



**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-fourth session of the United Nations**

Limitations imposed on an occupant by international law are derived from the temporary nature of the occupation. Indeed, occupation does not confer sovereignty over the occupied territory upon the occupier, the legal status of the territory in question remains unaffected by the occupation and the occupant lacks the authority to make permanent changes to that territory.

International humanitarian law provides for the keeping in place of the local legal system during occupation. The key features of the provision of article 43 of the Hague Regulations read together create a powerful presumption against change with regard to the occupant's relationship with the occupied territory and population, particularly concerning the maintenance of the existing legal system, while permitting the occupant to "restore and ensure" public order and safety. While the balance between the two is not always clear, especially in extended occupations, it is nevertheless certain that an occupant does not have a free hand to alter the legal and social structure of the territory in question and that any form of "creeping annexation" is forbidden.

The presumption in favour of the maintenance of the existing legal order is particularly high and is supplemented by provisions in Geneva Convention IV, in particular its article 64. However, this is to be restrictively interpreted, and the difference between preserving local laws and providing for "provisions" which are "essential" is s                    Ä    O

Equally, exploitation of natural resources cannot be permitted to cover the expenses of the occupation, particularly where such occupation is a result of a serious breach, such as the violation of a prohibition on the use force.

While noting the various limitations outlined in the commentary to draft principle 21, it should be particularly emphasized that the duties of an Occupying Power in regard to the natural resources can in no way be interpreted as creating any grounds for securing or enhancing territorial claims, engaging more in exploitation of resources and thus prolonging occupation.

We believe that draft principle 21 should be considered in conjunction with the illegal exploitation of natural resources and draft principles 6 *bis* and 13 *ter*, as addressed in section II of the report of the Special Rapporteur.

We support the relevant draft articles and further work of the Commission on the questions related to the responsibility and liability for environmental harm in situations of armed conflicts, including in relations of States as well as non-State actors, such as multinational enterprises and private companies present in conflict zones and occupied territories.

We also note the information provided in the report in regard to non-binding standard-setting, as well as national and regional initiatives that address particular challenges related to the extraction of minerals and other high-value natural resources in areas of armed conflict. It is important that such initiatives continue to provide the guidance for States to incorporate standards into their national legislation and to make them binding on corporations subject to their jurisdiction that operate in conflict-affected or occupied areas.