

Safeguarding the Environment during and after Armed Conflict

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Abstract

Armed conflicts are undesirable since they result in devastating loss of civilian life, massive displacement of people and violations of human rights and international humanitarian law. However, armed conflicts not only affect people, but also the environment. Therefore in addition to the protection of civilian population, it is necessary to safeguard the environment during and after armed conflict. This paper critically delves into the need to safeguard the environment during and after armed conflict. The paper asserts that the environment faces major threats during and after armed conflict. It examines some of the impacts of armed conflict on the environment. The paper also probes the progress made towards safeguarding the environment during and after armed conflict. Finally, the paper offers ideas towards safeguarding the environment during armed conflict.

1.0 Introduction

The term conflict generally refers to a situation in which two or more parties perceive that they possess mutually incompatible goals¹. It has been pointed out that conflicts can also occur due to misalignment of goals, actions or motivations which can be real or only perceived to exist². They are a common occurrence in human relationships and interactions³. It has been asserted that conflicts are an inevitable part of living because they are related to situations of scarce resources, division of functions, power relations

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¹ Demmers. J., 'Theories of Violent Conflict: An Introduction' (Routledge, New York, 2012)

² Kaushal. R., & Kwantes. C., 'The Role of Culture and Personality in Choice of Conflict Management Strategy.' *International Journal of Intercultural Relations* 30 (2006) 579–603

³ Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Available at <https://kmco.co.ke/wpcontent/uploads/2023/06/Reframing-Conflict-Management-in-the-EastAfrican-CommunityMoving-from-Alternative-to-Appropriate-Dispute-Resolution> (Accessed on 05/03/2024)

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and role-differentiation⁴. Conflicts can occur in various types and forms and can involve individuals, groups, organizations, or states⁵. It has been noted that conflict is not in itself a negative phenomenon⁶. For example, non-violent conflict can be an essential component of social change and development, and is a necessary component of human interaction⁷. However, some types of conflicts are an undesirable and can affect peace, sustainability and development⁸. This category includes armed conflicts.

An armed conflict arises whenever there is fighting between states or protracted armed violence between government authorities and organized armed groups or just between organized armed groups⁹. Such conflicts can be international or non-international¹⁰. An international armed conflict arises when one state or several states use armed force against another state or states¹¹. On the other hand, non-international armed conflicts, which are also referred to as internal armed conflicts, take place within the territory of a state and do not involve the armed forces of any other state¹². The International Committee of the Red Cross (ICRC) points out that an armed conflict exists whenever there is a resort to armed force between states¹³. It further notes that an armed conflict occurs when one or more states have recourse to armed force against another state,

⁴ Bercovitch, J., 'Conflict and Conflict Management in Organizations: A Framework for Analysis.' Available at <https://ocd.lcwu.edu.pk/cfiles/International%20Relations/EC/IR403/Conflict.ConflictManagementinOrganizations.pdf> (Accessed on 05/03/2024)

⁵ United Nations., 'Land and Conflict' Available at https://www.un.org/en/land-natural-resourcesconflict/pdfs/GN_ExeS_Land%20and%20Conflict.pdf (Accessed on 05/03/2024)

⁶ Ibid

⁷ Ibid

⁸ Muigua, K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Op Cit

⁹ International Committee of the Red Cross., 'Introduction to the Law of Armed Conflict' Available at https://www.icrc.org/en/doc/assets/files/other/law1_final.pdf (Accessed on 05/03/2024)

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ International Committee of the Red Cross., 'Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949: Commentary of 2016' Available at <https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-2/commentary/2016#44> (Accessed on 05/03/2024)

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regardless of the reasons for or the intensity of the confrontation¹⁴. ICRC also points out that armed conflicts can be non-international (or "internal") in nature which refers to situations of violence involving protracted armed confrontations between government forces and one or more organized armed groups, or between such groups themselves, arising on the territory of a state¹⁵.

