

4.097 Liability and compensation mechanisms for environmental crimes during armed conflicts

CONSIDERING that armed conflicts and wars are still raging worldwide with detrimental effects on the environment and natural resources;

FURTHER CONSIDERING the absence of accountability for damage to the environment, intentional or otherwise, during armed conflicts;

DRAWING UPON the basic tenets of the *World Charter for Nature* (1982), where it is recognized that "Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients";

RECALLING Principles 13, 23 and 24 of the *Rio Declaration on Environment and Development* (1992)¹;

RECALLING Principles 16, 16.b and 16.f of the *Earth Charter*²;

NOTING that a world of absolute non-violence and peace is still an ideal and that the principles that guide conduct with regard to the environment and natural resources in times of peace are all but ignored in times of war;

ACKNOWLEDGING the wealth of IUCN Resolutions and Recommendations calling for the protection and conservation of nature and the environment during armed conflicts and times of war; and

NOTING IUCN's role in influencing standards and practices and its aim to enhance environmental and human security as per its *Programme 2009-2012*;

The World Conservation Congress at its 4th Session in Barcelona, Spain, 5-14 October 2008:

1. EXHORTS the United Nations to:
 - (a) establish an international organization empowered to monitor, report and prosecute any damages to the environment and natural resources during armed conflict; and
 - (b) create a compensation mechanism, reminiscent of the Polluter Pays Principle, for any transgressions and violations against the environment during armed conflicts; and
2. CALLS ON IUCN's members to adopt and comply with previous Resolutions and Recommendations to ensure the integrity and protection of nature and the environment during armed conflicts;

In addition, the World Conservation Congress, at its 4th Session in Barcelona, Spain, 5-14 October 2008, provides the following guidance concerning implementation of the IUCN Programme 2009-2012:

3. CALLS ON IUCN's Commissions to develop a set of environmental best practices to serve as a code of conduct during times of war, armed conflict and occupation.

State and agency members of the United States refrained from engaging in deliberations on this motion and took no national government position on the motion as adopted for reasons given in the U.S. General Statement on the IUCN Motions Process.

¹Principle 13: "States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction." Principle 23: "The environment and natural resources of people under oppression, domination and occupation shall be protected." Principle 24: "Warfare is inherently destructive of sustainable development. States shall

therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary."

2Principle 16: "Promote a culture of tolerance, nonviolence, and peace." Principle 16.b: "Implement comprehensive strategies to prevent violent conflict and use collaborative problem solving to manage and resolve environmental conflicts and other disputes." Principle 16.f: "Recognize that peace is the wholeness created by right relationships with oneself, other persons, other cultures, other life, Earth, and the larger whole of which all are a part."