

LAW OF ARMED CONFLICTS

OTTAWA CONFERENCE ON THE USE OF THE ENVIRONMENT

AS AN INSTRUMENT OF CONVENTIONAL WAR

In the wake of the firing of Kuwait's oil wells and Iraq's massive dumping of oil in the waters of Persian Gulf, the Canadian government, with the joint sponsorship of the United Nations, organized a conference of international experts to determine how to prevent the recurrence of similar incidents. The Conference took place in Canada on July 10, 11 and 12, 1991.

The objectives of the Conference were to encourage examination of the current state of international law and to seek ways of improving its application and ensuring compliance with it.

The Conference was a genuine success from the viewpoint both of international participation in the event and the substance of the discussions held. For two and one-half days, 50 international experts from about 30 countries discussed at length the customary and conventional law on armed conflicts and protection of the environment.

The main conclusions drawn in the Conference were as follows:

- (A) customary law concerning war, which reflects the exigencies of the public conscience, includes the obligation to avoid all unnecessary damage to the environment. This also means that military commanders must consider the environmental consequences of military activities;
- (B) this provision is incumbent on all states, whether or not they have ratified the various treaties;
- (C) this provision and certain others set forth in international law were violated by Iraq's actions in the Gulf conflict;
- (D) the participants also noted that the international community requires payment of compensation for violations of international law;
- (E) the governments were invited to consider the opportunities that will shortly arise to examine the question of environmental protection in armed conflicts.