Armed conflicts are undesirable¹⁶. It has been correctly observed that armed conflicts mean devastating loss of civilian life, massive displacement of people and violations of human rights and international humanitarian law¹⁷. According to the United Nations, societies ravaged by armed conflicts have paid a massive toll in loss of human life and economic, political and social disintegration¹⁸. It further notes that women and children, in particular, suffer severe atrocities in armed conflicts with sexual violence often being utilized as a weapon of war¹⁹. Armed conflicts result in widespread insecurity and trauma due to the atrocities and suffering of the civilian population which can persist for many decades²⁰. It has been pointed out that armed conflict not only has harmful effects on people, but also on the non-human beings and the environment²¹. Therefore in

¹⁴ Ibid

¹⁵ International Committee of the Red Cross., 'Internal Conflicts or Other Situations of Violence – What is the Difference for Victims?' Available at [https://www.icrc.org/en/doc/resources/documents/interview/2012/12-10-niac-non-international-armed-conflict.htm#:~:text=A%20non%2Dinternational%20\(or%20%22,the%20territory%20of%20a%20State.](https://www.icrc.org/en/doc/resources/documents/interview/2012/12-10-niac-non-international-armed-conflict.htm#:~:text=A%20non%2Dinternational%20(or%20%22,the%20territory%20of%20a%20State.) (Accessed on 05/03/2024)

¹⁶ Amnesty International., 'Armed Conflict' Available at <https://www.amnesty.org/en/what-we-do/armed-conflict/> (Accessed on 05/03/2024)

¹⁷ Ibid

¹⁸ United Nations., 'Armed Conflict' Available at <https://www.un.org/esa/socdev/rwss/docs/2001/15%20Armed%20Conflict.pdf> (Accessed on 05/03/2024)

¹⁹ Ibid

²⁰ Ibid

²¹ Diakonia International Humanitarian Law Centre., 'International Humanitarian Law (IHL) and the Protection of the Environment during Armed Conflict' <https://www.diakonia.se/ihl/resources/international-humanitarian-law/protection-environment-natural-resources-ihl/> (Accessed on 05/03/2024)

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addition to the protection of civilian population, it is necessary to safeguard the environment during and after armed conflict²².

This paper critically delves into the need to safeguard the environment during and after armed conflict. The paper asserts that the environment faces major threats during and after armed conflict. It examines some of the impacts of armed conflict on the environment. The paper also probes the progress made towards safeguarding the environment during and after armed conflict. Finally, the paper offers ideas towards safeguarding the environment during armed conflict.

2.0 Impacts of Armed Conflict on the Environment

It has been pointed out that armed conflicts often lead to environmental degradation or destruction, with long-lasting effects that contribute to the increased vulnerability of the affected populations²³. Armed conflicts can cause environmental damage, leading to food and water insecurity, loss of livelihoods, and biodiversity loss²⁴. It has been observed that parties to armed conflicts have polluted water, torched crops, cut down forests, poisoned soils, and killed animals to gain military advantage²⁵. Such acts result in environmental damage which threatens the well-being, health and survival of local populations, and this increases their vulnerability for years and even decades²⁶.

According to the United Nations Environment Programme (UNEP), the environment continues to be the silent victim of armed conflicts worldwide²⁷. UNEP points out that

²² Ibid

²³ Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Available at <https://www.genevaenvironmentnetwork.org/resources/updates/protecting-the-environment-in-armed-conflict/> (Accessed on 06/03/2024)

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

²⁷ United Nations Environment Programme., 'Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law' Available at https://wedocs.unep.org/bitstream/handle/20.500.11822/7813/-Protecting%20the%20Environment%20During%20Armed%20Conflict_An%20Inventory%20and%20Anal

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armed conflict causes significant harm to the environment and the communities that depend on natural resources²⁸. Further, it asserts that direct and indirect environmental damage, coupled with the collapse of institutions, lead to environmental risks that can threaten people's health, livelihoods and security, and ultimately undermine post-conflict peacebuilding²⁹. According to UNEP, environmental factors are rarely, if ever, the sole cause of violent conflict³⁰. However, it has been asserted that the exploitation of natural resources and related environmental stresses can be implicated in all phases of the conflict cycle, from contributing to the outbreak and perpetuation of violence to undermining prospects for peace³¹. For example, access and flow of water, land degradation, floods and pollution, in addition to competition over extractive resources, can directly worsen tensions and spur conflicts, similarly to resource depletion issues such as deforestation, soil erosion and desertification³².

