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Report of the International Law Commission on the work of its seventy-third session

Report of the Sixth Committee

Rapporteur: Ms. Sarah Zahirah **Ruhama** (Malaysia)

I. Introduction

1. The item entitled “Report of the International Law Commission on the work of its seventy-third session” was included in the provisional agenda of the seventy-seventh session of the General Assembly in accordance with Assembly resolution [76/111](#) of 9 December 2021.
2. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 21st to 31st meetings, and at its 36th meeting, from 25 to 28 October, on 1 to 2 November and on 18 November 2022. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹
4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its seventy-third session ([A/77/10](#)).
5. The Chair of the International Law Commission at its seventy-third session introduced the report of the Commission on the work of that session at the 21st meeting, on 25 October, and the Committee considered the report in three clusters, namely: cluster I (chapters I to V and X) at its 21st to 25th meetings, from 25 to 27 October, cluster II (chapters VI and IX) at its 26th to 29th meetings, on 28 October and on 1 November, and cluster III (chapters VII and VIII) at its 30th to 31st and 36th meetings, on 2 and 18 November.

¹ [A/C.6/77/SR.21](#), [A/C.6/77/SR.22](#), [A/C.6/77/SR.23](#), [A/C.6/77/SR.24](#), [A/C.6/77/SR.25](#), [A/C.6/77/SR.26](#), [A/C.6/77/SR.27](#), [A/C.6/77/SR.28](#), [A/C.6/77/SR.29](#), [A/C.6/77/SR.30](#), [A/C.6/77/SR.31](#) and [A/C.6/77/SR.36](#).



II. Consideration of proposals

A. Draft resolution [A/C.6/77/L.16](#)

6. At the 36th meeting, on 18 November, the representative of Colombia, on behalf of the Bureau, introduced a draft resolution entitled “Report of the International Law Commission on the work of its seventy-third session” ([A/C.6/77/L.16](#)) and orally revised it as follows:

(a) A new operative paragraph 3 was inserted as follows, and the subsequent paragraphs were renumbered accordingly:

Decides that the consideration of chapter IV of the report of the International Law Commission on the work of its seventy-third session, dealing with the topic “Peremptory norms of general international law (*jus cogens*)”, shall be continued at the seventy-eighth session of the General Assembly, during the consideration of the report of the Commission on the work of its seventy-fourth session;

(b) The renumbered operative paragraph 5 (former operative paragraph 4) was revised to read:

Draws the attention of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

- (a) General principles of law;
- (b) Sea-level rise in relation to international law;
- (c) Subsidiary means for the determination of rules of international law;
- (d) Prevention and repression of piracy and armed robbery at sea;
- (e) Settlement of international disputes to which international organizations are parties;

7. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

8. Also at the same meeting, the Committee adopted draft resolution [A/C.6/77/L.16](#), as orally revised, without a vote (see para. 12, draft resolution I).

9. The representative of South Africa (on behalf of Colombia, El Salvador, Italy, Mexico, Portugal, Sierra Leone, South Africa and Uganda) spoke in explanation of position after the adoption of the draft resolution.

B. Draft resolution [A/C.6/77/L.22](#)

10. At the 36th meeting, on 18 November, the representative of Mexico, on behalf of the Bureau, introduced a draft resolution entitled “Protection of the environment in relation to armed conflicts” ([A/C.6/77/L.22](#)).

11. At the same meeting, the Committee adopted draft resolution [A/C.6/77/L.22](#) without a vote (see para. 12, draft resolution II).

III. Recommendation of the Sixth Committee

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Report of the International Law Commission on the work of its seventy-third session

The General Assembly,

Having considered the report of the International Law Commission on the work of its seventy-third session,¹

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,²

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recalling also the role of Member States in submitting proposals for new topics for the consideration of the International Law Commission, and noting in this regard the recommendation of the Commission that such proposals be accompanied by a statement of reasons,

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Welcoming the holding of the International Law Seminar, and the voluntary contributions made to the United Nations trust fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth

¹ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10).*

² Resolution 2625 (XXV), annex.

Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in General Assembly resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its seventy-third session;³

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its seventy-third session, and notes in particular:

(a) The completion of the second reading of the draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*) and the commentaries thereto;⁴

(b) The completion of the second reading of the draft principles on protection of the environment in relation to armed conflicts and the commentaries thereto;⁵

(c) The completion of the first reading of the draft articles on immunity of State officials from foreign criminal jurisdiction and the commentaries thereto;⁶

3. *Decides* that the consideration of chapter IV of the report of the International Law Commission on the work of its seventy-third session, dealing with the topic “Peremptory norms of general international law (*jus cogens*)”, shall be continued at the seventy-eighth session of the General Assembly, during the consideration of the report of the Commission on the work of its seventy-fourth session;

4. *Recommends* that the International Law Commission continue its work on the topics in its current programme of work, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

5. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report,⁷ regarding:

(a) General principles of law;

(b) Sea-level rise in relation to international law;

(c) Subsidiary means for the determination of rules of international law;

(d) Prevention and repression of piracy and armed robbery at sea;

(e) Settlement of international disputes to which international organizations are parties;

6. *Also draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by

³ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10).*

⁴ *Ibid.*, chap. IV, sect. E.

⁵ *Ibid.*, chap. V, sect. E.

⁶ *Ibid.*, chap. VI, sect. C.

⁷ See *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10).*

1 December 2023 on the draft articles on immunity of State officials from foreign criminal jurisdiction;⁸

7. *Takes note* of the decision of the International Law Commission to include the topics “Settlement of international disputes to which international organizations are parties”, “Prevention and repression of piracy and armed robbery at sea” and “Subsidiary means for the determination of rules of international law” in its programme of work,⁹ and encourages the Commission to continue the examination of the topics that are in its long-term programme of work;¹⁰

8. *Encourages* the International Law Commission to take particular account of the capacity and views of Member States, as well as of the workload of the Commission, when including topics in its current programme of work;

9. *Takes note* of paragraphs 249 to 253 of the report of the International Law Commission,¹¹ and notes, in particular, the inclusion of the topic “Non-legally binding international agreements” in the long-term programme of work of the Commission,¹² and in this regard calls upon the Commission to take into consideration the comments, concerns and observations expressed by Governments during the debate in the Sixth Committee;

10. *Also takes note* of paragraph 270 of the report of the International Law Commission, and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution [56/272](#) of 27 March 2002;

11. *Welcomes* the efforts of the International Law Commission to improve its methods of work, and encourages the Commission to continue this practice;

12. *Invites* the International Law Commission to continue to take measures to enhance its efficiency and productivity and to consider making proposals to Member States to that end;

13. *Recalls* the importance of an in-depth analysis of State practice and the consideration of the diversity of legal systems of Member States to the work of the International Law Commission;

14. *Takes note* of paragraph 274 of the report of the International Law Commission, recalls the paramount importance of multilingualism as set forth in General Assembly resolutions [69/324](#) of 11 September 2015 and [73/346](#) of 16 September 2019 on multilingualism, underlines the importance of having the documents of the Commission published in due time in the six official languages of the United Nations while ensuring their accuracy in all official languages, and to this end requests special rapporteurs to submit their reports within the time limits specified by the Secretariat, and the Secretariat to give due consideration to the quality of the translation of the documents of the Commission in the six official languages;

⁸ Ibid., para. 66.

⁹ Ibid., paras. 238–240.

¹⁰ The following topics are currently in the long-term programme of work of the International Law Commission: “Ownership and protection of wrecks beyond the limits of national maritime jurisdiction”, “Jurisdictional immunity of international organizations”, “Protection of personal data in transborder flow of information”, “Extraterritorial jurisdiction”, “The fair and equitable treatment standard in international investment law”, “Evidence before international courts and tribunals”, “Universal criminal jurisdiction”, “Reparation to individuals for gross violations of international human rights law and serious violations of international humanitarian law” and “Non-legally binding international agreements”.

