



S L O V A K I A

STATEMENT

by

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**Report of the International Law Commission
on the work of its seventy-third session (item 77)**
Cluster I

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(check against delivery)

Mr. Chairman,

At the outset I wish to express our sincere congratulation to the International Law Commission and its members for the Report that has been presented to us this morning and for their diligent work done during this year's session. Two topics have been completed and a substantial progress has been made on other topics, which – again – confirms the Commission's indispensable role in the process of progressive development of international law and its codification. In particular, we express our gratitude to the Chairperson of the Commission, professor Dire Tladi, for his able leadership during this year's session.

Mr. Chairman,

In my statement I will focus on Chapters I, II, III, IV, V and X of the Report, namely topics "*Peremptory norms of general international law (jus cogens)*" and "*Protection of the environment in relation to armed conflicts*". I will also offer some comments on the Other decisions taken by the Commission.

With regard to "*Peremptory norms of general international law (jus cogens)*", adopted by the Commission in the form of draft conclusion on the second reading, my delegation would like to commend Special Rapporteur prof. Dire Tladi for his fifth report presented at this year's session, as well as his for tireless work and dedication to the topic through the years. Although the importance of the topic might lie in the clarification of the international law structure and the role of jus cogens in it, we realize nowadays its utmost significance also from a different point of view. The current Russian aggression against Ukraine gives us again a bitter memento that the fundamental values encompassed in peremptory norms of general international law, have to stand firmly as pillars of the international rules-based order and for all nations wishing to live in peace and prosperity.

Mr. Chairman,

we concur, in general, with the outcome of the Commission's work on this topic presented in the form of draft conclusions. We consider them as a useful guide that could assist States, courts, academics and practitioners in better understanding of the process of identification of peremptory norms. The draft conclusions clarify what legal consequences stem from the

imperative nature of peremptory norms, nevertheless, their concrete extent remains with the international community of States and their future practice. Concerning the indicative non-exhaustive list of peremptory norms included in the Annex to the draft conclusions, Slovakia repeatedly supported the idea of such a list, because we deem it as an added value to the Commission's work. The list, as drafted and included in the Annex, however, may give rise to some ambiguity, e.g. in the case of rather vague reference to 'basic rules of humanitarian law'. Similarly, the omission of the crime of piracy might bring about some questions.

Mr. Chairman,

Turning to the topic of "***Protection of the environment in relation to armed conflicts***", my delegation wishes to express its appreciation of the adoption of draft principles on second reading and would like to commend Special Rapporteur Marja Lehto for her studious work on this topic. Our appreciation also goes to the previous Special Rapporteur Ms. Marie Jacobsson. The set of draft principles provides for a valuable guidance to States and other actors *ex ante*, *ex post* and during armed conflicts taking place around the world.

Armed conflicts always have negative impacts on the environment and natural resources, which are often long-lasting and sometimes irreparable. We therefore appreciate that the set of draft principles as a whole offer a comprehensive systemization of rules applicable to the protection of the environment in relation to armed conflicts. We also appreciate the cross-cutting nature of the whole set of draft principles, encompassing elements drawn from various fields, such as international humanitarian law, international law of human rights and environmental law.

Mr. Chairman,

Before concluding, I will offer some remarks on Other decisions of the Commission, namely those related to the inclusion of new topics on the Commission's work as well as on its long-term programme of work. Slovakia welcomes the inclusion of the topic "***Settlement of disputes to which the international organizations are parties***" on the Commission's work, in light of the increasing attention, during the last decades, to this matter. We congratulate prof. August Reinisch on his appointment as the Special Rapporteur, and trust in his competence in this field. Lastly, we note the inclusion of topics "***Subsidiary means for determination of***

rules of international law”, and “*Non-legally binding agreements*” on the long-term programme of the Commission’s work.

Thank you for your attention.