

Enhancing the Protection of the Environment in Relation to Armed Conflicts – the Draft Principles of the International Law Commission and Beyond*

Special Editors

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A. Introduction

In 2011, the UN International Law Commission (ILC) took up the topic *Protection of the Environment in Relation to Armed Conflicts*.¹ The decision was triggered by a joint report issued by the UN Environment Programme and the Environmental Law Institute in 2009 recommending the ILC to “[...] examine the existing international law for protecting the environment during armed conflicts [...] [including] how it can be clarified, codified and expanded [...]”.² Since the inclusion of the item on the ILC’s agenda, the Commission has published five reports³ by the two special rapporteurs, Dr. Marie Jacobsson (2011-2016) and Dr. Marja Lehto (2017-). In 2019, the plenary adopted 28 Draft Principles on first reading.⁴ The ILC has touched on highly controversial issues such as reprisals,⁵ corporate liability,⁶ indigenous peoples’ rights,⁷ among others. Nevertheless, it was clear from the beginning that the ILC would not be able to exhaustively deal with the topic for two main reasons. First, the Commission has a limited mandate that is restricted to “[...] initiate studies and make recommendations for the purpose of [...] encouraging the progressive development of international

¹ See the syllabus of the 2011 recommendation of the Working-Group on the long-term program of work, *Report of the International Law Commission to the Sixty-Third Session, Annex E. Protection of the Environment in Relation to Armed Conflicts*, M. G. Jacobsson, UN Doc A/66/10, 26 April-3 June and 4 July-12 August 2011.

² UNEP, ‘Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law’ (2009), 53, available at https://wedocs.unep.org/bitstream/handle/20.500.11822/7813/-Protecting%20the%20Environment%20During%20Armed%20Conflict_An%20Inventory%20and%20Analysis%20of%20International%20Law-2009891.pdf?sequence=3&isAllowed= (last visited 27 April 2020).

³ *Preliminary Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts* by M. G. Jacobsson, UN Doc A/CN.4/674, 30 May 2014; *Second Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts* by M. G. Jacobsson, UN Doc A/CN.4/685, 28 May 2015; *Third Report of the Special Rapporteur on the Protection of the Environment in Relation to Armed Conflicts* by M. G. Jacobsson, UN Doc A/CN.4/700, 3 June 2016; *First Report of the Special Rapporteur on Protection of the Environment in Relation to Armed Conflicts* by Marja Lehto, UN Doc A/CN.4/720, 30 April 2018; *Second Report of the Special Rapporteur on Protection of the Environment in Relation to Armed Conflicts* by Marja Lehto, UN Doc A/CN.4/728, 27 March 2019.

⁴ This 2019 version of the Draft Principles and their order of all Draft Principles are the basis for all citations of the Draft Principles in this special issue.

⁵ See Draft Principle 16.

⁶ See Draft Principles 10 and 11.

⁷ See Draft Principle 5.

law and its codification [...]”.⁸ Enhanced legal protection of the environment, as one of the purposes of the Draft Principles,⁹ must therefore be based on existing customary international law and its progressive development. The Commission decided to also include recommendations to account for the uncertain legal status of some of the Draft Principles.¹⁰ Second, some related issues touch upon controversial and political matters, as mentioned earlier. Consequently, the ILC has been reluctant to include some of these issues in its workflow.¹¹ Therefore, the adoption of the Draft Principles should be regarded as a starting point for shaping and developing the legal framework for environmental protection in relation to armed conflicts.