In addition, it has correctly been observed that building and sustaining military forces during armed conflict can result in severe impact on the environment and natural resources³³. For example, military vehicles, aircraft, vessels, buildings and infrastructure during armed conflict all require energy which is often in the form of oil³⁴. This has severe environmental impacts and it is estimated that carbon dioxide emissions of the largest militaries may be far greater than many of the world's countries combined³⁵. Armed conflict could also result in overexploitation of natural resources such as common metals,

[ysis%20of%20International%20Law-2009891.pdf?sequence=3&am%3BisAllowed=](#) (Accessed on 06/03/2024)

²⁸ Ibid

²⁹ Ibid

³⁰ United Nations Environment Programme., 'Curbing Negative Environmental Impacts of War and Armed Conflict' Available at <https://www.unep.org/news-and-stories/statements/curbing-negative-environmental-impacts-war-and-armed-conflict> (Accessed on 06/03/2024)

³¹ Ibid

³² Ibid

³³ Conflict and Environment Observatory., 'How Does War Damage the Environment?' Available at <https://ceobs.org/how-does-war-damage-the-environment/> (Accessed on 06/03/2024)

³⁴ Ibid

³⁵ Ibid

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rare earth elements, water and hydrocarbons in order to sustain armed forces³⁶. In addition, it has been observed that severe pollution incidents can be caused when industrial, oil or energy facilities are deliberately attacked, inadvertently damaged or disrupted during armed conflict³⁷.

Some of the armed conflicts that have had negative impacts on the environment include the Vietnam War³⁸. It has been observed that the war witnessed the use of the toxic herbicide Agent Orange which resulted in massive deforestation and chemical contamination³⁹. Further, it has been observed that the widespread use of chemical defoliants during the war damaged public and ecological health across large areas of Vietnam⁴⁰. It has been noted that the confluence of nature and war with its attendant ecocide and environicide produced extraordinary impacts on Vietnamese society⁴¹.

In addition, it has been observed that the ongoing Russia-Ukraine international armed conflict has had severe environmental impacts including chemical releases and pollution risks from damaged industrial and energy facilities⁴². Further, the war continues to pose ongoing environmental risks associated with the unprecedented militarisation of nuclear sites, threats associated with air quality and solid waste management from the devastation of towns and cities⁴³. In addition, it has been pointed out that the war has resulted in ecological consequences such as damage to arable land, the pollution of water

³⁶ Ibid

³⁷ Ibid

³⁸ United Nations Environment Programme., 'Rooting for the Environment in times of Conflict and War' Available at <https://www.unep.org/news-and-stories/story/rooting-environment-times-conflict-and-war> (Accessed on 06/03/2024)

³⁹ Ibid

⁴⁰ Conflict and Environment Observatory., 'How Does War Damage the Environment?' Op Cit

⁴¹ Sudilovsky. D. L., 'The Saturated Jungle and the New York Times: Nature, Culture, and the Vietnam War' Available at <https://history.princeton.edu/undergraduate/princeton-historical-review/2021%E2%80%93issue/saturated-jungle-and-new-york-times> (Accessed on 06/03/2024)

⁴² Weir. D., & Denisov. N., 'Assessing Environmental Damage in Ukraine' Available at https://zoinet.org/wp-content/uploads/2018/01/Ukraine-assessing-environmental-damage_EN.pdf (Accessed on 06/03/2024)

⁴³ Ibid

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resources, and destruction of vital water infrastructure, pollution and ecosystem disturbance in coastal and marine areas, greenhouse gas emissions and increased vulnerability to the effects of climate change⁴⁴.

It has also been observed that emissions from the Israel-Hamas armed conflict that resulted in Israeli invasion of the Gaza strip in 2023 have immense effect on the climate crisis⁴⁵. Carbon dioxide emissions from aircraft missions, tanks and fuel from other vehicles, as well as emissions generated by making and exploding the bombs, artillery and rockets are resulting in pollution and could worsen the problem of climate change⁴⁶. The impacts of climate change such as sea level rise, drought and extreme heat were already threatening water supplies and food security in Palestine and the ongoing armed conflict could make the situation more severe⁴⁷.

From the foregoing, it is evident that armed conflict has significant impacts on the environment. These impacts can be direct or indirect⁴⁸. It has been observed that direct impacts relate to those whose occurrence may be physically linked to military action and which typically arise within the immediate short-term, whereas indirect impacts are those that can be reliably attributed to the conflict but they usually tangle with many factors and only fully manifest themselves in the medium to longer term⁴⁹. Direct environmental impacts of armed conflict include deliberate destruction of natural resources, environmental contamination and pollution from bombing of industrial sites, and military debris and demolition waste from targeted infrastructure⁵⁰. On the other

⁴⁴ Ibid

⁴⁵ The Guardian., 'Emissions from Israel's war in Gaza Have 'Immense' effect on Climate Catastrophe' Available at <https://www.theguardian.com/world/2024/jan/09/emissions-gaza-israel-hamas-war-climate-change> (Accessed on 06/03/2024)

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Solomon. N et al., 'Environmental Impacts and Causes of Conflict in the Horn of Africa: A Review' *Earth-Science Reviews.*, Volume 177, 2018 (pp 284-290)

⁴⁹ Ibid

⁵⁰ Ibid

hand indirect impacts include the environmental footprint of displaced populations, collapse of environmental governance and data vacuum as well as the lack of funding for environmental protection⁵¹. It is therefore necessary to safeguard the environment during and after armed conflict. According to the United Nations, protecting the environment during and after armed conflict is integral to conflict prevention, peacebuilding and Sustainable Development, since there can be no durable peace if the natural resources that sustain livelihoods and ecosystems are destroyed⁵².

