

International Law Commission request for comments and observations on the topic “Protection of the environment in relation to armed conflicts”

1. Reference is made to your memorandum dated 19 November 2020 and the transmittal of the text of the draft principles on the topic “Protection of the environment in relation to armed conflicts”, together with commentaries thereto, adopted by the International Law Commission on first reading at its seventy-first session (2019) for comments and observations by the United Nations Register for Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory.
2. We appreciate the invitation to make comments and observations on the draft principles. At the outset, the issue of environmental protection before, during and after armed conflicts or in situations of occupation is of great importance at the level of both individuals and States. Conflicts and wars can cause long-term and irreparable harm to the environment, especially considering the developments in means and methods of warfare.
3. General Assembly resolution ES-10/17 of 15 December 2006 which reaffirmed its resolution ES-10/15 of 20 July 2004 entitled “Advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem”, stipulates that the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory including in and around East Jerusalem (the “Register of Damage”) was established to serve as a record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem (“OPT”).

4. Therefore, and pursuant to the above-mentioned General Assembly resolution establishing the Register of Damage, the organization's mandate and responsibility is limited to the recording of the fact and the type of damage, to all natural or legal persons, caused by the construction of the wall in the OPT by Israel, according to the criteria established by the General Assembly and the Board of the Register of Damage. Our organization is neither a compensation commission or a claims-resolution facility, nor is it a judicial or quasi-judicial body. The act of registration of damage, as such, does not entail an evaluation or an assessment of the loss or damage and will not lead, under the current mandate, to a compensation or reparation for damage caused by the construction of the wall in the OPT.

5. The types of damage eligible for inclusion in the Register of Damage include, *inter alia*, material loss or damage relating to public resources such as water and environment, which may have been caused by the construction of the wall in the OPT and thus, may be eligible for submission to the Register of Damage.

6. To date, the Register of Damage has collected more than 72,500 claims, out of which a total of 37,257 claims have been reviewed and decided by the Board of the Register of Damage for inclusion or non-inclusion in the Register of Damage. However, as of today, no claim for loss or damage to the environment has been submitted by any legal person, such as corporations, organizations, public or other entities.

7. The nature of the claims, so far received, or decided by the Board of the Register of Damage, do not enable us to provide substantive comments or observations on the matter at this point in time.