



# General Assembly

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## International Law Commission

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## Protection of the environment in relation to armed conflicts

### Text of the draft principles provisionally adopted during the present session by the Drafting Committee\*

## Introduction

[...]

## Part One General principles

### Draft principle 4

#### Measures to enhance the protection of the environment

1. States shall, pursuant to their obligations under international law, take effective legislative, administrative, judicial and other measures to enhance the protection of the environment in relation to armed conflict.
2. In addition, States should take further measures, as appropriate, to enhance the protection of the environment in relation to armed conflict.

[...]

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\* The present report should be read together with document A/CN.4/L.870/Rev.1 containing draft principles 1, 2, 5 and 8 to 12. The ellipses denote that the relevant draft principles are contained in document A/CN.4/L.870/Rev.1 or that another draft principle will be inserted. In view of the adoption of draft principle 6 at the present session, draft principles 8, 9, 10, 11 and 12, as contained in document A/CN.4/L.870/Rev.1, shall accordingly be renumbered as draft principles 9, 10, 11, 12 and 13.



**Draft principle 6**

**Protection of the environment of indigenous peoples**

1. States should take appropriate measures, in the event of an armed conflict, to protect the environment of the territories that indigenous peoples inhabit.
2. After an armed conflict that has adversely affected the environment of the territories that indigenous peoples inhabit, States should undertake effective consultations and cooperation with the indigenous peoples concerned, through appropriate procedures and in particular through their own representative institutions, for the purpose of taking remedial measures.

**Draft principle 7**

**Agreements concerning the presence of military forces in relation to armed conflict**

States and international organizations should, as appropriate, include provisions on environmental protection in agreements concerning the presence of military forces in relation to armed conflict. Such provisions may include preventive measures, impact assessments, restoration and clean-up measures.

**Draft principle 8**

**Peace operations**

States and international organizations involved in peace operations in relation to armed conflict shall consider the impact of such operations on the environment and take appropriate measures to prevent, mitigate and remediate the negative environmental consequences thereof.

**Part Two**

**Principles applicable during armed conflict**

[...]

**Part Three**

**Principles applicable after an armed conflict**

**Draft principle 14**

**Peace processes**

1. Parties to an armed conflict should, as part of the peace process, including where appropriate in peace agreements, address matters relating to the restoration and protection of the environment damaged by the conflict.
2. Relevant international organizations should, where appropriate, play a facilitating role in this regard.

**Draft principle 15**

**Post-armed conflict environmental assessments and remedial measures**

Cooperation among relevant actors, including international organizations, is encouraged with respect to post-armed conflict environmental assessments and remedial measures.

**Draft principle 16****Remnants of war**

1. After an armed conflict, parties to the conflict shall seek to remove or render harmless toxic and hazardous remnants of war under their jurisdiction or control that are causing or risk causing damage to the environment. Such measures shall be taken subject to the applicable rules of international law.
2. The parties shall also endeavour to reach agreement, among themselves and, where appropriate, with other States and with international organizations, on technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations to remove or render harmless such toxic and hazardous remnants of war.
3. Paragraphs 1 and 2 are without prejudice to any rights or obligations under international law to clear, remove, destroy or maintain minefields, mined areas, mines, booby-traps, explosive ordnance and other devices.

**Draft principle 17****Remnants of war at sea**

States and relevant international organizations should cooperate to ensure that remnants of war at sea do not constitute a danger to the environment.

**Draft principle 18****Sharing and granting access to information**

1. To facilitate remedial measures after an armed conflict, States and relevant international organizations shall share and grant access to relevant information in accordance with their obligations under international law.
  2. Nothing in the present draft principle obliges a State or international organization to share or grant access to information vital to its national defence or security. Nevertheless, that State or international organization shall cooperate in good faith with a view to providing as much information as possible under the circumstances.
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