



**THE PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN
TO THE UNITED NATION**

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**Statement by Mr. Tofiq F. Musayev
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**at the Sixth Committee of the seventy-third session of the United Nations
General Assembly under agenda item 82: "Report of the International Law Commission on
the work of its seventieth session" Cluster III**

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environment in relation to armed conflicts submitted by the Special Rapporteur (A/CN.4/720).

At the outset, I wish to express our general support for the work of the Commission on the topic and thank the Special Rapporteur for submitting her first report on the subject matter, which focuses on protection of the environment in situations of occupation and contains the proposed three draft principles.

Provisions dealing with occupation are essentially laid down in three instruments, being the Regulations concerning the Laws and Customs of War on Land, annexed to The Hague Convention IV respecting the Laws and Customs of War on Land of 18 October 1907, which are considered as reflecting customary international law; the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; and Additional Protocol I to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts 1977. The report clearly elaborates on that.

Although whether and to what extent international environmental law applies and provides protection during armed conflict is a matter of debate, we support generally the consideration of the interplay between the law of armed conflicts and other branches of international law, in particular international human rights law and international environmental law. At the same time, we

As is known, situations of occupation vary in nature and duration, and, therefore, while addressing, inter alia, the protection of the environment and property rights in an occupied territory, the distinct characteristics of

Finally, report on protection of the environment in relation to armed conflicts contains references to the *Chiragov* case of the European Court of Human Rights, as well as to Security Council resolutions 822 (1993) and 853 (1993), as examples of existing situations of military occupation. We thank the Special Rapporteur for this and believe that these references should have been supplemented also by Security Council resolutions 874 (1993) and 884 (1993), as well as by General Assembly resolutions 60/285 of 7 September 2006 and 62/243 of 14 March 2008, on the same subject matter. The mentioning of these sources would also be relevant in relation to the analysis contained in the second report on succession of States in respect of State responsibility (A/CN.4/7190).