As a part of that process, Hamburg University and Lund University organized an international workshop in March 2019 in Hamburg. Several members of the ILC, including two special rapporteurs, academic legal experts, and practitioners, attended the workshop to discuss the Draft Principles. The discussion also focused on some issues not covered by the ILC, such as the implications for gender and climate security. The engaging dialogue in Hamburg has inspired the publication of this Special Issue of the Goettingen Journal of International Law (GoJIL) to ensure that the outcomes and ideas of the workshop reach a wider audience. It has also contributed to maintaining the momentum of this topical area of international law by inviting contributions from researchers not present during the workshop in Hamburg.¹²

B. Insights from the ILC

In the *Introductory Note*, Marja Lehto and Marie Jacobsson, the two special rapporteurs on the topic, provide valuable insights on the Commission’s work. They chronologically introduce the process of including the topic on the Commission’s agenda, its relation to other topics dealt with by the ILC, and

⁸ *Charter of the United Nations*, 26 June 1945, 1 UNTS XVI, Art. 13 para. 1 lit. a.

⁹ See Draft Principles 2.

¹⁰ Cf. for example, Draft Principles 10 and 11.

¹¹ For instance, questions relating to “weapons” were deliberately excluded, see *Summary Record of the 3188th Meeting*, UN Doc A/CN.4/3188, 30 July 2013, 122, para. 37, available at https://legal.un.org/docs/?path=../ilc/documentation/english/summary_records/a_cn4_sr3188.pdf&lang=EFS (last visited 27 April 2020).

¹² The Hamburg Workshop and this Special Issue connect with the previous workshop hosted by Lund University in 2012 at the very beginning of the ILC’s project. For the first workshop’s outcomes, see R. Rayfuse (ed.), *War and the Environment: New Approaches to Protecting the Environment in Relation to Armed Conflict* (2014).

how the Draft Principles have evolved into a set of 28 Draft Principles. The two special rapporteurs explain the rationale for decisions on the approach and contents of the Draft Principles. For instance, the decision to expand the topic to include all phases of an armed conflict allowed the ILC to deal with the topic from a more general international legal perspective. This broad approach shows that the ILC does not see itself as a forum to revise and adjust the sensitive law of armed conflict. The topic is rather suited for the ILC as it goes beyond this specialised field of international law. Furthermore, Jacobsson and Lehto explain how the Draft Principles relate to other initiatives under international law, such as the Global Pact for the Environment,¹³ the updated environmental guidelines of the International Committee of the Red Cross (ICRC),¹⁴ and the 2016 policy paper of the Office of the Prosecutor of the International Criminal Court.¹⁵ They conclude that the international legal landscape relating to the environment and armed conflicts has changed since 2011 when the ILC embarked on the topic. From being a highly specialized issue mainly regulated by the law of armed conflict, the *Environmental Modification Convention* (ENMOD) and international criminal law incorporating the narrow scope of Articles 35(3) and 55 of the *Additional Protocol I* (AP I)¹⁶ and Article 8(b)(iv) *Rome Statute*,¹⁷ the protection of the environment in relation to armed conflicts now covers a broader field including peacekeeping operations, corporate liability, human rights law, indigenous peoples' rights, and environmental peacebuilding.

For more insights from the ILC, Stavros-Evdokimos Pantazopoulos (*Reprisals Against the Natural Environment*) analyzes the contentious Draft Principle 16. This principle replicates the language of Article 55(2) AP I and prohibits “[a]ttacks against the natural environment by way of reprisals [...]”. He inquires whether the Commission was correct to phrase Draft Principle

¹³ Global Pact for the Environment, available at <https://globalpactenvironment.org/> (last visited 08 May 2020).

¹⁴ *Guidelines for Military Manuals and Instruction on the Protection of the Environmental in Times of Armed Conflict*, UN Doc 49/323, 19 August 1994, Annex. An update to the Guidelines is said to be published in 2020.

¹⁵ Office of the Prosecutor at the International Criminal Court, ‘Policy paper on case selection and prioritisation’, 15 September 2016, paras 7 & 40, available at https://www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf (last visited 27 April 2020).

¹⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3.

¹⁷ *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 UNTS 3 [Rome Statute].

