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### Protecting vulnerable environments in armed conflict : deficiencies in international humanitarian law / Michaela Halpern

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Abstract:	Environment protection exists in international humanitarian law, but it is limited and ambiguous. Furthermore, there are no specific rules for "vulnerable environments". This article analyses treaties and historical examples of conflicts where environmental protection was a concern, but it identifies some shortcomings, and proves that treaties failed to provide a direct and effective protection. Some of the protections provided are not clear, some do not see the environment as a true victim of war, but protect it only because it is necessary to human life. Additionally, the threshold for establishing a threat to the environment differs from the thresholds defined in existing conventional law for humanitarian principles - such as proportionality. Therefore, the author considers that a higher threshold allows more deterioration without legal consequences, which makes conventional law lack effectiveness. Principles of military necessity and proportionality could be of use for environmental protection. However, their transposition from humanitarian criterion to environmental is difficult. Finally, the question that arises is whether a new system of law should be adopted or if the existing law should be modified and rendered enforceable. The author advocates clarifying the interpretation of existing law before considering the adoption of a new legal instrument. [Résumé par les étudiants de la faculté de droit (CDIPH) de l'Université de Laval]
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