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Protection of the environment in relation to armed conflict

Text of the draft principles provisionally adopted in 2015 and technically revised and renumbered during the present session by the Drafting Committee*

Introduction

Draft principle 1

Scope

The present draft principles apply to the protection of the environment** before, during or after an armed conflict.

Draft principle 2

Purpose

The present draft principles are aimed at enhancing the protection of the environment in relation to armed conflict, including through preventive measures for minimizing damage to the environment during armed conflict and through remedial measures.

[...]

Part One

General principles

[...]

* The draft principles were taken note of by the Commission in 2015 (A/CN.4/L.870). The ellipses denote that it is anticipated that another draft principle will be inserted.

** Whether the term “environment” or “natural environment” is preferable for all or some of these draft principles will be revisited at a later stage.



Draft principle 5

Designation of protected zones

States should designate, by agreement or otherwise, areas of major environmental and cultural importance as protected zones.

[...]

[...]

Part Two

Principles applicable during armed conflict

Draft principle 8

General protection of the natural environment during armed conflict

1. The natural environment shall be respected and protected in accordance with applicable international law and, in particular, the law of armed conflict.
2. Care shall be taken to protect the natural environment against widespread, long-term and severe damage.
3. No part of the natural environment may be attacked, unless it has become a military objective.

Draft principle 9

Application of the law of armed conflict to the natural environment

The law of armed conflict, including the principles and rules on distinction, proportionality, military necessity and precautions in attack, shall be applied to the natural environment, with a view to its protection.

Draft principle 10

Environmental considerations

Environmental considerations shall be taken into account when applying the principle of proportionality and the rules on military necessity.

Draft principle 11

Prohibition of reprisals

Attacks against the natural environment by way of reprisals are prohibited.

Draft principle 12

Protected zones

An area of major environmental and cultural importance designated by agreement as a protected zone shall be protected against any attack, as long as it does not contain a military objective.