3.0 Safeguarding the Environment during and after Armed Conflict: Progress and Challenges

There has been progress towards safeguarding the environment during and after armed conflict. It has been observed that specific treaty and customary International Humanitarian Law (IHL) rules protect the environment during armed conflict⁵³. Following the environmental impacts of the Vietnam war, the *Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques*⁵⁴ also known as the Environmental Modification Convention (ENMOD) was adopted. The Convention defines environmental modification techniques as any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space⁵⁵. State parties under the Convention undertake not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or

⁵¹ Ibid

⁵² United Nations., 'Durable Peace not Possible if Natural Resources are Destroyed, Secretary-General Says on International Day for Preventing Exploitation of Environment in War' Available at <https://press.un.org/en/2021/sgsm21005.doc.htm> (Accessed on 06/03/2024)

⁵³ International Committee of the Red Cross., 'The Protection of the Natural Environment in Armed Conflict' Available at [https://casebook.icrc.org/highlight/protection-natural-environment-armed-conflict#:~:text=International%20humanitarian%20law%20\(IHL\)%2C,a%20party%20to%20the%20conflict](https://casebook.icrc.org/highlight/protection-natural-environment-armed-conflict#:~:text=International%20humanitarian%20law%20(IHL)%2C,a%20party%20to%20the%20conflict) (Accessed on 06/03/2024)

⁵⁴ United Nations., 'Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques' Ch_XXVI_1, Volume 2, United Nations, New York, 10 December, 1976

⁵⁵ Ibid, article II

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injury to other state parties⁵⁶. ENMOD however allows the utilization of environmental modification techniques for peaceful purposes in accordance with generally recognized principles and applicable rules of international law concerning such use⁵⁷.

In addition, *Protocol I*⁵⁸, an amendment to the Geneva Conventions was adopted in 1977 to include provisions prohibiting warfare that may cause widespread, long-term and severe damage to the natural environment. Under additional Protocol I, it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment⁵⁹. Further, additional Protocol I requires care to be taken in warfare to protect the natural environment against widespread, long-term and severe damage⁶⁰. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population⁶¹. Further, additional protocol I prohibits attacks against the natural environment by way of reprisals⁶².

Further, the *Convention Respecting the Laws and Customs of War on Land*⁶³ and its annex: *Regulations concerning the Laws and Customs of War on Land* also known as the *Hague Convention* also envisage safeguarding the environment during armed conflict. Under the Convention and its Regulations, it is forbidden to destroy or seize the enemy's property during armed conflict unless such destruction or seizure be imperatively demanded by

⁵⁶ Ibid, article I

⁵⁷ Ibid, article III

⁵⁸ Protocols Additional to the Geneva Conventions of 12th August 1949., Available at https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf (Accessed on 06/03/2024)

⁵⁹ Ibid, article 35 (3)

⁶⁰ Ibid, article 55 (1)

⁶¹ Ibid

⁶² Ibid, article 55 (2)

⁶³ Convention Respecting the Laws and Customs of War on Land; and Regulations Concerning the Laws and Customs of War on Land. The Hague, 18 October 1907., available at <https://ihl-databases.icrc.org/assets/treaties/195-IHL-19-EN.pdf> (Accessed on 06/03/2024)

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the necessities of war⁶⁴. It has been argued that this provision is also aimed at protecting the environment by prohibiting the willful or unjustified destruction of property⁶⁵. Further, under the Hague Regulations, an occupying State is regarded only as administrator and usufructuary of public buildings, real estate, *forests*, and *agricultural estates* belonging to the hostile State, and situated in the occupied country (Emphasis added)⁶⁶. An occupying state is required to safeguard the capital of these properties, and administer them in accordance with the rules of usufruct⁶⁷. It has been pointed out that under the rules of usufruct, the occupying power may administer public property situated in the occupied territory and enjoy the use of real property for the purposes meeting the needs of the army of occupation⁶⁸. However, it cannot use any resources in a manner which decreases its value or depletes the resource⁶⁹. The Hague Convention and its Regulations is therefore vital in safeguarding the environment during armed conflict.

