

*Translated from French*

## **Sixth Committee**

### **Consideration of the report on the seventy-first session of the International Law Commission**

#### **Observations of the Kingdom of Belgium on the draft principles on protection of the environment in relation to armed conflicts**

In his note verbale of 24 September 2020 regarding the draft principles on protection of the environment in relation to armed conflicts, which were adopted on first reading at the seventy-first session of the International Law Commission, the Secretary-General invited States to transmit to him any comments or observations they might have on the draft principles.

Belgium would like first of all to thank the International Law Commission for its report and to congratulate its members on the work done. It wishes in particular to thank the Special Rapporteur for the topic of protection of the environment in relation to armed conflicts, Ms. Marja Lehto, and welcomes the adoption on first reading of the draft principles.

Belgium would also like to make the following comments:

In paragraph (5) of the commentary to Part One (Introduction), the Commission states that it “will decide at the time of the second reading whether to use the term ‘natural environment’ or ‘environment’ in those provisions of Part Three that draw on Additional Protocol I to the Geneva Conventions”. Belgium wonders whether the broader term “environment” might not be preferable to the narrower term “natural environment”. Open landscapes with, for example, agricultural land (a semi-natural environment) often play an important role for adjacent environmental protection zones (or nature reserves).

Draft principle 17 (Protected zones) contains only one of the conditions set out in article 60 of the first Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Geneva, 8 June 1977), for a demilitarized zone to retain its protected status (that is, the absence of a military objective in the zone). Paragraph (3) of the commentary to the draft principle contains a direct reference to article 60, using different wording: “if a party to an armed conflict uses a protected area for specified military purposes, the protected status shall be revoked”. Belgium believes that all the conditions that are to be met in order for a zone to retain its protected status should be mentioned:

- All combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;
- No hostile use shall be made of fixed military installations or establishments;
- No acts of hostility shall be committed by the authorities or by the population;
- Any activity linked to the military effort must have ceased.

Draft principle 24, paragraph 2, provides that “nothing in the present draft principle obliges a State or international organization to share or grant access to information vital to its national defence or security [...]”. Belgium considers it incorrect to mention reasons of national defence or security in relation to an international organization. Although this discrepancy is noted in the commentary, Belgium suggests that the wording of the draft principle be modified accordingly.

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