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Protection of the environment in relation to armed conflict

Text of the draft introductory provisions and draft principles provisionally adopted so far by the Drafting Committee

Introduction

Scope

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

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

Preventive measures

Draft principle I-(x)

Designation of protected zones

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

Part Two

Draft principles applicable during armed conflict

Draft principle II-1

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 II-2

Application of the law of armed conflict to the 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 II-3

Environmental considerations

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

Draft principle II-4

Prohibition of reprisals

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

Principle II-5

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.
