

Mr./Madam Chair,

Turning to the list of topics covered in Cluster 1, I would first like to briefly address the Draft Principles on Protection of the Environment in Relation to Armed Conflicts, and the Commentaries thereto. To begin

Mr./Madam Chair,

First, and in general, Canada wishes to reiterate our view that in the absence of corresponding State practice and opinio juris, treaty obligations applicable during any international armed conflict should not be presented as customary ones applicable during a non-international armed conflict. As such, Canada continues to regret to avoid distinguishing between international and non-international armed conflicts, with respect to the applicability of the Draft Principles.

I his decision detracts from the overall coherence of the Draft Principles, especially in Part III where many of these Principles are based on articles from Additional Protocol 1 to the Geneva Conventions. Moreover, Canada continues to regret the use of mandatory verbs in the context of several Draft Principles that either seek to create new norms, or to extend well-settled rules. In our view, mandatory verbs should be reserved for Draft Principles constituting *lex lata*.

Mr./Madam Chair,

In terms of more specific comments, Canada wishes to reemphasize, first and foremost, our concern about the discussion of Common Article 1 of the Geneva Conventions in the Commentary to Draft Principle 3. The Commentary states that
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conflict. Canada does not accept that Common Article 1 entails a duty for States that are not a party to an armed conflict to ensure that all State and non-State parties to that armed conflict respect the Geneva Conventions.

Although we do not agree with all aspects of the Draft Principles and Commentaries, and believe that further work is necessary to refine and clarify some of them, Canada nevertheless wishes to