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6. Participants considered that certain well-established principles of customary international law, such as the rule on proportionality and the prohibitions on military operations not directed against legitimate military targets and on the destruction of enemy property not imperatively demanded by the necessities of war, can have direct implications for the protection of the environment.

7. References were made, inter alia, to the Regulations of the 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land, and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. It was noted that violations of these provisions give rise to civil liability and, for grave breaches, individual criminal responsibility.

8. There was a shared view on the key importance of states implementing effectively their existing obligations on the law of armed conflict as it may be relevant to the protection of the environment. Governments need to ensure that such rules are disseminated as widely as possible and that military authorities are instructed in their application.

9. There was a shared view that the application and development of the law of armed conflict have to take account of the evolution of environmental concerns generally. The customary laws of war, in reflecting the dictates of public conscience, now include a requirement to avoid unnecessary damage to the environment.

10. The participants urged states to reflect and reaffirm this requirement of customary law through their general practice and their recognition of general principles of law. Participants underlined the importance of incorporating this requirement into military manuals and, in particular, through instructions to military commanders on the planning and preparation of military activities.

11. At the outset, the view was clearly expressed that the law of armed conflict took precedence over the general law of the environment during wartime. Subsequently, some participants took the view that international legal rules, both conventional and customary, protecting the environment are neither suspended nor terminated by armed conflict, and must, subject to the application of the laws of war, be respected and enforced by the parties to the conflict. Some participants stated that peacetime rules on the protection of the environment were applicable between belligerents and third parties in wartime.

12. Some participants stated that efforts should be made in the appropriate fora to clarify the scope of the 1977 Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, Articles 35 and 54-56 of Protocol I