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Humanitarian law and the environment / Michael N. Schmitt

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Abstract:	<p>Contient en annexe: ICRC guidelines for military manuals and instructions on the protection of the environment in times of armed conflict. - This article catalogues those aspects of international humanitarian law that safeguard the environment during armed conflict. As will become apparent, humanitarian law has focused scant attention directly on the environment. Instead, it relies on conventional and customary humanitarian law that has only recently been recognized as having environmental consequence for the bulk of its environmental play. Following a brief review of the historical context from which the law emerged, discussion turns to four types of relevant norms: 1) specific environmental provisions in humanitarian law; 2) limits on the use of particular weapons capable of causing environmental damage; 3) non-environment specific treaty law which may safeguard the environment in certain circumstances; and 4) customary humanitarian law offering environmental protection. Although the article's tenor is primarily descriptive, in order to stimulate further reflection, the final section provides an abridged assessment of the applicable normative environment; it suggests that while the environmental component of international law governing warfare is not vacuous, there is certainly room for improvement.</p>
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