16 in the context of international and non-international armed conflicts as *de lege lata*. As a former assistant to Marie Jacobsson, Pantazopoulos was present during the lengthy discussions in the Drafting Committee on reprisals in 2015. The opinion of the Drafting Committee of the ILC on the principle was divided with respect to two issues. First, some members opposed that Article 55(2) AP I should be read as a reflection of international customary law, since several States made reservations regarding the provision when adopting AP I.¹⁸ Second, several members disagreed whether the provision would be applicable to non-international armed conflicts as it is not mirrored in *Additional Protocol II* (AP II).¹⁹ The ILC's decision to place Draft Principle 16 in the context of both classifications of an armed conflict and to phrase it in terms of *lex lata* appears to have propelled the progressive development of international law within the ILC's mandate. However, reactions of States during the discussions in the Sixth Committee of the UN General Assembly in November 2019²⁰ have demonstrated the unclear legal status of Draft Principle 16. Thus, the wording of Draft Principle 16 might not be maintained after the second reading by the Commission in 2021.

C. Non-State Actors in the Draft Principles

There is a general challenge in international law given that it centers on States, even though more and more other actors entering the international arena. This is particularly evident in relation to environmental protection at the global level, which relies heavily on non-State actors. The ILC has addressed this issue by including draft principles focusing on corporations and indigenous peoples within its mandate to codify and develop international law with obligations for States. Several delegations in the Sixth Committee welcomed the inclusion of

¹⁸ See for example, 'Declarations and Reservations upon Ratification of Additional Protocol I', 28 January 1998, 2020 UNTS 77-8, Section (m) regarding Article 51-55, also available at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=470 (last visited 27 April 2020).

¹⁹ See *Protection of the Environment in Relation to Armed Conflicts, Statement of the Chairman of the Drafting Committee, Mr. Mathias Forteau*, International Law Commission to the Sixty-seventh session, 10 July 2015, 10 & 11, available at https://legal.un.org/docs/?path=../ilc/documentation/english/statements/2015_dc_chairman_statement_peac.pdf&lang=EF (last visited 10 May 2020).

²⁰ *Report of the International Law Commission on the work of its Seventy-first Session*, UN Doc A/CN.4/734, 12 February 2020, para. 116, available at <https://www.undocs.org/en/A/CN.4/734> (last visited 8 May 2020).

non-State actors in the Draft Principles and the commentaries.²¹ However, there is still a deficit in regard to the inclusion of non-State actors.

Elaine (Lan Yin) Hsiao (*Protecting Protected Areas in Bello: Learning from Institutional Design and Conflict-Resilience in the Greater Virunga and Kidepo Landscapes*) highlights the lack of references to non-State actors in protecting the environment while examining Draft Principles 4 and 17 on the designation of protected zones in relation to armed conflicts. Hsiao analyzes two case studies of areas subject to transboundary protection that have been formalized into multilateral agreements to carry out conservation activities also in times of armed conflicts. On this basis, Hsiao highlights some of the gaps in the ILC's work on the designation of protected zones. Her insights from extensive fieldwork show that most of the conservation work taking place during armed conflict is mobilized on a grassroots level that can transform into agreements between States. While international obligations can be helpful in this process, they do not guarantee success. For successful implementation, local communities have to be involved at an early stage, in particular as many State actors are absent in conservation work during armed conflicts. Therefore, Hsiao shows that the inclusion of the right to local participation in the Draft Principles could have prevented the exclusion of local communities in protected areas. This is of importance given that many protected areas are established without prior consultation of local communities, which may obstruct protection during armed conflict and further exacerbate the exclusion of local communities.

