



are based on general principles of law. We would, therefore, suggest that the reference to such general principles be deleted or that the commentary explain that it has not been established that such principles could ever actually be a basis for customary norms of international law.

In addition with respect to Draft Conclusion Nine of the Special Rapporteur's report which

deals with evidence of acceptance and recognition and has not yet been discussed by the Drafting Committee, we do not believe that judgments and decisions of international courts and tribunals

## Protection of the Environment in Armed Conflict

Mr. Chairman, with respect to the topic "Protection of the Environment in Relation to Armed Conflicts," the United States would first like again to express its thanks for the efforts of the prior Special Rapporteur, Ms. Marie G. Jacobsson, in drafting reports that recognize the complexity and controversial character of many of these issues. We look forward to the contributions of the new Special Rapporteur, Ms. Marja Lehto.

We would like to note certain areas of concern from the proposed draft principles that emerged from the ILC's Drafting Committee in August 2016 that we hope the new Special Rapporteur will take into account.

First, with regard to the general scope of the project, we remain concerned by the interest and attention paid to addressing the concurrent application of bodies of law other than international humanitarian law during armed conflict. International humanitarian law is the *lex specialis* in

situations of armed conflict, and the extent to which rules contained in other bodies of law might

Second, we are similarly concerned that this would not be the appropriate forum to consider