Year in Review 2016

Armed Conflict and the Environment Specialist Group

Co-Chairs: Carl Bruch, Michael Bothe

The work of the Specialist Group on Armed Conflict and the Environment in 2016 focused on two general themes: (1) the legal protection of the environment in times of armed conflict (led by SG Co-Chair Michael Bothe), and (2) the role of natural resources in post-conflict peacebuilding (led by SG Co-Chair Carl Bruch).

As to the first part of the work, the essential activity was, as in previous years, contact and cooperation with the UN International Law Commission (ILC) which is dealing with the topic “Protection of the Environment in Relation to Armed Conflict.” The very formulation of the subject chosen by the ILC indicates a broad approach to the subject, which does not only cover rules of behavior applicable during armed conflict, but also rules applicable before and after the armed conflict. While the SG had before rather concentrated its attention on rules applicable during armed conflict, it has now broadened its approach accordingly. This leads to a certain overlap with the work of the second sub-group, which led to fruitful cross-fertilization. The SG considers itself as a friendly but also critical companion of the work of the ILC. During the years 2014 to 2016, the Special Rapporteur of the topic submitted three reports which led, in 2016, to the provisional adoption of a set of “Draft Principles” by the Commission. This work has required, and continues to require, a thorough analysis in which the SG has been engaged and will continue to work.

At the IUCN World Environmental Law Congress, held in Rio de Janeiro in April 2016, both Michael Bothe and Carl Bruch addressed specific issues related to the subject, such as its relationship to the Sustainable Development Goals (Michael Bothe) and Water Security (Carl Bruch). This was, inter alia, the purpose of a side-event the SG organized at the IUCN World Conservation Congress in Honolulu, Hawai‘i, held in September 2016. In addition, Michael Bothe and Karen Hulme published, or are about to publish, articles analyzing the ILC work.

With respect to second part of work, post-conflict natural resource management, the primary accomplishment was the publication of Governance, Natural Resources, and Post-Conflict Peacebuilding (Routledge 2016), edited by Carl Bruch, Carroll Muffett, and
Sandra S. Nichols. This book was the final in a series of edited volumes that the SG helped launch and to which many SG members contributed.

Another aspect of the environmental protection necessitated by man-made or natural disasters is the ensuing problem of refugees and internally displaced persons. Environmental destruction is often the consequence of armed conflict and the trigger of refugee movements. Therefore, members of the group have started to participate in the international legal discourse related to environmental displacement and migration. This includes participation in events in Liege, Belgium (November 2016) and Tokyo, Japan (December 2016). This is a new area of work, and participation in these events assists consideration how the SG might engage on the topic in the future.

An important contribution to promoting the subjects of concern for the SG is the publication activity of its members. As to the work of the ILC, the following examples can be mentioned (in alphabetical order of the authors):


Furthermore, an important collection of writings on protection of the environment in relation to armed conflict is about to be published:


Other works include:


*Cymie Payne*, ‘Defining the ‘Environment’ and the Principle of Environmental Integrity,’ in C. Stahn, J. Iverson, & J. Easterday (eds.), *Environmental Protection*
Prospective for 2017: The Draft Principles so far adopted and to be adopted by the ILC should be a major focus of the SG’s work going forth. The broad approach adopted by the ILC, covering rules related to pre-conflict, conflict, and post-conflict phases has been a major step forward. Whether the final results will live up to this bold approach remains to be seen. As the term of office of the previous Special Rapporteur has lapsed, the work of the ILC will not proceed before a new Special Rapporteur is appointed. This will be a major concern for the SG in the coming year and probably in years to come. In addition, legal aspects of refugees and will require attention of the SG. Dealing with the causes of refugee movements, which is often postulated, means inter alia addressing the environmental causes of such movements.