Two contributions examine the Draft Principles related to corporations, namely Draft Principles 10 and 11 on corporate due diligence and corporate liability. Daniëlla Dam-de Jong and Saskia Wolters (*Through the Looking Glass: Corporate Actors and Environmental Harm Beyond the ILC*) welcome the strengthening mechanisms for environmental protection in conflict and post-conflict settings concerning corporate actors, as corporate social responsibility plays an important role when enhancing environmental protection in armed conflicts. In conflict or post-conflict settings, corporate activities can have a significant impact on the environment, for example in the context of illegal exploitation of natural resources. After exploring the links between corporations and environmental harm in conflicts, Dam-de Jong/Wolters consider State obligations under the law of armed conflict and human rights law. They also assess the extraterritorial aspects of States' due diligence obligations in this regard. Last but not least, the authors briefly examine the OECD Framework on Business and Human Rights. In their conclusions, Dam-de Jong/Wolters support

²¹ *Ibid.*, para. 100.

the integrated approach taken by the Commission combining international environmental law and human rights law.

Marie Davoise (*Widening the Scope of Jurisdiction, Expanding the Web of Liability: Could Environmental Abuses in Armed Conflict be Addressed Through Business and Human Rights?*) also examines Draft Principles 10 and 11. However, her examination of environmental damage and armed conflict adds a third aspect that she focuses on, namely the on-going debate on Business & Human Rights. She examines how far State responsibility, international criminal law, and transnational tort litigation are able to address and impact of businesses in the context of environmental harm during armed conflict. She also considers issues at the domestic level by assessing case studies from the United Kingdom, Canada, the Netherlands, and the United States. Davoise argues in terms of a cross-fertilization of these fields. She highlights the prospects of a future treaty on business and human rights and its positive impact on environmental protection in relation to armed conflicts.

D. Bridging Fields of International Law to Enhance Environmental Protection

While Dam-de Jong/Wolters and Davoise focus on corporations, they also link together different areas of international law. Such a “bridging” is the focus of several contributions in this issue relating to the efforts of the ILC to link together and harmonize various fields of international law.²² While bridging serves to unify international law, it may also enhance environmental protection in relation to armed conflicts.

Karen Hulme (*Enhancing Environmental Protection during Occupation through Human Rights Law*) investigates how human rights can further environmental protection in situations of occupation. Draft Principles 20-22 extend environmental protection to situations of occupation, in particular in protracted occupation. Hulme develops guidelines for how these principles can be applied in practice by distilling the core “environmental human rights” that must be respected during occupation. In doing so, she examines the close relationship between the implementation of human rights and environmental

²² See *Report of the International Law Commission to the Sixty-Third Session, Annex E. Protection of the Environment in Relation to Armed Conflicts*, M. G. Jacobsson, Syllabus of the 2011 recommendation of the Working-Group on the long-term program of work, *supra* note 1, para. 215.

protection given that States must often respect environmental law to comply with basic human rights law.

Dieter Fleck (*The Martens Clause and Environmental Protection in Relation to Armed Conflicts*) also touches on the issue of how to preserve the unity of international law and expands environmental protection in relation to armed conflicts by bridging the law of armed conflict, international environmental law and human rights law under the application of the Martens Clause. For this purpose, he revisits the Clause to identify whether and, if so, how it might open the door to uncodified sources of international law also beyond the law of armed conflict. This approach can contribute to closing the gap of existing treaty law with respect to the indeterminacy of environmental protection in armed conflicts. The Martens Clause aims at ensuring that conduct complies with the “dictates of public conscience” in armed conflict, even in the absence of an explicit prohibition in the law itself. Fleck thoroughly examines the use of the Clause under several instruments and considers some case law. He argues that the Clause can contribute to enhanced environmental protection in armed conflicts, complementing ILC’s Draft Principle 12 on an environmental Martens Clause and responding to some of the questions raised by States in the Sixth Committee.²³ He also explores how such a principle could be applied in practice, and finds that the Martens Clause’s reference to the “dictates of public conscience” entails a responsibility of States to protect the rights of future generations. The general reference to the dictates of public conscience includes environmental concerns and thus justifies customary international environmental law, including best practices for environmental protection when applying the law of armed conflict. The use of international environmental law could, for instance, contribute to the clarification of imprecise terms and standards within the law of armed conflicts, such as the proportionality principle and the duty to take precautions in attacks that leave a high level of discretion to the actor in question.

