

PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS

N009/16

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Office of the Legal Affairs of the United Nations and has the honour to submit the views and comments of the Republic of Slovenia on the report of the International Law Commission from 2015. International Law Commission requested the views of governments on the various aspects of the topics on the agenda of the International Law Commission, in particular on all the issues identified in chapter III of its report. Permanent Mission of the Republic of Slovenia to the United Nations has the honour to submit its views on the topic addressed by ILC in Chapter III, point "B" regarding "Protection of the environment in relation to armed conflicts".

Item 27 – Application of environmental law in relation to armed conflict

The Slovenian Defence Ministry and the Slovenian Armed Forces perform all their activities in accordance with national legislation and international obligations binding on Slovenia, including environmental law (the Defence Act (Official Gazette of the Republic of Slovenia no. 103/04 – official consolidated text, Article 4), the Service in the Slovenian Armed Forces Act (Official Gazette nos. 68/07 and 58/08 – ZSPJS-I – Articles 17, 19, 22 and 25), and the Rules of Service in the Slovenian Armed Forces (Official Gazette no. 84/09, item 210).

The Republic of Slovenia has ratified all key instruments of international humanitarian law and international law of armed conflict, including Protocol I to the Geneva Conventions, stipulating in Article 55 the protection of the natural environment in warfare. In Slovenia, the ratified and published treaties are directly applicable.

No case-law exists in Slovenia on violations of environmental legislation arising from military activities.

**Office of Legal Affairs
of the United Nations**

New York

Item 28 – Instruments aimed at protecting the environment in relation to armed conflict

The Defence Act stipulates in Article 48a that members of the Slovenian Armed Forces perform military service abroad in compliance with the Defence Act and the Rules of Service in the Slovenian Armed Forces, unless otherwise stipulated by a treaty or any other act on the basis of which military service is performed abroad. A member of the Slovenian Armed Forces has disciplinary responsibility, criminal liability and liability for damages under the Defence Act and the legal order of the Republic of Slovenia for his or her conduct during the performance of military service tasks abroad or in relation to them.

In addition to the general obligation to respect national legislation and international obligations binding on Slovenia, certain regulations explicitly address the conduct of the Slovenian Armed Forces in relation to environmental protection.

The Service in the Slovenian Armed Forces Act, Article 17, includes the principle of environmental awareness.

The Rules of Service in the Slovenian Armed Forces stipulate in item 210 that in the Slovenian Armed Forces, environmental protection is governed by regulations and command documents which define:

- the organisation, competences, responsibility and tasks of commands, units and institutes at all levels of command;
- activities, procedures and measures aimed at protecting the environment during the use of immovable defence property;
- environmental training of members of the Slovenian Armed Forces; and
- cooperation on the implementation of environmental protection measures in international operations and missions.

At the operational level, the Slovenian Armed Forces adopt command and control documents which regulate in greater detail their work in relation to environmental protection. Also, Slovenia has implemented the relevant NATO standards and policies of environmental protection. In international operations and missions, the protection of the environment is in general regulated by rules of engagement, at least through reference to international humanitarian law. In addition, for bilateral or multilateral military activities on Slovenian territory, appropriate international instruments are concluded, also containing provisions on environmental protection.

The Slovenian Armed Forces ensure environmental protection also through the systematic military education and training of all military persons (i.e. soldiers, non-commissioned officers, officers and military specialists). Furthermore, the Slovenian Armed Forces respect environmental protection obligations also during the strategic, tactical and operational planning of the conduct of their missions. Additionally, before their departure, members of a unit deployed to crisis response operations are provided with information about environmental protection.

The Permanent Mission of the Republic of Slovenia to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.



New York, 26 January 2016