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for the identification of peremptory norms. The finding that the characteristics of *jus cogens* contained in this conclusion are not criteria for the identification of a peremptory norm is, in our view, questionable in relation to the characteristic of *jus cogens* as reflecting and protecting fundamental values of the international community.

With regard to conclusion 21 on the recommended procedure in case a State invokes a peremptory norm as a ground for the invalidity or termination of a rule of international law, we note with satisfaction that its wording has been amended to make clear that the above procedure is not binding upon States. We note however that according to the commentary of paragraph 5 to conclusion 16, recourse to the procedure of conclusion 21 may also be made to contest the legal effect of a resolution, decision or

Special Rapporteur Ms. Marja Lehto as well as the previous Special Rapporteur Ms. Marie Jacobsson, for the high quality of their reports.

While fully aligning ourselves with the statement of the European Union on the matter, we would like to make the following observations:

We welcome draft principles 4 and 18 on protected zones and would like to notice the inclusion, in the scope of application of principle 4, not only of protected zones established by agreement but also of protective zones established “otherwise”, a term including those designated through an international organization or by a relevant treaty body.

We note with appreciation that, in accordance with paragraph 1 of principle 13, the environment shall be respected and protected in accordance with applicable international law and, in particular, the law of armed conflict. In our view however, paragraph 4 of the commentary to this provision should not only briefly refer to such other rules of international law which remain relevant during armed conflict, but also provide some guidance on how and to what extent such rules, in particular the general principles of environmental law, interact with the *ius in bello* rules.

We also welcome the clarification, in paragraph 8 of principle 16 referring to the prohibition of pillage, that the latter applies also in situations of occupation.

Turning now to principle 20 on the sustainable use of natural resources in an occupied territory to the extent this is permitted to the Occupying Power, we are of the view that the commentary should have clarified that, in cases of illegal occupation, third States should abstain from any transaction with regard to such natural resources that might entrench such an occupation.

We fully welcome draft principle 25 on relief and assistance in case the origin of environmental damage remains unidentified or reparation is unavailable and note with satisfaction the clarification, in paragraph 1 of the relevant commentary, that the responsible State is not relieved from the obligation to make reparation.

In the matter of remnants of war at sea (principle 27), we acknowledge references to the UNCLOS in the footnotes to the relevant

commentary. As however such remnants may also include leaking wrecks or warships, jurisdiction upon and removal of which are regulated by applicable international law including the UNCLOS, we would have preferred a reference to the latter in the text of principle 27.

Thank you Mr Chairman