

Mr. Chairman,

My delegation wishes to commend the International Law Commission and the Special Rapporteur on their continuing contribution to the codification and progressive development of international law specifically in relation to the topic, *Succession of States In*

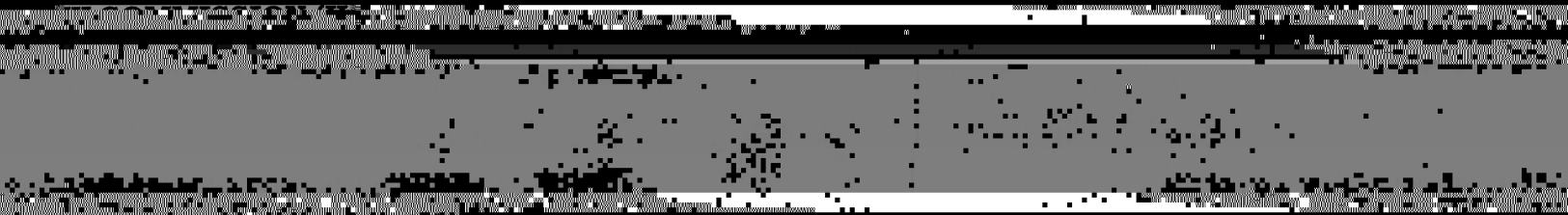
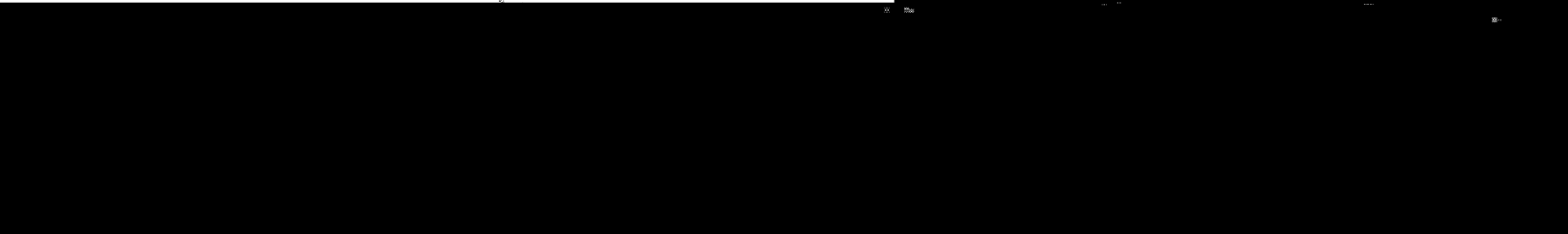
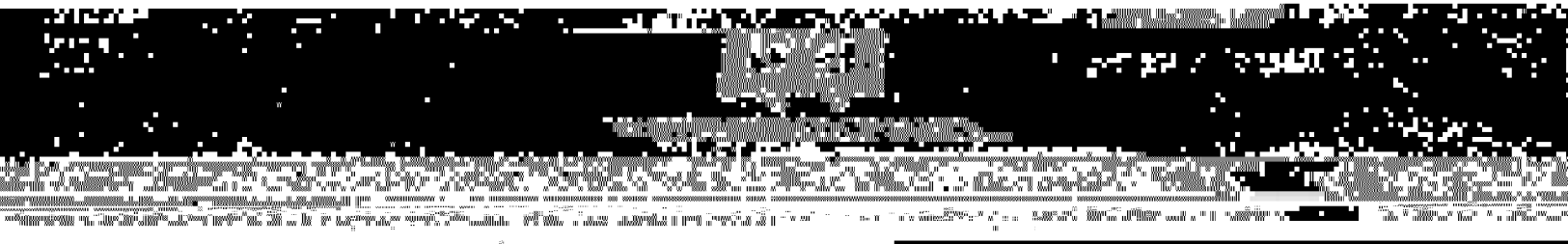
It is worth noting that *Article 5 of the 1978 Vienna Convention on Succession of States in respect of Treaties* had limited questions relating to the effects of a succession of States to matters provided for in that Convention, while *Article 39 of the 1983 Vienna Convention on Succession of States in respect of State Property Archives and Debts* expressly

Rapporteur that the notion of "responsibility of States" reflected a similar usage to that of the 2001 Draft Articles, wherein Article 1 of the relevant articles had identified that

"international responsibility" in article 1 covered the relations which arose under international law from the internationally wrongful act of a State, whether such relations

were limited to *inter alia* the wrongdoing State.—In light thereof, it is understood that references to the term, "responsible state" means "the state which caused, or is believed to have caused, the injury" as articulated in the 2001 Draft Articles.

It is also suggested that there should not be any automatic extinction of responsibility or automatic transfer of responsibility in cases of succession of States, which is also referred to as the general rule of non-succession. The rationale for this is that this



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continued contribution to the progressive development of international law and its codification as evinced by the comprehensive report on its seventy-first session, which addresses several significant topics, among which is the *Protection of the Environment in Times of Armed Conflict*.

We also wish to thank the Special Rapporteurs for their contribution on the development of the draft principles which are presently before the Sixth Committee.

perspective rather than various areas of international law namely, the international
environmental law, international humanitarian law and international human rights law

the Jamaican delegation believes that the intergenerational equity principle should be included in Principle 21 by the introduction of language which mandates the Occupying

Power to use the natural resources not only in a sustainable manner which minimizes harm

by the use of a system

interests of future

Alternatively, the prevention of the pollution of rivers and water reserves with harmful substances in cases of armed conflict may be highlighted as a 'preventative measure' under Principle 2 (Measures to enhance the protection of the environment), which ought to be undertaken throughout each temporal phase. To this end, my delegation wishes to indicate that while it was evident from the Commentary that an explanation and a scope was given for the word "remedial measures" no scope was given for "preventative measures". We

recommended that a similar indication of the scope of "preventative measures" be

included rather than a mere indication of the phases in which, such measures may be

included. We do not recommend an exhaustive list as this may not be possible or practical

"States must take environmental considerations into account when assessing what is necessary and proportionate in the pursuit of legitimate military objectives. Respect for the environment is one of the elements that go to assessing whether an action is in conformity with the principles of necessity and proportionality".

In the discussion surrounding this paragraph, it was noted that the ICJ contemplated the

issue of whether obligations of total restraint during military conflict

environment were intended to be obligations of total restraint during military conflict. In its response, the Court found that it did not consider that "the treaties in question could have intended to deprive a State of the exercise of its right of self defence under international