



# **SLOVENIA**

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## **STATEMENT**

**BY**

**Ms. Petra Langerholc, Minister Plenipotentiary and Legal Adviser  
at the Permanent Mission of Slovenia to the United Nations**

**Agenda item 82: Report of the International Law Commission on the work of its  
seventy-second session**

**Cluster II:**

**Chapter VI: Immunity of State officials from foreign criminal jurisdiction**

**Chapter IX: Sea-level rise in relation to international law**

**76th Session of the General Assembly**

**Sixth Committee**

**New York, October 2021**

Madam Chairperson,

Slovenia is pleased to address the Sixth Committee on the work of the International Law Commission within cluster II on the Immunity of State officials from foreign criminal jurisdiction and Sea-level rise in relation to international law.

In relation to the topic of Immunity of State officials from foreign criminal jurisdiction, let me first thank the Special Rapporteur Ms Escobar Fernandez for her eighth report. We note that her knowledge of the subject, guidance and cooperation greatly facilitated the work of the Commission. We also appreciate the work of the Commission as a whole on the subject. Recognising the complexity of this significant topic, we emphasise the need for a systemic approach, which streamlines and enhances the debate. Slovenia welcomes the progress of the work, which started in 2007 and encourages the Commission to intensify the efforts to achieve further meaningful progress.

Indeed, the topic of immunities of State officials requires careful and thorough examination, which takes into account State practice, *opinion iuris* and trends in international law. It touches the principles of the sovereign equality of States and should also be addressed against the background of the fight against impunity, ensuring accountability and providing justice for the victims, especially in connection with crimes that concern the international community as a whole. Taking that into consideration, as well as the achievements of the international community in the field of international criminal law, Slovenia is convinced that further efforts on this topic could contribute to the progressive development and codification of international law. We acknowledge safeguarding the independence of regimes applicable to immunity and preserving the special norms on the functioning of international criminal tribunals. We agree that immunities before international criminal tribunals fall outside the scope of the general topic.

The three-phased system for the settlement of disputes, a combination of mechanisms of a mandatory and voluntary nature, is a relevant indication of which tools for dispute settlement are of a primary nature. A larger toolbox is always at disposal, although predetermined mechanisms can facilitate a timelier proceeding to a dispute settlement and its effective resolution. We agree that creating a specialised body would not be practical and helpful.

Furthermore, Slovenia welcomes the Special Rapporteur's intention to include in the commentary the reference to good practices that could help solve the problems that arise in practice in the process of determining and applying immunity.

Slovenia wishes to reiterate the importance of the topic and to express support for the Commission in continuing its endeavours.

Madam Chairperson,

Turning to the Sea-level rise in relation to international law, Slovenia commends the Study Group for its work and expresses its appreciation for the detailed analysis and preliminary observations contained in the first issues paper, prepared by the co-Chairs of the Study Group, Mr Aurescu and Ms Oral.

The Republic of Slovenia fully aligns itself with the statement delivered by the European Union and would like to contribute further to this debate in its national capacity.

Sea-level rise is inevitable, its effects are imminent, and we need to approach the topic with a full appreciation of its urgency. The issue concerns not only small island developing states but also other coastal states, especially those with low-lying coasts. Consequently, the international community as a whole is facing serious challenges in the fields of human rights, territorial sovereignty and migration.

There are real and pressing international law dilemmas that arise from sea-level rise and the United Nations Convention on the Law of the Sea as the framework that regulates all activities in the oceans and seas is, of course, the primary focus in this regard.

The first issues paper, despite only being limited to the context of the law of the sea, clearly shows the wide range of legal issues raised by sea-level rise. The immense challenge of sea-level rise, relating to possible effects of sea-level rise on baselines, maritime zones, maritime delimitations and islands, as well as on the exercise of sovereign rights and jurisdiction underline the demand for a multi-faceted, in-depth approach and new solutions where legal certainty and predictability should remain one of the primary considerations. We believe that the work of the Commission will shed light on possible solutions and offer guidance for future action to be taken when addressing this pressing issue.

Thank you, Madam Chairperson.