

**Постоянное  
представительство**



**Permanent Mission  
of the Russian Federation  
to the United Nations**

The norms of the international law applied in a situation of an armed conflict must be absolutely clear given the priority, first of all, to the safety of civilian population.

Initially the idea to study this area was not to generalize the norms of international law on the protection of environment but their application exclusively during an armed conflict. Later the scope of draft principles included the "preventive

We believe that it is inappropriate to refer to application by analogy to principles I and II-5 of the draft international legal regime of protection of cultural heritage in respect of the issues related to the protection of the environment in armed conflict. Moreover, these principles mention the term of “protected zone”. Nevertheless, the current IHL does not contain such a concept. For instance, the 1949 Fourth Geneva Convention and Additional Protocol I does envisage three “zones of security” – sanitary zones, neutral zones and demilitarized zones. The introduction of

The issues of complementarity with other branches of international law including international environmental law, protection of environment under occupation, issues of legal and material responsibility, responsibility of non-State actors and general application of principles to non-international armed conflicts require a thorough analysis.

Mr. Chairman,

~~We appreciated with interest the second report of Prof. Deval Šturma on the~~

~~succession of States in respect of State responsibility and the outcomes of the work of the Commission on this issue.~~

~~As compared to the last year, the opinion of the Russian delegation regarding the prospects of further work on this topic has not changed. The Commission was not~~

~~able to significantly move forward on this topic. Draft articles 5 on cases of succession of States covered by the draft articles and 6 on the absence of impact on the attribution approved by the Commission do not raise questions as such. However,~~

~~we believe, however, that the~~

We also doubt that the departure from the 1978 and 1983 Vienna Conventions  
is methodologically correct

As we understand, the Special Rapporteur proposes the following: if the preceding State continues to exist the successors should not bear the responsibility

with the exception of separate cases; if the preceding State disappears then according to the Special Rapporteur, the successor State should bear certain obligations deriving from succession with regard to responsibility (for example, payment of monetary compensation). To justify the latter provision the Special Rapporteur indicates that in case of disappearance of the preceding State, the keeping of the rule of non-succession would be unjust with regard to the victim State. However, we believe that

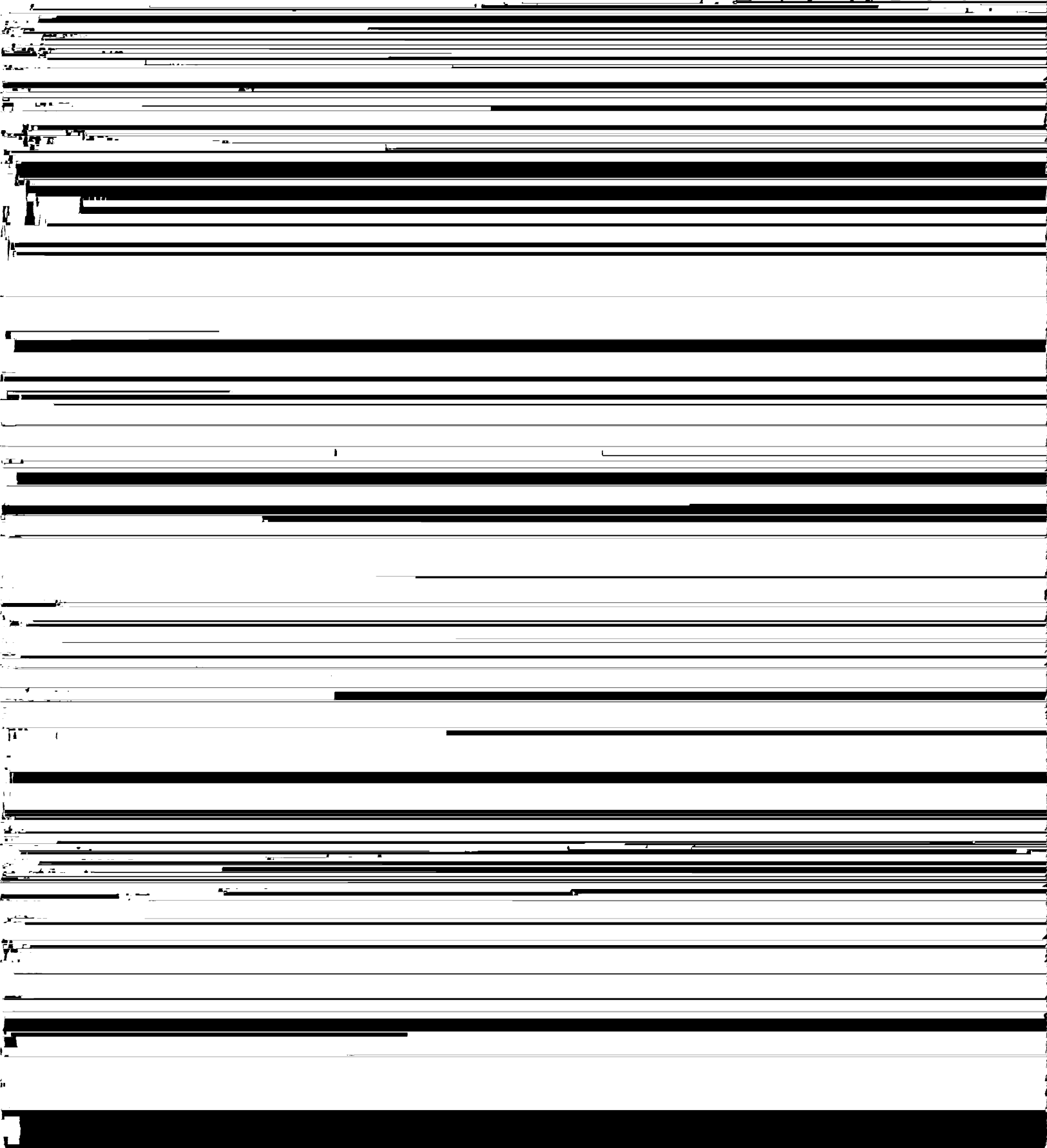
Nevertheless, we note that the procedural aspects were not examined in a broad sense and comprehensively. We are looking forward to continued discussions of the sixth report during the 71<sup>st</sup> session of the Commission and presentation by the Special Rapporteur of the seventh report which must complete the examination of procedural aspects. We will also await the proposals on draft articles that reflect the issues

examined in the sixth report.

In light of the above we would like to formulate a preliminary comments on the sixth report reserving the right to express additional ideas next year.

We share the desire of the Special Rapporteur to find answers to a number of fundamental procedural issues including the question when the immunity from foreign jurisdiction begins to be applied; what action of the country of the court is

of state law immunity from foreign criminal jurisdiction; who determines the





Second, the international criminal institutions operate on the basis of special legal regimes whether it is a special treaty (for example the Rome Statute of the ICC)

exercised on the basis of special international legal instruments. Therefore, we do not see any grounds for codification or progressive development of international law in this area.

Thank you, Mr. Chairman.