



Armenia

05 November 2019

**UNGA 74 Sixth Committee / Agenda item: 79 – Report of the International Law
Commission on the work of its seventy-first session: Cluster II**

Statement by Permanent Mission of Armenia to the United Nations

Mr. Chairman,

Armenia would like to offer following remarks on the work of the International Law Commission on its project entitled ‘protection of the environment in relation to armed conflicts’.

We took note of the second report by the Special Rapporteur Marja Lehto on protection of the environment in relation to armed conflicts. Indeed, in light of the pressing challenges stemming from the climate change the practical problem of protection of environment, including across all stages of conflict gains more prominence.

We are of the firm view that enhancing of the scope of the project should entail the international human rights law. Protection of environment is closely interlinked with the exercise of inalienable economic and social rights and free disposal of natural resources by the virtue of self-determination.

The legally binding UN Covenant on Political and Civil Rights and UN Covenant on Economic, Social and Cultural Rights, as the cornerstones of the international human right law, empower people to freely determine their political status and freely pursue their economic, social and cultural development by the virtue of the right to self-determination. Furthermore, both Covenants recognize that all peoples may for their own ends, freely dispose of their natural wealth and resources. The Covenants maintain that in no case may people be deprived of its own means of subsistence. Moreover, Article II of the Universal Declaration of Human Rights stresses that everyone is entitled to all the rights and freedoms set forth in this Declaration and no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Therefore we believe that in addressing the issue of illegal exploitation of natural resources in conflict situations, the Special Rapporteur should have referred to the economic and social rights of the people residing in conflict areas.

In this regard we invite the attention of the ILC to the attempts by certain states to reject social and economic rights of people, isolate them from outer world and deprive them of their means of subsistence, which is one of the manifestations of impeding realization of their right to self-determination. Attempts to criminalize entire peoples for their legitimate aspirations to freely determine their political status and dispose their natural wealth and resources in violation of their human rights, in particular the right to self-determination and the impact of degradation of environment on the people residing in conflict areas should be thoroughly studied by the ILC in the framework of the project. Protection of environment in the conflict areas through de-escalation and confidence building measures between all parties to the conflicts also deserves attention.

When it comes to legal accountability in the context of armed conflicts we note that, it is well established that the criterion for the legality and validity of legal acts of *de facto* states, according to international law, is not the country's status as recognized or unrecognized, but the conformity of such court decisions to the rights and interests of its inhabitants. The European Court of Human Rights itself has held that:

[L]ife must be made tolerable and be protected by the *de facto* authorities, including their courts; and, in the very interest of the inhabitants, the acts of these authorities related thereto cannot be simply ignored by third States or by international institutions, especially courts, including this one. To hold otherwise would amount to stripping the inhabitants of the territory of all their rights whenever they are discussed in an international context, which would amount to depriving them even of the minimum standard of rights to which they are entitled.¹

¹ Judgment on the merits delivered by a Grand Chamber. Application No. 25781/94, § 96, ECHR. 2001