The International Law Commission (ILC) has also formulated *Draft Principles on Protection of the Environment in Relation to Armed Conflicts*⁷⁰. The Principles recognize that environmental consequences of armed conflicts may be severe and have the potential to exacerbate global environmental challenges, such as climate change and biodiversity loss⁷¹. The Principles reiterate that there is need to enhance the protection of the environment in relation to both international and non-international armed conflicts,

⁶⁴ Ibid, article 23 (g)

⁶⁵ Bouvier. A., 'Protection of the Environment in Time of Armed Conflict' Available at <https://www.icrc.org/en/doc/resources/documents/statement/5cjknj.htm#:~:text=It%20is%20prohibited%20to%20employ,damage%20to%20the%20natural%20environment.&text=Care%20shall%20be%20taken%20in,long%2Dterm%20and%20severe%20damage> (Accessed on 06/03/2024)

⁶⁶ Hague Regulations, article 55

⁶⁷ Ibid

⁶⁸ Diakonia International Humanitarian Law Centre., 'International Humanitarian Law (IHL) and the Protection of the Environment during Armed Conflict' Op Cit

⁶⁹ Ibid

⁷⁰ International Law Commission., 'Draft Principles on Protection of the Environment in Relation to Armed Conflicts' Available at https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf (Accessed on 06/03/2024)

⁷¹ Ibid, Preamble

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including in situations of occupation⁷². Further, under the ILC Principles, effective protection of the environment in relation to armed conflicts requires that measures are taken by states, international organizations and other relevant actors to *prevent, mitigate and remediate* harm to the environment *before, during and after* an armed conflict (Emphasis added)⁷³. Under the Principles, states are required designate, by agreement or otherwise, areas of environmental importance as protected zones in the event of an armed conflict, including where those areas are of cultural importance⁷⁴. In addition, states, international organizations and other relevant actors are also required to take appropriate measures, in the event of an armed conflict, to protect the environment of the lands and territories that indigenous peoples inhabit or traditionally use⁷⁵. Under the Principle of state responsibility, an internationally wrongful act of a state, in relation to an armed conflict, that causes damage to the environment entails the international responsibility of that state, which is under an obligation to make full reparation for such damage, including damage to the environment in and of itself⁷⁶. Further, in order to safeguard the environment before, during, and after armed conflict, the Principles envisage the application of the law of armed conflict to the environment⁷⁷. The Principles provide that the law of armed conflict, including the principles and rules on distinction, proportionality and precautions shall be applied to the environment, with a view to its protection⁷⁸. The Principles also require occupying powers to ensure sustainable use of natural resources and prevention of transboundary harm⁷⁹. It is necessary to adopt and implement these principles in order to safeguard the environment before, during, and after armed conflict.

⁷² Ibid

⁷³ Ibid

⁷⁴ Ibid, Principle 4

⁷⁵ Ibid, Principle 5 (1)

⁷⁶ Ibid, Principle 9 (1)

⁷⁷ Ibid, Principle 14

⁷⁸ Ibid

⁷⁹ Ibid, Principles 20 & 21.

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Further, the United Nations and its entities such as UNEP and the United Nations Environment Assembly (UNEA) have also attempted to foster the protection of the environment during and after armed conflicts. The United Nations General Assembly adopted a resolution on the *Observance of the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict*⁸⁰. The Resolution acknowledges that damage to the environment in times of armed conflict impairs ecosystems and natural resources long beyond the period of conflict, and often extends beyond the limits of national territories and the present generation⁸¹. The Resolution invites member states, entities of the United Nations system and other international and regional organizations to observe 6 November each year as the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict⁸². Further, on 27 May 2016, UNEA adopted a *Resolution*⁸³ for the protection of the environment in areas affected by armed conflict. The Resolution reiterates the importance of safeguarding the natural environment in times of armed conflict for the sake of future generations and to consolidate efforts for the protection of our common environment⁸⁴. It also recognizes the role of healthy ecosystems and sustainably managed resources in reducing the risk of armed conflict⁸⁵. The Resolution urges state to mitigate and minimize the specific negative effects of environmental degradation in situations of armed conflict and post-conflict on people in vulnerable situations, including children, youth, persons with disabilities, older persons, indigenous peoples, refugees and internally displaced persons, and migrants, as well as to ensure the protection of the environment in such situations⁸⁶. It also urges states to implement relevant laws and cooperate closely on

⁸⁰ United Nations General Assembly., 'Observance of the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict' A/RES/56/4, 13 November, 2001

⁸¹ Ibid

⁸² Ibid

⁸³ United Nations Environment Assembly of the United Nations Environment Programme., 'Protection of the Environment in areas affected by Armed Conflict' UNEP/EA.2/Res.15

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Ibid

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preventing, minimizing and mitigating the negative impacts of armed conflicts on the environment⁸⁷.