¹¹ See *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10)*.

¹² Ibid., para. 251.

15. *Encourages* the International Law Commission to continue to take cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

16. *Recalls* that the seat of the International Law Commission is at the United Nations Office at Geneva;

17. *Takes note* of paragraph 284 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 24 April to 2 June and from 3 July to 4 August 2023;

18. *Also takes note* of paragraph 281 of the report of the International Law Commission, and requests the Secretariat to proceed with the necessary administrative and organizational arrangements to facilitate the holding of the first part of a session of the Commission in New York during the next quinquennium;

19. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission, in particular the special rapporteurs, and the Sixth Committee, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission throughout the year;

20. *Encourages* delegations, during the debate on the report of the International Law Commission, to continue to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

21. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

22. *Underlines* in this regard the necessity to allow sufficient time for the consideration of the report of the International Law Commission in the Sixth Committee;

23. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

24. *Takes note* of paragraphs 286 to 288 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of articles 16 (e), 25 and 26 of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

25. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

26. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission, and takes note of the request of the Commission to the Secretariat contained in paragraphs 241 to

246 of the report of the Commission to prepare memorandums that would be particularly relevant for its future work on the topics “Settlement of international disputes to which international organizations are parties”, “Prevention and repression of piracy and armed robbery at sea”, “Subsidiary means for the determination of rules of international law” and “Sea-level rise in relation to international law”;

27. *Also reaffirms* its previous decisions concerning the documentation and summary records of the International Law Commission;¹³

28. *Takes note* of paragraph 272 of the report of the International Law Commission, stresses the need to expedite the preparation of the summary records of the International Law Commission, welcomes the continuation of the measures taken to streamline the processing of summary records during the sixty-fifth session of the Commission,¹⁴ which have led to a more rational use of resources, and expresses its satisfaction that the summary records of the Commission, constituting *travaux préparatoires* in the progressive development and codification of international law, will not be subject to arbitrary length restrictions;

29. *Welcomes* the institutionalization of the practice of the Secretariat to include on the website of the International Law Commission the provisional summary records in English and French relating to the work of the Commission;

30. *Also welcomes* the efforts of the Secretariat in seeking to ensure the timely and efficient processing of the documents of the International Law Commission and the institutionalization of the experimental measures taken during the sixty-eighth session of the Commission to streamline the editing of those documents;

31. *Takes note* of paragraph 271 of the report of the International Law Commission, and underlines the importance of the publications of the Codification Division to the work of the Commission, welcomes in particular the issuance of the ninth edition of *The Work of the International Law Commission* also in Chinese, French, Russian and Spanish, and reiterates its request that the Secretary-General continue to publish *The Work of the International Law Commission* in all six official languages at the beginning of each quinquennium, the *Reports of International Arbitral Awards* in English or French and the *Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice* in all six official languages every five years;

32. *Also takes note* of paragraph 275 of the report of the International Law Commission, expresses its appreciation to the United Nations Library at Geneva for the dedicated assistance accorded to the Commission, and notes the Commission’s emphasis on the need for adequate funding to ensure the continuation of the Library’s ability to function as a research library to assist the Commission in the performance of its mandate in the codification and progressive development of international law;

33. *Further takes note* of paragraph 276 of the report of the International Law Commission, stresses the unique value of the *Yearbook of the International Law Commission*, and requests the Secretary-General to ensure its timely publication in all official languages;

34. *Expresses its appreciation* to Governments that have made voluntary contributions to the trust fund on the backlog relating to the *Yearbook of the*

¹³ See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly; see also *Yearbook of the International Law Commission* 1982, vol. II (Part Two), paras. 267–269 and 271, as well as all subsequent annual reports of the International Law Commission.

¹⁴ *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 10 (A/68/10)*, para. 183.

