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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

COMMENTS ON REQUESTS FOR INFORMATION FROM THE INTERNATIONAL LAW
COMMISSION CONTAINED IN CHAPTER III OF ITS REPORT OF ITS 67TH SESSION
(A/70/10)

MARCH 2016

The United Kingdom ("UK") thanks the International Law Commission ("Commission") for the opportunity to submit written comments in response to its request for information contained in Chapter III of the Commission's Report of its 67th session to the United Nations General Assembly (A/70/10). The UK has the following comments:

Protection of the environment in relation to armed conflicts

"The Commission would appreciate being provided by States with information on whether, in their practice, international or domestic environmental law has been interpreted as applicable in relation to international or non-international armed conflict. The Commission would particularly appreciate receiving examples of

- (a) treaties, including relevant regional or bilateral treaties,*
- (b) national legislation relevant to the topic, including legislation implementing regional or bilateral treaties;*
- (c) case-law in which international or domestic environmental law was applied to disputes in relation to armed conflict*

28 The Commission would also invite information from States as to whether they have any instruments aimed at protecting the environment in relation to armed conflict, for example, national legislation and regulations, military manuals, standard operating procedures, Rules of Engagement or Status of Forces Agreements applicable during international operations, and environmental management policies related to defence-related activities. The Commission would, in particular, be interested in instruments related to preventive and remedial measures."

United Kingdom response

Multilateral environmental agreements are generally silent on the issue. The issues are, however, expressly addressed within the UK Manual of the Law of Armed Conflict within the framework of IHL. <https://www.gov.uk/government/collections/jsp-383>

There are also examples in the context of the Basel Convention where waste is exported and there is therefore a question for the receiving State about compliance with its obligations. KFOR troops entered a bilateral agreement with Germany to export waste there. <http://www.basel.int/Portals/4/Basel%20Convention/docs/article11/germany-kosovo.pdf>.

Similarly, the UK also received some chemical waste pre-cursors from Syria in 2014 (<https://www.gov.uk/government/news/uk-completes-incineration-of-syrian-chemicals>). No bilateral agreement was entered into because the UK applied an exemption set out in the EU Regulation implementing the Convention. In practice, the receipt of the waste was handled in the usual way, but with the UK Ministry of Defence rather than Syrian authorities completing the documentation. The imperative was to safely destroy the chemicals, but in a way that would protect the environment. Given the difficulties for the Syrian authorities to comply, the UK found a way to comply with the notification regime controlling transboundary movements of hazardous waste. Once the chemical waste was here, the UK of course made sure that proper environmental controls were applied.