both the intensity of today's armed conflict and modern types of weapons significantly degrade the environment.

After an armed conflict, parties to the conflict should seek to remove all hazardous remnants of war (Principle 27) because the latter have an enormous environmental footprint. The very composition of explosive ordnances is dangerous for the environment, and the presence of metals and other components of explosives, as well as the process of their disposal and destruction, can additionally affect the quality of water and soil. Implementing this principle is crucial to the population and the onset of reconstruction. Explosives and their disposal, which are also the responsibility of international institutions, cause additional damage to the environment that has already been affected by armed conflict, which has long-term consequences on people's health and poverty. In implementing its projects, Slovenia's ITF Enhancing Human Security always promotes the safe and environmentally responsible disposal of explosive ordnance in accordance with international standards.

Slovenia pays close attention to the protection of the natural environment in armed conflict, an IHL topic that has been frequently ignored in practice. In addition to other activities in international and domestic level aimed at implementing IHL the Slovenian IHL Committee intends to include this topic also in the consultations with other national committees on IHL issues.

It is reasonable to expect that the struggle for control over natural and energy resources will increasingly lead to armed conflict.

Slovenia pays special attention to the fields of water and peace, and supports the efforts of former President Dr Danilo Türk, Chair of the Global High Level Panel on Water and Peace. The panel prepared a report and made recommendations for specific solutions, as well as proposals for strengthening international regulation in the field of protecting water as a vital resource. Slovenia will assume the chairmanship of the Group of Friends on Water and Peace in Geneva in January 2020, and will, together with the Geneva Water Hub, UNICEF and the Netherlands Red Cross, host a side event entitled "Protection of water in armed conflict" at the 33rd ICRC/IFRC International Conference.

Given the horrendous long-term and short-term consequences of modern armed conflicts for the environment, Slovenia considers the draft principles to be a valuable instrument. The Commentary perfectly explains the *ratio legis* of the rules and points out cases at the level of international and national courts. As an environmentally conscious country, Slovenia will further strive to adopt these rules.

Mr Chairman,

Turning to the 'sea-level rise in relation to international law', Slovenia commends the decision of the International Law Commission to include this topic in its long-term Programme of Work.

There is no doubt that sea-level rise, as a result of climate change, is accelerating. The resulting impacts on communities are extremely worrying but also varied and complex. It causes devastation in agriculture and thus threatens the mere livelihood and survival of coastal settlements and communities.

There are serious issues of sanitation and access to drinking water that further threaten these communities by increasing potential for infectious diseases to spread, especially water-related disease transmission.

Many islands have already been impacted and in the coming years more and more states will be affected. There is higher likelihood of destructive storm surges and natural disasters resulting in coastal erosion, which will alter coastal areas and require the adoption of highly adaptable and ever-changing defence mechanisms.

Flooding and erosion risks triggered by rising global sea levels are also prominently visible in the Mediterranean and, consequently, the Adriatic Sea. Increasing sea levels have been meticulously observed in the recent decades, with measurements taken annually ever since 1960. In Slovenian case, flooding in the coastal areas begins at 300 cm in mareographic height. In the period 1961–2006, the sea level reached or exceeded that point almost 400 times. Slovenia believes that only rigorous climate change mitigation and rapid implementation of measures foreseen under the Paris Agreement can prevent further increases in flood and erosion risk.

In light of the impacts of sea-level rise, international community faces serious challenges in the fields of human rights, territorial sovereignty and migration. There are also concrete and pressing international law dilemmas that arise from sea-level rise, such as the issue of baselines and maritime zones, determined from such baselines. There are dilemmas on how to deal with the issue of statehood and the protection of states and persons directly affected by sea-level rise. Our responses have to be well informed and deliberate, but also prompt and comprehensive.

All these issues and the resulting questions require a reaction and there should be a strong commitment by Member States to cooperate in finding universal solutions to this global challenge. Slovenia believes that the analysis and the resulting conclusions and recommendations of the established Study Group will offer great guidance for future action to be taken in regard when addressing this pressing issue.