International Law Commission, and encourages further contributions to the trust fund;

35. *Takes note* of paragraph 277 of the report of the International Law Commission, expresses its satisfaction with the remarkable progress achieved in the past few years in reducing the backlog of the *Yearbook of the International Law Commission* in all six languages, welcomes the efforts made by the Division of Conference Management of the United Nations Office at Geneva, especially its Editing Section, in effectively implementing relevant resolutions of the General Assembly calling for the reduction of the backlog, encourages that Division to provide continuous necessary support to the Editing Section in advancing the *Yearbook of the International Law Commission*, and requests that updates on progress made in this respect be provided to the Commission on a regular basis;

36. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;

37. *Takes note* of paragraph 285 of the report of the International Law Commission, together with annex II and the appendix to the report, and, without prejudice to the importance of ensuring necessary allocations for the Commission and its secretariat in the regular budget, requests the Secretary-General to establish a trust fund for assistance to Special Rapporteurs of the International Law Commission and matters ancillary thereto, taking into account the terms of reference proposed in the appendix to the report, including the need for the financial contributions not to be earmarked for any specific activity of the International Law Commission, its Special Rapporteurs or Chairs of its Study Groups;

38. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants representing the principal legal systems of the world and from different countries in the various regions, including in particular those from developing countries, will be given the opportunity to attend the Seminar, as well as delegates to the Sixth Committee, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations trust fund for the International Law Seminar;

39. *Requests* the Secretary-General to continue to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue to consider ways to improve the structure and content of the Seminar;

40. *Underlines* the importance of the records and topical summary of the debate in the Sixth Committee for the deliberations of the International Law Commission, and in this regard requests the Secretary-General to forward to the Commission, for its attention, the records of the debate on the report of the Commission, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

41. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and any draft provisions adopted on either first or second reading by the Commission;

42. *Also requests* the Secretariat to make the complete report of the International Law Commission available as soon as possible after the conclusion of the session of the Commission for the consideration of Member States with due

anticipation and no later than the prescribed time limit for reports in the General Assembly;

43. *Encourages* the International Law Commission to continue to consider ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

44. *Recommends* that the debate on the report of the International Law Commission at the seventy-eighth session of the General Assembly commence on 23 October 2023.

Draft resolution II

Protection of the environment in relation to armed conflicts

The General Assembly,

Having considered chapter V of the report of the International Law Commission on the work of its seventy-third session,¹ which contains the draft principles on protection of the environment in relation to armed conflicts,

Taking note of the recommendation of the International Law Commission contained in paragraph 55 of its report,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Recalling the recommendation of the United Nations Environment Programme that the International Law Commission examine the existing international law for protecting the environment during armed conflict and recommend how it can be clarified, codified and expanded,²

Noting that the subject of protection of the environment in relation to armed conflicts is of major importance in international relations,

Recalling that, to the extent that they do not reflect customary or treaty-based obligations of States, as applicable, the draft principles provide recommendations for the progressive development of international law, inter alia, through examples of effective voluntary measures to enhance the protection of the environment in relation to armed conflicts,

1. *Welcomes* the conclusion of the work of the International Law Commission on protection of the environment in relation to armed conflicts and its adoption of the draft principles on protection of the environment in relation to armed conflicts and commentaries thereto;³

2. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

3. *Takes note* of all the views and comments expressed in the debates of the Sixth Committee on the subject, including those made at the seventy-seventh session of the General Assembly,⁴ as well as the comments and observations submitted in writing by Governments on the draft principles on protection of the environment in relation to armed conflicts;

4. *Also takes note* of the principles on protection of the environment in relation to armed conflicts, the text of which is annexed to the present resolution, with the commentaries thereto, brings them to the attention of States, international organizations and all who may be called upon to deal with the subject, and encourages their widest possible dissemination.

¹ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10).*

² United Nations Environment Programme, *Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law* (Nairobi, 2009), recommendation 3.

³ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 10 (A/77/10)*, paras. 58–59.

⁴ See [A/C.6/77/SR.21](#), [A/C.6/77/SR.22](#), [A/C.6/77/SR.23](#), [A/C.6/77/SR.24](#), [A/C.6/77/SR.25](#) and [A/C.6/77/SR.31](#). The statements made in the Sixth Committee are available in full (in the original languages) on the website of the Sixth Committee, at www.un.org/en/ga/sixth/.

