



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

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Report of the International Law Commission
Cluster III

New Zealand statement

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Mr Chair,

In this statement, New Zealand would like to share some brief comments on the topic of the Protection of the Environment in relation to Armed Conflicts found in Chapter IX of the Report. New Zealand welcomes the second report of the Special Rapporteur, Ms Marie Jacobsson, on this topic.

The protection of the natural environment is an issue which all States collectively share an interest in, and is not a topic that can be confined or limited to certain areas or conflicts. In light of this, New Zealand welcomes the Commission's broad scope for its work, which recognises the harm caused to the environment irrespective of the parties to or the location of the armed conflict, or whether the conflict is of an international or non-international character. New Zealand also takes this opportunity to recognise the complexity of the terms "armed conflict" and "environment". We support a broad working definition of these terms during the Commission's consideration until the terms are defined in a manner consistent with the purpose of the Commission's work.

New Zealand supports draft principle 4 "attacks against the environment by way of reprisals are prohibited." We encourage the Commission to provisionally adopt this draft principle in its next session. As highlighted during the 69th session, work is under way on New Zealand's draft Law of Armed Conflict manual, which will update our Military Manual of 1992. This draft manual includes provisions on the relationship between the protection of the environment and armed conflict. In this regard, the latest draft of the manual explicitly forbids reprisals against

the natural environment, which is consistent with the 1992 manual currently in force.

In addition to an express provision on reprisals, the draft manual goes further, to prohibit specified activities in relation to the environment. It also prohibits members of the New Zealand Defence Force from attacking any part of the natural environment that is not a military objective or demanded by military necessity, as well as the use of methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the environment. This approach is consistent with Article 55 of the First Protocol Additional to the Geneva Conventions. In this regard, New Zealand supports the Commission's consideration of its work on the prohibition of reprisals and we take this opportunity to encourage all States that have not yet done so, to adopt national practices that ensure attacks against the natural environment by way of reprisals do not occur.

New Zealand reiterates its support for further reports to include consideration of reparation and compensation by those responsible, for which Principle 13 of the Rio Declaration on Environment and Development of 1992 may prove useful in devising the appropriate language.

Thank you.