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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SIXTY-NINTH SESSION, AGENDA ITEM 78,

Mr Chairman,

Turning to the topic of **Protection of the environment in relation to armed conflicts**, the United Kingdom welcomes the Special Rapporteur's preliminary report on the environmental rules and principles applicable to a potential armed conflict (or what are referred to as "peacetime obligations" in her report).

The United Kingdom recalls that last year the Special Rapporteur intended to concentrate on what are described as Phases I and III (the pre and post conflict phases), whilst Phase II (the phase during conflicts) would be given less focus. The United Kingdom welcomes the confirmation that Phases I and III remain the main focus of the work and the acknowledgment that there is no intention to modify the law of armed conflict. The United Kingdom considers that, in relation to Phase II, the proposal to produce guidelines with examples of rules of international law that may be suitable for continued application during armed conflict (paragraph 169) could be a useful initiative. However, that would only be the case so long as such rules could satisfy the following criteria:

- that they are confined to the environmental field; and
- that they recognise the law of armed conflict is *lex specialis* and already contains rules relating to the protection of the environment.

The United Kingdom supports the Special Rapporteur's proposal to exclude certain subject matter from the scope of the topic including the exploitation of natural resources, the protection of cultural heritage and the effect of particular weapons. In more general terms, the United Kingdom does not consider that this is a topic that should be addressing undecided and often controversial questions of international environmental law, human rights law, or the rights of indigenous peoples. The United Kingdom considers that

internal disturbances and tensions such as riots should also be excluded from this topic. The United Kingdom would again like to convey that it does not think it appropriate for States to be obliged to prepare environmental impact assessments as part of military planning.

Finally, the United Kingdom notes the view of the Special Rapporteur that the topic is more suitable for the preparation of non-binding guidelines than a convention. The United Kingdom remains unconvinced that there is a need for new conventions in this area.

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