Protection of the environment in relation to armed conflicts
Toxic Remnants of War Network

Background
Since 2009, there has been renewed international interest in strengthening the protection of the environment in relation to armed conflicts (PERAC), with states,¹ UN Environment Programme (UNEP),² the International Committee of the Red Cross (ICRC),³ and the International Law Commission (ILC)⁴ all contributing to the developing discourse. At issue is the inadequacy of the legal framework protecting the environment during conflicts, as well as the current ad hoc system of environmental assistance that follows in their wake. At stake: the protection of civilians and their environment, opportunities for sustainable peacebuilding, and recovery and the delivery of the environmental dimensions of the Sustainable Development Goals (SDG)s.

The health, lives, and livelihoods of civilians are inextricably linked to the quality of their environment and as such, efforts to enhance protection must consider both the natural and human environment. Armed conflict can have direct and derived consequences for both. Physical damage or degradation of ecosystems and natural resources, pollution, and the disruption of essential services and the collapse of environmental governance are all common features of contemporary conflicts.

Naturally the choice of weapons and how and where they are used, tested, or disposed of has implications for environmental protection and with it the protection of civilians and ecosystems. So, while the discourse on enhancing protection of the environment in relation to armed conflict (PERAC) is concurrently taking place in the Sixth Committee and UN Environment Assembly (UNEA), one element of it of particular relevance for the First Committee will inevitably be the environmental and derived humanitarian consequences of the methods and means of warfare.

Current context
The environmental footprint of the use and disposal of weapons is a global problem. Across the Pacific region, abandoned and submerged WWII munitions continue to leach heavy metals, explosives, and propellants into fragile environments.⁵ In Afghanistan⁶ and Libya, the safe disposal of abandoned SCUD missile fuel has proved technically challenging; whereas in Yemen, stockpiles have been deliberately bombed.⁷ In Albania and the DRC,⁸
unplanned stockpile explosions have left soils and water sources contaminated with metals and explosives. While the toxicity of common munitions constituents is widely acknowledged, data on contaminant levels in areas subject to their intense use during conflicts is almost wholly absent. Together with damage to water and sewage systems, and the collapse in environmental services, such contamination is just one of many environmental risks created by the use of explosive weapons in populated areas.

In its PERAC project, which is reviewing the law applicable to environmental protection before, during, and after armed conflicts, the ILC has opted to exclude consideration of the environmental impact of the use of weapons, arguing that the principles of IHL are sufficient to determine their legality—although the norms relating to the management of explosive remnants of war and marine remnants of war are considered in its latest report. This gap is one that First Committee could help fill.
Each year, First Committee considers a range of disarmament and security topics. Although the Non-Aligned resolution on observance of environmental norms seeks to capture some experiences and practice, it is clear that there is significant potential to go further. From dumped or abandoned chemical weapons, to unplanned stockpile explosions, to the use of explosive weapons in populated areas, there is a pressing need to better understand and document the environmental and derived humanitarian consequences of these issues. By initiating research, and by encouraging greater awareness of the environment in these traditional and emerging security and disarmament topics, First Committee could make a valuable contribution to both the understanding of the topics themselves, as well as to the wider PERAC discourse.

In May 2016, UNEA adopted, by consensus, the most significant UN resolution on conflict and the environment since 1992. The resolution called for increased compliance with IHL’s environmental provisions and for states to implement and consent to be bound by the international law related to the protection of the environment in situations of armed conflict. In inviting all member states to cooperate on preventing, minimising, and mitigating the impact of conflicts on the environment, and in calling on them to support the development and implementation of policies aimed at preventing or reducing harm, the resolution should encourage states to better address the environment across a range of thematic areas—including on the environmental and health impact of weapons throughout their lifecycle.

Recommendations

During First Committee, delegations should:

• Make reference to the environmental and derived humanitarian impact of weapons during statements; and

• Encourage the UN Office for Disarmament Affairs to undertake a review of the environmental impact of weapons throughout their lifecycle, state practice in minimising and mitigating harm, and current policy and knowledge gaps that should be addressed.
Beyond First Committee, states should:

- Engage with the PERAC discussion during 2016’s Sixth Committee debate on the annual work of the International Law Commission;
- Ensure that environmental protection standards are prioritised in policies on the production, testing, use, management, and disposal of weapons;
- Support studies into the health and environmental risks from weapons throughout their lifecycle; and
- Work with donors to promote robust environmental criteria in weapons clearance programmes.