Annex

Principles on protection of the environment in relation to armed conflicts

Preamble

Recalling the urgent need and common objectives to reinforce and advance the conservation, restoration and sustainable use of the environment for present and future generations,

Recalling also that principle 24 of the Rio Declaration on Environment and Development provides, inter alia, that States shall respect international law providing protection for the environment in times of armed conflict and cooperate in its further development,

Recognizing that environmental consequences of armed conflicts may be severe and have the potential to exacerbate global environmental challenges, such as climate change and biodiversity loss,

Aware of the importance of the environment for livelihoods, food and water security, maintenance of traditions and cultures, and the enjoyment of human rights,

Emphasizing that environmental factors are to be taken into account in the context of the implementation of the principles and rules of the law applicable in armed conflict,

Conscious of the need to enhance the protection of the environment in relation to both international and non-international armed conflicts, including in situations of occupation,

Considering that effective protection of the environment in relation to armed conflicts requires that measures are taken by States, international organizations and other relevant actors to prevent, mitigate and remediate harm to the environment before, during and after an armed conflict,

Part one

Introduction

Principle 1

Scope

The present principles apply to the protection of the environment before, during or after an armed conflict, including in situations of occupation.

Principle 2

Purpose

The present principles are aimed at enhancing the protection of the environment in relation to armed conflicts, including through measures to prevent, mitigate and remediate harm to the environment.

Part two

Principles of general application

Principle 3

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 conflicts.

2. In addition, States should take further measures, as appropriate, to enhance the protection of the environment in relation to armed conflicts.

Principle 4
Designation of protected zones

States should designate, by agreement or otherwise, areas of environmental importance as protected zones in the event of an armed conflict, including where those areas are of cultural importance.

Principle 5
Protection of the environment of Indigenous Peoples

1. States, international organizations and other relevant actors shall take appropriate measures, in the event of an armed conflict, to protect the environment of the lands and territories that Indigenous Peoples inhabit or traditionally use.
2. When an armed conflict has adversely affected the environment of the lands and territories that Indigenous Peoples inhabit or traditionally use, States shall undertake appropriate and 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.

Principle 6
Agreements concerning the presence of military forces

States and international organizations should, as appropriate, include provisions on environmental protection in relation to armed conflict in agreements concerning the presence of military forces. Such provisions should address measures to prevent, mitigate and remediate harm to the environment.

Principle 7
Peace operations

States and international organizations involved in peace operations established in relation to armed conflicts shall consider the impact of such operations on the environment and take, as appropriate, measures to prevent, mitigate and remediate the harm to the environment resulting from those operations.

Principle 8
Human displacement

States, international organizations and other relevant actors should take appropriate measures to prevent, mitigate and remediate harm to the environment in areas where persons displaced by armed conflict are located, or through which they transit, while providing relief and assistance for such persons and local communities.

Principle 9
State responsibility

1. An internationally wrongful act of a State, in relation to an armed conflict, that causes damage to the environment entails the international responsibility of that State, which is under an obligation to make full reparation for such damage, including damage to the environment in and of itself.

2. The present principles are without prejudice to the rules on the responsibility of States or of international organizations for internationally wrongful acts.
3. The present principles are also without prejudice to:
 - (a) The rules on the responsibility of non-State armed groups;
 - (b) The rules on individual criminal responsibility.

Principle 10

Due diligence by business enterprises

States should take appropriate measures aimed at ensuring that business enterprises operating in or from their territories, or territories under their jurisdiction, exercise due diligence with respect to the protection of the environment, including in relation to human health, when acting in an area affected by an armed conflict. Such measures include those aimed at ensuring that natural resources are purchased or otherwise obtained in an environmentally sustainable manner.