On a similar note, Michael Bothe (*Precaution in International Environmental Law and Precaution in the Law of Armed Conflict*) shares some initial thoughts on the challenges of protecting the environment (and rights of future generations) in situations that are covered by several areas of international law. *In concreto*, while damage to the environment might be considered lawful under the law of armed conflict, the same damages would not be acceptable under international environmental law. These challenges can be addressed in the context of debates on the fragmentation of international law. Interestingly, the

²³ *Report of the International Law Commission on the work of its Seventy-first Session, supra note 20, para. 112.*

ILC has not addressed any means of harmonization in the Draft Principles on this topic, or more specifically, the systemic treaty interpretation that is highlighted in the Fragmentation Report²⁴. Bothe analyzes the principle of prevention and the precautionary principle or approach in international environmental law and the principle of precaution in the law of armed conflict – two bodies of international law that coexist in situations of an armed conflict. He links wartime precautions with peacetime environmental prevention and precaution by looking into the pre-conflict recommendation to designate protected zones as referred to in Draft Principle 4. To avoid norm conflicts and instead harmonize the situation, Bothe elaborates on the “systemic harmonization” that is applied by human rights courts and introduces the idea of a “commonality of interests” to preserve the unity of international law. According to this view, in the context of a “constitutionalization of public international law”, Bothe states that there are certain common values across fields of international law, such as rights of future generations, that need to be respected regardless of the body of international law applied to maintain the meaning and function of such common values.

E. Filling in the Gaps of the ILC’s Work

The final contributions deal with aspects not addressed by the ILC. Keina Yoshida (*The Protection of the Environment: A Gendered Analysis*) examines an issue that is entirely absent in the ILC’s outcome, namely a gender perspective. She highlights the work of the “Women, Peace, and Security”-Framework where environmental components were included in the recent Security Council resolutions 2242²⁵ and 2467²⁶. She also looks into the general recommendations nos. 30²⁷ and 37²⁸ of the Committee monitoring the implementation of the Convention on the Elimination of Discrimination against Women (CEDAW) including environmental concerns. These achievements point at the intersection between strengthen women’s rights and the protection of the environment

²⁴ *Fragmentation of International Law: Difficulties Arising From the Diversification and Expansion of International Law*, Yearbook of the International Law Commission (2006), Vol. II, Part Two, 177.

²⁵ SC Res. 2242, UN Doc S/RES/2242 (2015), 13 October 2015.

²⁶ SC Res. 2467, UN Doc S/RES/2467 (2019), 23 April 2019.

²⁷ Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, UN Doc CEDAW/C/GC/30, 18 October 2013.

²⁸ CEDAW, *General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc CEDAW/C/GC/37, 13 March 2018.

given the lived realities of women who face the consequences of environmental degradation as well as women engaged in environmental protection. Despite the many points of intersection, the ILC omitted the issue. Specific human rights instruments concerning women were not cited, in contrast to other more general instruments and despite the fact that some also address the connection between the legal protection of natural resources and the environment in all temporal phases of an armed conflict in line with the Commission's work. Yoshida stresses the missed opportunity concerning the involvement of a critical mass of women in peace agreements; she would have liked to see more on the importance of women's participation, especially in post-conflict situations.

Kirsten Davies, Jürgen Scheffran, and Thomas Riddell (*Preventing a Warming War: Protection of the Environment and Reducing Climate-Conflict Risk as a Challenge of International Law*) tackle another issue not addressed in the Draft Principles, namely the securitization of climate change. The authors assess the pre-conflict phase and the climate emergency framework by analyzing climate change as a "threat multiplier" and whether international law could mitigate the impact of climate change on armed conflicts. Davies, Scheffran, and Riddell *inter alia* suggest to identify vulnerabilities in the pre-phase and to officially acknowledge climate change as a threat to international peace and security under Chapter VII of the UN Charter. They also call for the intervention of compliance mechanisms such as the UN Security Council. They renew the call to institute an International Court for the Environment to resolve climate-related disputes between States by recourse to peaceful means of dispute settlement, which could contribute to preventing outbreaks of armed conflicts related to climate change.

