



**S L O V A K I A**

**STATEMENT**

**by**

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concluding that there will be a single interpretation of a MFN provision applicable across all investment agreements and that MFN clauses of each treaty have to be interpreted independently, in accordance with articles 31 and 32 of the Vienna Convention on the Law of Treaties.

Mr. Chairman,

Allow me to turn now to the topic of the Protection of the atmosphere. We take due note of the Chapter V of the Commission's report, the discussion during the 67<sup>th</sup> session of the ILC based on the second report submitted by the Special Rapporteur Shinya Murase, as well as the provisional adoption of four preambular paragraphs and Guidelines 1, 2 and 5 together with commentaries.

Our government attaches great importance to the protection of the atmosphere as an important part of what makes the Earth livable, as well as to the preventing the further degradation of the atmosphere. We consider it very useful, that the ILC held the dialog with the scientists, however, it shall be noted, that such dialogs might sometimes contribute to misleading conclusions, especially in case of topics having many important elements defined rather by physics or other natural sciences, than by the law.

The Special Rapporteur and the ILC have chosen an approach to the topic based on the atmosphere as the object of protection, what seems to us quite ambiguous and without necessary foundation in current international law. The protection of the atmosphere shall be considered rather as an aim or purpose of a legal regulation than as the object of the regulation itself. This is in our view one of the reasons, why the consideration of the topic so far is accompanied by a lively discussion, by presenting divergent views and particularly, it seems very difficult to develop the topic beyond stating or defining the obvious and putting down statements without legal implications.

sessions, the ILC will have the opportunity to rethink the concept towards a more acceptable, more concrete principle proposal