In addition, during its sixth session held in Nairobi, Kenya from 26 February- 1 March 2024, UNEA adopted a *Resolution*⁸⁸ on environmental assistance and recovery in areas affected by armed conflict. The Resolution acknowledges that armed conflicts can impede the delivery of essential services and undermine effective environmental management, and that environmental degradation in situations of armed conflict and post-conflict, can impact human health, wellbeing and livelihoods, with people in all vulnerable situations including children, youth, persons with disabilities, older persons, Indigenous Peoples, refugees and internally displaced persons particularly exposed to such effects⁸⁹. According to the Resolution, effective, inclusive and sustainable environmental assistance can play an important role in conflict recovery and Sustainable Development in areas affected by armed conflicts⁹⁰. The Resolution encourages states to increase the effectiveness of environmental assistance and recovery in areas affected by armed conflicts⁹¹. It also urges UNEP in collaboration with other United Nations Agencies and relevant stakeholders to provide environmental assistance and recovery in areas affected by armed conflicts⁹². There is need to implement this Resolution in order to effectively safeguard the environment in areas affected by armed conflict during and after such conflicts.

Despite the adoption of Conventions, Rules, Principles, and Resolutions aimed at safeguarding the environment before, during and after armed conflict, it has been

⁸⁷ Ibid

⁸⁸ United Nations Environment Assembly of the United Nations Environment Programme., 'Draft Resolution on Environmental Assistance and Recovery in areas affected by Armed Conflict' UNEP/EA.6/L.15

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Ibid

⁹² Ibid

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observed that armed conflicts continue to be a major cause of environmental damage, leading to food and water insecurity, loss of livelihoods, and biodiversity loss⁹³. UNEP notes that in spite of the protection afforded by several legal instruments, the environment continues to be the silent victim of armed conflicts worldwide⁹⁴. It has correctly been observed that damage caused to the natural environment by armed conflict can have a severe and lasting impact on people's life, and thus must be thoroughly addressed by all parties to an armed conflict⁹⁵. It is therefore necessary to safeguard the environment during and after armed conflict.

4.0 Way Forward

In order to safeguard the environment before, during, and after armed conflict, it is vital to strengthen the implementation of treaties and conventions aimed at safeguarding the environment in such situations⁹⁶. It has been observed that despite the protection afforded by several legal instruments, the environment continues to be the silent victim of armed conflicts worldwide which can be attributed to ineffective implementation of such legal instruments⁹⁷. It has been asserted that International Humanitarian Law (IHL), along with other branches of international law, provide a legal framework for the protection of the natural environment in armed conflict, both during the conduct of hostilities and when under the control of a party to the conflict⁹⁸. With regard to implementation, it has been pointed out that the treaties of IHL provide various mechanisms for implementing their substantive provisions which include the system of Protecting Powers⁹⁹; the International Fact-Finding Commission¹⁰⁰; specific functions

⁹³ Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Op Cit

⁹⁴ United Nations Environment Programme., 'Rooting for the Environment in times of Conflict and War' Op Cit

⁹⁵ International Committee of the Red Cross., 'The Protection of the Natural Environment in Armed Conflict' Op Cit

⁹⁶ United Nations Environment Programme., 'Rooting for the Environment in times of Conflict and War' Op Cit

⁹⁷ Ibid

⁹⁸ International Committee of the Red Cross., 'The Protection of the Natural Environment in Armed Conflict' Op Cit

⁹⁹ Bouvier. A., 'Protection of the Environment in Time of Armed Conflict' Op Cit

¹⁰⁰ Ibid

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assigned to the ICRC to interpret and monitor the implementation of international humanitarian law¹⁰¹; the obligation to ensure respect for law¹⁰²; the principle of individual penal responsibility¹⁰³; and the obligation of states to ensure that the provisions of the Geneva Conventions and their Additional Protocols are known and respected as widely as possible¹⁰⁴. It is therefore necessary to comply with these mechanisms in order to ensure implementation of IHL treaties and conventions aimed at safeguarding the environment the environment before, during, and after armed conflict. In addition, it has been asserted that parties to armed conflicts have the obligation to respect and ensure respect of the rules protecting the natural environment and adopt all necessary measures to implement such protections¹⁰⁵.