F. Beyond the ILC – What is Next?

States have generally commended the adoption of the Draft Principles and commentaries on first reading during the debate in the Sixth Committee in 2019.²⁹ States have had the opportunity to make comments and remarks on the topic in each annual session of the Sixth Committee since 2011.³⁰ A

²⁹ See *Report of the International Law Commission on the work of its Seventy-first Session*, *supra* note 20, para. 99.

³⁰ See *Report of the International Law Commission on the work of its Sixty-third and sixty-fifth Session: Topical summary of the discussions held in the Sixth Committee of the General Assembly during its Sixty-eighth Session*, UN Doc A/CN.4/666, 23 January 2014, para. 54, available at <https://legal.un.org/docs/?symbol=A/CN.4/666> (last visited 10 May 2020); *Report of the International Law Commission on the work of its Sixty-sixth Session: Topical summary*

recurring criticism of States relates to the general applicability of the Draft Principles to international and non-international armed conflicts, the legal status of some of the Draft Principles as well as the outcome of the project as a set of Draft Principles.³¹ With the adoption of the 28 Draft Principles and the commentaries, the Commission has proven some of its critics wrong; despite the complexity of the topic the Commission has adopted a holistic approach and succeeded in approaching the topic from the perspective of several fields of international law. Going forward, States have been asked to submit their remarks and comments on the Draft Principles by 1 December 2020. In 2021, the ILC and its members of the 2017-2021 quinquennium plan to re-convene to consider States' comments and continue with the second reading to finalize the work on the topic. After that, it is up to the Sixth Committee and the international community to proceed to further shape and develop the legal landscape on environmental protection in relation to armed conflict.

Nevertheless, the fact that the ILC has worked continuously on the topic and on several occasions asked States, international organizations and non-governmental organizations to engage, has led to increased attention and *momentum* of the topic. This is clear given the current developments in

of the discussions held in the Sixth Committee of the General Assembly during its sixty-ninth Session, UN Doc A/CN.4/678, 21 January 2015, para. 60, available at <https://legal.un.org/docs/?symbol=A/CN.4/678> (last visited 10 May 2020); *Report of the International Law Commission on the work of its Sixty-seventh Session (2015): Topical summary of the discussions held in the Sixth Committee of the General Assembly during its seventieth Session*, UN Doc A/CN.4/689, 28 January 2016, para. 5, available at <https://legal.un.org/docs/?symbol=A/CN.4/689> (last visited 10 May 2020); *Report of the International Law Commission on the work of its Sixty-eighth Session (2016): Topical summary of the discussions held in the Sixth Committee of the General Assembly during its Seventy-first Session*, UN Doc A/CN.4/703, 22 February 2017, para. 43, available at <https://legal.un.org/docs/?symbol=A/CN.4/703> (last visited 10 May 2020); *Report of the International Law Commission on the work of its Sixty-ninth Session (2017): Topical summary of the discussions held in the Sixth Committee of the General Assembly during its Seventy-second Session*, UN Doc A/CN.4/713, 26 February 2018, para. 73, available at <https://legal.un.org/docs/?symbol=A/CN.4/713> (last visited 10 May 2020); *Report of the International Law Commission on the work of its Seventieth Session (2018): Topical summary of the discussions held in the Sixth Committee of the General Assembly during its Seventy-third Session*, UN Doc A/CN.4/724, 12 February 2019, para. 30, available at <https://legal.un.org/docs/?symbol=A/CN.4/724> (last visited 10 May 2020).