Principle 11

Liability of business enterprises

States should take appropriate measures aimed at ensuring that business enterprises operating in or from their territories, or territories under their jurisdiction, can be held liable for harm caused by them to the environment, including in relation to human health, in an area affected by an armed conflict. Such measures should, as appropriate, include those aimed at ensuring that a business enterprise can be held liable to the extent that such harm is caused by its subsidiary acting under its de facto control. To this end, as appropriate, States should provide adequate and effective procedures and remedies, in particular for the victims of such harm.

Part three

Principles applicable during armed conflict

Principle 12

Martens Clause with respect to the protection of the environment in relation to armed conflicts

In cases not covered by international agreements, the environment remains under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

Principle 13

General protection of the environment during armed conflict

1. The environment shall be respected and protected in accordance with applicable international law and, in particular, the law of armed conflict.
2. Subject to applicable international law:
 - (a) Care shall be taken to protect the environment against widespread, long-term and severe damage;
 - (b) The use of methods and means of warfare that are intended, or may be expected, to cause widespread, long-term and severe damage to the environment is prohibited.

3. No part of the environment may be attacked, unless it has become a military objective.

Principle 14**Application of the law of armed conflict to the environment**

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

Principle 15**Prohibition of reprisals**

Attacks against the environment by way of reprisals are prohibited.

Principle 16**Prohibition of pillage**

Pillage of natural resources is prohibited.

Principle 17**Environmental modification techniques**

In accordance with their international obligations, States shall not engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State.

Principle 18**Protected zones**

An area of environmental importance, including where that area is of cultural importance, designated by agreement as a protected zone shall be protected against any attack, except insofar as it contains a military objective. Such protected zone shall benefit from any additional agreed protections.

Part four**Principles applicable in situations of occupation****Principle 19****General environmental obligations of an occupying Power**

1. An occupying Power shall respect and protect the environment of the occupied territory in accordance with applicable international law and take environmental considerations into account in the administration of such territory.
2. An occupying Power shall take appropriate measures to prevent significant harm to the environment of the occupied territory, including harm that is likely to prejudice the health and well-being of protected persons of the occupied territory or otherwise violate their rights.
3. An occupying Power shall respect the law and institutions of the occupied territory concerning the protection of the environment and may only introduce changes within the limits provided by the law of armed conflict.

Principle 20
Sustainable use of natural resources

To the extent that an occupying Power is permitted to administer and use the natural resources in an occupied territory, for the benefit of the protected population of the occupied territory and for other lawful purposes under the law of armed conflict, it shall do so in a way that ensures their sustainable use and minimizes harm to the environment.

Principle 21
Prevention of transboundary harm

An occupying Power shall take appropriate measures to ensure that activities in the occupied territory do not cause significant harm to the environment of other States or areas beyond national jurisdiction, or any area of the occupied State beyond the occupied territory.

Part five
Principles applicable after armed conflict

Principle 22
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 as a result of the conflict.
2. Relevant international organizations should, where appropriate, play a facilitating role in this regard.

Principle 23
Sharing and granting access to information

1. To facilitate measures to remediate harm to the environment resulting from an armed conflict, States and relevant international organizations shall share and grant access to relevant information in accordance with their obligations under applicable international law.
2. Nothing in paragraph 1 affects the right to invoke the grounds for refusal to share or grant access to information provided for in applicable international law. Nevertheless, States and international organizations shall cooperate in good faith with a view to providing as much information as possible under the circumstances.

Principle 24
Post-armed conflict environmental assessments and remedial measures

Relevant actors, including States and international organizations, should cooperate with respect to post-armed conflict environmental assessments and remedial measures.

Principle 25
Relief and assistance

When, in relation to an armed conflict, the source of environmental damage is unidentified, or reparation is unavailable, States and relevant international organizations should take appropriate measures so that the damage does not remain unrepaired or uncompensated, and may consider establishing special compensation funds or providing other forms of relief or assistance.

Principle 26
Remnants of war

1. Parties to an armed conflict shall seek, as soon as possible, to remove or render harmless toxic or other 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 or other 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.

Principle 27
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.