In addition, it has been argued that there is need to consider ecocide as an international crime¹⁰⁶. Ecocide refers to mass damage and destruction of ecosystems and severe harm to nature which is widespread or long-term¹⁰⁷. It has been observed that armed conflict could result in severe destruction or deterioration of nature that could be qualified as ecocide¹⁰⁸. As a result, recognizing ecocide as a core international crime may prevent humanity from consequent atrocities as well as protect the environment from being damaged¹⁰⁹. According to the United Nations there is need to accelerate legal recognition of ecocide as an international crime as an essential protective and preventive deterrent to

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ Ibid

¹⁰⁴ Ibid

¹⁰⁵ International Committee of the Red Cross., 'The Protection of the Natural Environment in Armed Conflict' Op Cit

¹⁰⁶ Sharma. K., 'Ecocide: Will it be the Fifth International Crime' Available at <https://www.sconline.com/blog/post/2021/11/26/ecocide/> (Accessed on 07/03/2024)

¹⁰⁷ Stop Ecocide International., 'What is Ecocide?' Available at <https://www.stopecocide.earth/what-is-ecocide> (Accessed on 07/03/2024)

¹⁰⁸ Van Uhm. D., '22 Atrocity Crimes and Ecocide: Interrelations between Armed Conflict, Violence, and Harm to the Environment' Available at <https://academic.oup.com/edited-volume/42558/chapter-abstract/357099488?redirectedFrom=fulltext> (Accessed on 07/03/2024)

¹⁰⁹ Ibid

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severe and either widespread or long-term harm to ecosystems¹¹⁰. There have been proposals towards amending the Rome Statute of the International Criminal Court (ICC) in order to create an international crime of ecocide¹¹¹. If these proposals are taken up by parties to the ICC, ecocide would become the fifth category of offences to be prosecuted under the court, alongside war crimes, crimes against humanity, genocide, and the crime of aggression¹¹². It has been observed that the inclusion of ecocide as a fifth international crime holds great significance as it carries along with it various related advantages¹¹³. For example, the environment will gain its lost importance which has been sidelined due to overexploitation by human beings for economic advantages¹¹⁴. In addition, countries may get inspired and bring change in their national criminal laws which will boost the strictness of the crime and protection of the environment¹¹⁵. Further, recognition of ecocide as an international crime will help in the prosecution of environment law crimes that fall outside national laws¹¹⁶. It is therefore necessary to create and prosecute the international crime of ecocide in order to effectively safeguard the environment before, during, and after armed conflict.

¹¹⁰ United Nations., 'To accelerate, via Diplomatic Convening and Building of Cross-Sector Networks and Collaborations, the Introduction of Enhanced and Enforceable Legal Protections for Water ("Ecocide Law") into International, National and Regional Legislative Frameworks' Available at <https://sdgs.un.org/partnerships/accelerate-diplomatic-convening-and-building-cross-sector-networks-and-collaborations> (Accessed on 07/03/2024)

¹¹¹ United Nations Environment Programme., 'Observations on the Scope and Application of Universal Jurisdiction to Environmental Protection' Available at https://www.un.org/en/ga/sixth/75/universal_jurisdiction/unep_e.pdf (Accessed on 07/03/2024)

¹¹² United Nations Environment Programme., 'How New Laws Could Help Combat the Planetary Crisis' Available at <https://www.unep.org/news-and-stories/story/how-new-laws-could-help-combat-planetary-crisis> (Accessed on 07/03/2024)

¹¹³ Sharma. K., 'Ecocide: Will it be the Fifth International Crime' Op Cit

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Ibid

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In addition, it is important to strengthen environmental assistance and recovery in areas affected by armed conflict¹¹⁷. At UNEA-6, a *Resolution*¹¹⁸ was adopted to provide environmental assistance in areas affected by armed conflict. The Resolution acknowledges that effective, inclusive and sustainable environmental assistance can play an important role in conflict recovery and Sustainable Development in areas affected by armed conflicts¹¹⁹. It calls for enhanced environmental assistance and recovery in areas affected by armed conflict¹²⁰. If implemented, the Resolution will lead to the development of much-needed technical guidance for states and other stakeholders on how to measure environmental damage in times of armed conflict in order to provide effective assistance and recovery¹²¹. It is thus vital to implement the UNEA-6 Resolution in order to effectively safeguard the environment during and after armed conflict.