³¹ See e.g. *Report of the International Law Commission on the work of its Sixty-eighth Session (2016): Topical summary of the discussions held in the Sixth Committee of the General Assembly during its Seventy-first Session*, *ibid.*, para. 43.

international law, such as the update of the 1994 guidelines by the ICRC³² announced for 2020, the *Geneva List of Principles on the Protection of Water Infrastructure*,³³ the push for including environment-related concerns on the agenda of the Security Council,³⁴ as well as the UN Environment Assembly adopting resolutions on the topic since 2016.³⁵ There are also several other initiatives, such as the 2020 International Union on the Conservation of Nature (IUCN) Congress Motion to address conflicts and biodiversity,³⁶ or the Environmental Peacebuilding Association highlighting the need to address environmental concerns in peace processes.³⁷ These ongoing initiatives and the ILC's work have contributed to re-shaping the law in this area.

The need to protect the environment is an increasingly pressing issue given its vulnerability, which has led several actors to start to act. The ILC's work on the topic has shown that Environmental International Law protecting the environment continues to apply in times of armed conflicts. Ecosystems are already exposed in peacetime. More damage to the environment in relation to

³² See *Guidelines for Military Manuals and Instruction on the Protection of the Environmental in Times of Armed Conflict*, *supra* note 14.

³³ Geneva Water Hub, 'Geneva List of Principles on the Protection of Water Infrastructure' available at <https://www.genevawaterhub.org/resource/geneva-list-principles-protection-water-infrastructure> (last visited 10 May 2020).

³⁴ Two Arria-formula meetings have been organized in 2018 and 2019 in New York by an NGO called PAX, see PAX, 'Arria-Formula on the "Protection of Environment During Armed Conflict"' (7 November 2018), available at https://s3-eu-west-1.amazonaws.com/upload.teamup.com/908040/dTEnwvOQieOfMIgqXlBR_Concept%20Note%20Arria%20Formula%20on%20the%20Protection%20of%20Environment%20During%20Armed%20Conflict.pdf (last visited 10 May 2020), and a concept note for the 2019 event, see, PAX, 'Arria-Formula On "Protection Of The Environment During Armed Conflict"' (9 December 2019), available at https://s3-eu-west-1.amazonaws.com/upload.teamup.com/908040/fQInefsnTP6mF2OF0zur_Arria-Formula%20Meeting%20on%20PERAC%20-%20Concept%20Note.pdf (last visited 10 May 2020).

³⁵ See UNEP, *2/15 Protection of the Environment in Areas Affected by Armed Conflict*, UN Doc UNEP/EA.2/Res.15, 4 August 2016, available at http://wedocs.unep.org/bitstream/handle/20.500.11822/11189/K1607252_UNEPEA2_RES15E.pdf?sequence=1&isAllowed=y (last visited 10 May 2020); UNEP, *3/1 Pollution Mitigation and Control in Areas Affected by Armed Conflict or Terrorism*, UN Doc UNEP/EA.3/Res.1, 30 January 2018, available at <http://wedocs.unep.org/bitstream/handle/20.500.11822/31016/k1800167.english.pdf?sequence=2&isAllowed=y> (last visited 10 May 2020).

³⁶ See IUCN World Conservation Congress Marseille 2020, *052 – Protection of the Environment in Relation to Armed Conflict*, 19 March 2020, available at <https://www.iucncongress2020.org/motion/052> (last visited 10 May 2020).

³⁷ See Environmental Peacebuilding Association, available at <https://environmentalpeacebuilding.org/> (last visited 10 May 2020).

armed conflicts is likely to further accelerate this process. Therefore international law needs to be strengthened in order to avoid long-lasting and potentially irreparable environmental damages before, during and after armed conflicts. As highlighted above, the current work of the ILC is a good beginning. It has already helped to provide some clarity and offered several new paths – both legal and quasi-legal – that address various aspects of environmental protection in relation to armed conflicts.