CONCEPT NOTE
ARRIA-FORMULA ON THE "PROTECTION OF ENVIRONMENT DURING ARMED CONFLICT"
7 NOVEMBER 2018 – ECONOMIC AND SOCIAL COUNCIL CHAMBER, UNHQ

I. Summary

We find ourselves today in a world where persistent disregard for international humanitarian law and for the Geneva Conventions’ rules of warfare extends callously to the environment. To highlight the grave consequences that armed conflict has on the environment, the State of Kuwait will convene an Arria-formula meeting, co-sponsored by the Federal Republic of Germany, on 7 November 2018, to coincide with the annual “International Day for Preventing the Exploitation of the Environment in War and Armed Conflict” (6 November) adopted by the United Nations General Assembly in resolution A/RES/56/4.

Considering the threats to the environment caused by warfare, it is imperative to review the legal measures in place today and assess whether they are enough to address the concerns pertaining to the environmental impact of armed conflict, or whether there is a need for a more codified set of legal measures to protect the environment during situations of armed conflict.

II. Background

Throughout history, the environment has been a victim of armed conflict, where its destruction and exploitation, intended or otherwise, has had grave short and long-term ecological, political and economic consequences within the territories of the warring parties and beyond. From both World Wars to the Vietnam War and Lebanon, to more recent examples from the two Gulf Wars to conflicts in Kosovo, Iraq, Sierra Leone, Liberia, Yemen, and Syria, the environmental consequences of war are clearly demonstrable. Threats to the environment in situations of armed conflict also have the possibility of affecting the international economy, especially if key maritime trade routes are targeted, such as the Red Sea, Bab al-Mandab, the Strait of Hormuz, the Gulf of Guinea, Lake Chad, and the coast of Somalia, to name but a few.

In many cases, the environment and natural resources have also been the catalyst or root cause of conflict. In a recent statement to the Security Council on 16 October 2018¹, Secretary-General Antonio Guterres noted that studies conducted by the United Nations have shown that more than 40% of all internal conflicts over the past 60 years have been linked to the exploitation of natural resources. Additionally, conflicts involving natural resources have also been found to be twice as likely to relapse in the first five years after a peace agreement². This is one reason why it is important to understand the illicit economies that fuel conflicts. The other side of the coin is that when sustainably managed, natural resources and the environment stabilize and revive livelihoods and can be an important factor sustaining peace.

² http://www.un.org/en/events/environmentconflictday/
When one considers the impact of war and armed conflict, it is natural to immediately think of variables such as the number of civilian causalities, the livelihood of the people (health, education, employment), internal displacement, forced migration and the destruction of cities and infrastructure, but rarely do we consider the direct and indirect impacts that these conflicts have on the environment, which may persist long after the conflict has ended and have the potential to cause a relapse into conflict, making it a persistent threat to regional or international peace and security. This environmental damage also extends to flora, fauna and their natural habitats, adversely affecting the biodiversity of territorial ecosystems in areas of conflict, often without the possibility of rehabilitation, thus impeding the country’s path to sustainable development.

The State of Kuwait experienced first-hand the destructive environmental damage armed conflict can bring upon a country, its land and people, as well as the whole region. In February 1991, following a seven-month occupation of Kuwait, the retreating Iraqi army set ablaze more than 700 oil wells, causing one of the 20th century’s worst man-made environmental disasters. Such a disaster brought to the forefront of the international community’s attention the nexus between armed conflict and the environment. The first well fires were extinguished in early April 1991, with the last well capped on November 6, 1991. To this day, the State of Kuwait is still dealing with the environmental impacts of the war.

As the international community recognizes that peace and security, development and human rights are interlinked and mutually reinforcing, the role of natural resources and the environment has been increasingly recognized in the context of peacebuilding and sustaining peace. UN Security Council resolution 2282 (2016) along with its twin UN General Assembly Resolution 70/262 (2016), recall the linkage between sustaining peace and SDGs. UN Environment Programme has provided targeted field expertise for post-conflict environmental needs since 1999. The universal membership of the UN Environment Assembly adopted in 2016 unanimously Resolution 2/15 on “Protection of the environment in areas affected by armed conflict”. The resolution stresses “the critical importance of protecting the environment at all times, especially during armed conflict, and of its restoration in the post-conflict period” (para. 1). It also called on all Member States to implement applicable international law related to the protection of the environment in situations of armed conflict and to consider the application of other relevant international agreements.

### III. Objectives

The meeting will provide a platform for Members of the Security Council to address the interlinkages between the environment and armed conflict. During the meeting, Council Members may wish to focus their statements by addressing the following questions:

- Can current international law and policies be better reflected, implemented or progressively developed to better contribute to the protection of the environment and natural resources during armed conflict? What are the gaps in the underlying legal frameworks governing the protection of the environment in armed conflict?

- How can the United Nations, and the Security Council in particular, ensure that action on the environment is part of conflict prevention, peacekeeping and peacebuilding strategies?
• What role can Member States play in order to ensure and encourage the protection of the environment and natural resources during armed conflict?

• In the event of an adverse environmental impact because of armed conflict, how can the Security Council and the international community ensure accountability and fair reparations?

• What role can the United Nations play to strengthen cooperation and response mechanisms to an environmental disaster because of warfare and military reprisals?

IV. Meeting Format:

The Arria-Formula meeting will be open to attendance to all UN Member States, accredited NGO's, and media, without the right to make interventions. The meeting will commence with brief statements by our main panelists, followed by interventions by current and incoming Security Council members.

V. Panelists:

1. Mr. Satya Tripathi - Assistant Secretary-General, Head of New York Office at United Nations Environment Programme (UNEP)

2. Mr. Carl Bruch - Director of International Programs at the Environmental Law Institute and co-founder of the Environmental Peacebuilding Association