Finally, there is need strengthen international peace and security in order to prevent and manage armed conflicts¹²². These conflicts are a major threat to international peace, security, and stability¹²³. They result in devastating loss of civilian life, massive displacement and violations of human rights and IHL¹²⁴. They also result in environmental degradation or destruction, with long-lasting effects that contribute to the increased vulnerability of the affected populations¹²⁵. Curbing armed conflicts is vital for economic development, social justice, respect for human rights, promoting good

¹¹⁷ Conflict and Environment Observatory., 'UNEA-6 Passes Resolution on Environmental Assistance and Recovery in areas affected by Armed Conflict' Available at <https://ceobs.org/unea-6-passes-resolution-on-environmental-assistance-and-recovery-in-areas-affected-by-armed-conflict/> (Accessed on 07/03/2024)

¹¹⁸ United Nations Environment Assembly of the United Nations Environment Programme., 'Draft Resolution on Environmental Assistance and Recovery in areas affected by Armed Conflict' Op Cit

¹¹⁹ Ibid

¹²⁰ Ibid

¹²¹ Conflict and Environment Observatory., 'UNEA-6 Passes Resolution on Environmental Assistance and Recovery in areas affected by Armed Conflict' Op Cit

¹²² United Nations., 'Peace and Security' Available at <https://www.un.org/en/global-issues/peace-and-security> (Accessed on 07/03/2024)

¹²³ Amnesty International., 'Armed Conflict' Op Cit

¹²⁴ Ibid

¹²⁵ Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Op Cit

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governance, strengthening the rule of law and fostering environmental protection¹²⁶. Some of the approaches that can be utilized to curb armed conflicts and foster international peace and security include issuing ceasefire directives, deployment of United Nation peacekeeping operations to reduce tensions in troubled areas, keeping opposing forces apart, creating conditions for sustainable peace after settlements have been reached, use of economic sanctions such as trade embargoes, and collective military action when necessary¹²⁷. Fostering international peace and security also has benefits on the environment since it helps to curb the negative environmental impacts of war and armed conflict¹²⁸.

5.0 Conclusion

Armed conflicts have severe impacts on the environment. They often lead to environmental degradation or destruction, with long-lasting effects that contribute to the increased vulnerability of the affected populations¹²⁹. Environmental damage as a result of armed conflicts also leads to food and water insecurity, loss of livelihoods, and biodiversity loss¹³⁰. It is therefore necessary to safeguard the environment during and after armed conflict. Protecting the environment during and after armed conflict is integral to conflict prevention, peacebuilding and Sustainable Development, since there can be no durable peace if the natural resources that sustain livelihoods and ecosystems are destroyed¹³¹. Despite the protection afforded by several legal instruments, the environment continues to be the silent victim of armed conflicts worldwide¹³². Safeguarding the environment during and after armed conflict therefore calls for

¹²⁶ United Nations., 'Working Together to Prevent and Manage Armed Conflicts' Available at https://unsceb.org/sites/default/files/imported_files/prevent%20and%20manage%20armed%20conflicts.pdf (Accessed on 07/03/2024)

¹²⁷ United Nations., 'Peace and Security' Op Cit

¹²⁸ United Nations Environment Programme., 'Curbing Negative Environmental Impacts of War and Armed Conflict' Op Cit

¹²⁹ Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Op Cit

¹³⁰ Ibid

¹³¹ United Nations., 'Durable Peace not Possible if Natural Resources are Destroyed, Secretary-General Says on International Day for Preventing Exploitation of Environment in War' Op Cit

¹³² United Nations Environment Programme., 'Rooting for the Environment in times of Conflict and War' Op Cit

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strengthening the implementation of treaties and conventions on environmental protection in armed conflicts¹³³; creating and prosecuting the international crime of ecocide¹³⁴; strengthening environmental assistance and recovery in areas affected by armed conflict¹³⁵; and promoting international peace and security¹³⁶. Safeguarding the environment during and after armed conflict is an ideal that we need to achieve for the benefit of present and future generations.

¹³³ United Nations Environment Programme., 'Rooting for the Environment in times of Conflict and War' Op Cit

¹³⁴ United Nations Environment Programme., 'Observations on the Scope and Application of Universal Jurisdiction to Environmental Protection' Op Cit

¹³⁵ Conflict and Environment Observatory., 'UNEA-6 Passes Resolution on Environmental Assistance and Recovery in areas affected by Armed Conflict' Op Cit

¹³⁶ United Nations., 'Peace and Security' Op Cit

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